

OFFICE OF THE COUNCIL

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OFFICE OF THE COUNCIL

**ELECTRONIC AGENDA PACKET FOR
THE REGULAR MEETING OF
MONDAY, APRIL 4, 2022**

7:00 P.M.

**The electronic agenda is compiled, produced and
distributed by the City Council Staff.**

(734) 466-2250

The official documents are on file in the City Clerk's office.

**1942nd Regular Meeting of the Council of the City of Livonia
Monday, April 4, 2022**

7:00 p.m. – City Hall Auditorium
33000 Civic Center Drive
Livonia, Michigan

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF MINUTES - Minutes of the 1941st Regular Meeting of March 23, 2022

AUDIENCE COMMUNICATION

REPORTS FROM THE MAYOR AND OTHER CITY OFFICIALS

CONSENT AGENDA

1. [REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Ian Edgar, Anastasia & Katie's Coffee Shop, re: to host a car show with a DJ in the parking lot of business located at 19215 Merriman Road on Saturday, May 14, 2022, from 10:00 a.m. to 2:00 p.m.](#)
2. [REQUEST FOR CONSIDERATION OF A PROPOSED ORDINANCE AMENDMENT: Civil Service Department, re: to add Chapter 2.98 \(Police and Fire Revised Retirement Plan\) to Title 2 of the Livonia Code of Ordinances, as amended.](#)
3. [REQUEST TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CHARTER COUNTY OF WAYNE AND THE CITY OF LIVONIA: Department of Parks and Recreation, re: for improvements at Botsford Pool and Clements Circle Pool.](#)
4. [AWARD OF CONTRACT: Department of Public Works, re: for the 2022-2025 Municipal Park Mowing Program, which involves approximately 136 acres of parks, cemetery, and fire station property, from budgeted funds.](#)
5. [AWARD OF CONTRACT: Engineering Division, re: for the 2022 Sidewalk Replacement Program, Contract 22-G.](#)
6. [AWARD OF CONTRACT: Engineering Division, re: for the 2022 Lane Line Marking Program, Contract 22-H.](#)

UNFINISHED BUSINESS

7. PROPOSED AMENDMENT TO LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED: Department of Law, re: Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C., to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).
8. PROPOSED AMENDMENT TO THE LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED: Department of Law, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).
9. PROPOSED AMENDMENT TO LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED: Department of Law, re: Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance in order to correct certain defects, add and delete provisions, and provide clarification to others.
Public Hearing held on Monday, March 21, 2022
10. REQUEST TO AUTHORIZE APPROPRIATION AND EXPENDITURE: Department of Public Works, re: for the emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), from budgeted funds.
11. REQUEST TO ADOPT A RESOLUTION PROCLAIMING FRIDAY, APRIL 29, 2022 AS ARBOR DAY IN THE CITY OF LIVONIA: Bill Craig, Tree City Committee Chairman and Douglas L. Moore, Assistant Director of Public Works re: to be celebrated at 2:30pm at Coolidge Elementary School, 30500 Curtis Street.

NEW BUSINESS

AUDIENCE COMMUNICATION

SUSAN M. NASH, CITY CLERK

NOTICE(S)

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the City Clerk's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call (734) 466-2236 or email clerk@livonia.gov if you need assistance. Council agendas are available on the City's website – www.livonia.gov - under Government, City Council, Agendas.

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MARCH 23, 2022**

Meeting was called to order at 8:43 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and Kathleen McIntyre. Absent: None

Elected and appointed officials present: Deputy City Clerk, Lori Miller, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, Paul Bernier; City Attorney, Jeannine Laible, Human Resources Director, Doug Moore, Assistant Director of Public Works, Ted Davis; Superintendent of Parks and Recreation.

Councilmember Scott Bahr wanted to note that he noticed the low amount of people at the Rec Center. He pointed out that it is ok to come back. He loves to see when it is vibrant there and would like to see more people come out to play basketball in the mornings.

1. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Ian Edgar, Anastasia & Katie's Coffee Shop, re: to host a car show with a DJ in the parking lot of business located at 19215 Merriman Road on Saturday, May 14, 2022, from 10:00 a.m. to 2:00 p.m.

Ian Edgar, 28828 Westfield Street, Livonia, was present for any questions from Council regarding this request. He noted that this was approved last year by Council, but was canceled due to lack of participants.

Councilmember Kathleen McIntyre offered an approving resolution for the Consent agenda. Kathleen stated that people should stop by for breakfast or lunch. They open at 7:00am and close at 2:30pm. They are located on the West Side of Merriman, just North of Seven Mile.

Ian Edgar added that their motto is that they are good and strong.

Councilmember McIntyre stated that he should come back before the 14th to promote their car show during Audience Communication.

Ian Edgar stated that he has packets of information to pass around.

DIRECTION:

APPROVAL

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

1.

City Clerk
March 24, 2022

MEETING DATE

Study Meeting of March
23, 2022

PREPARED BY

Lori Miller, Deputy City Clerk,

AGENDA ITEM

REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Ian Edgar, Anastasia & Katie's Coffee Shop, re: to host a car show with a DJ in the parking lot of business located at 19215 Merriman Road on Saturday, May 14, 2022, from 10:00 a.m. to 2:00 p.m.

BACKGROUND

Anastasia & Katie's Coffee Shop would like to host a car show fundraiser with live music and dj on Saturday, May 14, 2022, from 10:00 a.m. to 2:00 p.m. with approximately 56 cars to be shown and request for two (2) barricades for use to block traffic at entrance.

RECOMMENDATION

Approve request as submitted.

FISCAL CONSIDERATION

N/A.

ATTACHMENTS

1. Car show, Anastasia Coffe-03-23-22 STUDY

APPROVED BY

/ CARSHOW
**REQUEST FOR NOISE WAIVER ~~BLOCK PARTY~~ and/or
BARRICADING OF CITY STREETS (PARKING LOT)**

Send to: Livonia City Council, c/o City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097
or hand deliver to the City Clerk's Office at least 8 weeks prior to the planned event

PLEASE PRINT

Date of Application: 3-4-2022 Date to appear at a Council Meeting: _____

Name of ~~Neighborhood~~ Representative: Andrea McCarter & Ian Edgar

Address (please include zip code): 19215 Merriman Rd 48152

Telephone Number with area code: Home: 734 3062440 Office: _____

Email: djbagn@gmail.com

Please circle what is being requested - "~~BLOCK PARTY~~" and/or "STREET BARRICADING"

May 14 2022 CARSHOW 10am - 2pm

Date of ~~Block Party~~
and/or ~~Barricading~~

Rain Date

Start/end time of Block Party and/or Barricading
End time is no later than 10:00 p.m.

EVENT
Location of Block Party and/or Barricading: (Be specific. Indicate which streets and between which boundaries).

N. W side of Merriman + 74.1e
Parking lot entrance of Anastasia + Katie's
Coffee Shop

Type of Event: Briefly (Describe activities planned. Music, barbecue, games, etc.) Car Show fund
raiser - music + dj

How many barricades are you requesting (max. 10)? 2

Approximate Number Attending: 56 cars max

Date of Council Approval/Denial: _____

Council Resolution Number: _____

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MARCH 23, 2022**

Meeting was called to order at 8:43 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and Kathleen McIntyre. Absent: None

Elected and appointed officials present: Deputy City Clerk, Lori Miller, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, Paul Bernier; City Attorney, Jeannine Laible, Human Resources Director, Doug Moore, Assistant Director of Public Works, Ted Davis; Superintendent of Parks and Recreation.

Councilmember Scott Bahr wanted to note that he noticed the low amount of people at the Rec Center. He pointed out that it is ok to come back. He loves to see when it is vibrant there and would like to see more people come out to play basketball in the mornings.

2. REQUEST FOR CONSIDERATION OF A PROPOSED ORDINANCE AMENDMENT: Civil Service Department, re: to add Chapter 2.98 (Police and Fire Revised Retirement Plan) to Title 2 of the Livonia Code of Ordinances, as amended.

Jeannine Laible, Human Resources Director, presented the request to Council.

Councilmember Scott Bahr asked if Denise Maier was actually retired now. Jeannine Laible responded that she loves working with Denise and is actually retiring.

Scott Bahr offered and approving resolution for the Consent agenda.

Councilmember Scott Morgan asked of the new ordinance change came from the City or if the Unions were involved, and what it actually affects. Jeannine Laible stated that it puts the Defined Benefit Plan in effect. When recruiting for more officers for Police and Fire, the market was saying that the Defined Benefit Plan was preferred over the Defined Contribution Plan. Since this change, both departments are held up in great esteem by the surrounding communities.

City Attorney Paul Bernier explained that it takes the agreement that Council approved between the City and the Unions and put it in ordinance form. There has to be an ordinance in order to have the Defined Benefit Plan.

Councilmember Morgan asked if this is moving forward or going back. Paul Bernier stated that he thought it was going back in time. Jeannine Laible stated that they had the plan in place, but the ordinance needed to catch up, be revised and incorporate it. Paul stated that it is designed reflect the intention of the Union and the City of when it began. Councilmember Morgan asked if that was for the new pension program or the old pension program. Jeannine confirmed it was the new program. President Jim Jolly clarified that the Law Department will create a

proposed ordinance change and they will be able to see exactly what the changes are and exactly what was edited.

DIRECTION:

APPROVAL

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

2.

Civil Service
March 24, 2022

MEETING DATE

Study Meeting of March
23, 2022

PREPARED BY

Lori Miller, Deputy City Clerk,

AGENDA ITEM

REQUEST FOR CONSIDERATION OF A PROPOSED ORDINANCE AMENDMENT: Civil Service Department, re: to add Chapter 2.98 (Police and Fire Revised Retirement Plan) to Title 2 of the Livonia Code of Ordinances, as amended.

BACKGROUND

A new Retirement Ordinance was drafted for the Police and Fire Revised Retirement Plan. This ordinance has been updated and modified for compliance and is consistent with the collective bargaining agreements. Included as part of this agenda item are both a strike-through version as well as a clean copy of the ordinance.

The ordinance was drafted by the Retirement System's legal counsel, VanOverbeke, Michaud & Timmony, P.C. It was reviewed by Michael Slater, Director of Finance, Gregg Schultz, the City's Labor Attorney, and the Civil Service department staff. The Law department has also been provided with a copy.

At its Special Meeting on Monday, February 28, 2022, with minutes to be approved at their regular meeting on Wednesday, March 16, 2022, the Civil Service Commission approved the following resolution:

Upon a motion by Ms. Mahoney, seconded by Mr. Spence, and adopted, it was

22-36 RESOLVED, that having reviewed the memorandum dated February 24, 2022, from Jeannine Laible, Human Resources Director, requesting approval of the Police and Fire Revised Retirement Plan Retirement Ordinance, the Civil Service Commission does hereby affirm the approval of the Retirement Ordinance. The Civil Service Commission submits the same to City Council for their review and consideration.

RECOMMENDATION

Approve the draft Retirement Ordinance for the Police and Fire Revised Retirement Plan.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2.96 Defined -Ord 2583 _Draft 2 Separate Ord. City of Livonia Draft 2.25.2022
2. 2.96 Defined -Ord 2583 _Draft 2 Separate Ord. City of Livonia Draft 03.16.2022 clean copy

APPROVED BY

Date: March 16,
2022

Jeannine Laible, Human Resources
Director



Date: March 16,
2022

Michael Slater, Finance Director



Date: March 16,
2022

Paul Bernier, City Attorney



Date: March 18,
2022

Maureen Miller Brosnan, Mayor

NO. 2583

AN ORDINANCE AMENDING TITLE 22 OF THE CITY OF LIVONIA CODE OF ORDINANCES, AS AMENDED TO ADOPT A NEW, CHAPTER 986 (TO BE TITLED THE CITY OF LIVONIA EMPLOYEES RETIREMENT SYSTEM POLICE AND FIRE REVISED RETIREMENT PLAN - A DEFINED BENEFIT PLAN.) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

THE CITY OF LIVONIA ORDAINS:

Section 1. Title- 22, Chapter 986 of the Livonia Code of Ordinances, as amended, is hereby ~~amended-adopted~~ to read as follows:

CHAPTER 2.986

THE CITY OF LIVONIA EMPLOYEES POLICE AND FIRE REVISED RETIREMENT PLAN
RETIREMENT SYSTEM DEFINED BENEFIT PLAN

Sections:

- 2.986.010 Title for citation.
- 2.986.020 Purpose of provisions.
- 2.98.025 Creation of Police and Fire Revised Retirement Plan.
- 2.986.030 Construction of chapter provisions.
- 2.986.040 Enabling authority.
- 2.986.050 Definitions.
- 2.986.060 Retirement system -- Established -- Purpose.
- 2.986.070 Retirement system -- Rules and regulations.
- 2.986.080 Retirement system -- Board of Trustees -- Created -- Organization and authority.
- 2.986.090 Board of Trustees -- ~~Composition~~ and Election.
- 2.986.100 Board of Trustees -- Term of office.
- 2.986.110 Board of Trustees -- Filling vacancies in office.
- 2.986.120 Board of Trustees -- Meetings and rules of procedure.

2.986.130	Board of Trustees -- Officers, advisors and employees.
2.986.140	Board of Trustees -- Recordkeeping and annual report.
2.986.150	Board of Trustees -- Adoption of mortality and other experience tables.
2.986.160	Retirement system -- Qualifications for membership.
2.986.165	<u>Irrevocable Option Election for Membership.</u>
2.986.170	Termination of membership -- Conditions.
2.986.175	Re-employment by City after retirement.
2.986.180	Service credits -- Computation.
2.986.190	Service credits -- For war service.
2.986.200	Members service accounts.
2.986.210	Voluntary retirement.
2.986.220	Normal retirement.
2.986.230	Age and service pension.
2.986.240	Deferred pension.
2.986.250	<u>Early retirement pension.</u>
2.986.260	Pension options.
2.986.270	Non-duty death benefits.
2.986.280	Duty death benefits.
2.986.290	Disability retirements.
2.986.300	Pension -- Disability incurred after age fifty-five.
2.986.310	Pension -- Disability incurred before age fifty-five.
2.986.320	Disability retirees -- Reexamination -- Return to service.
2.986.330	<u>Military buy-back -- Conditions.</u>
2.986.340	Pension savings fund.
2.986.350	Pension accumulation fund -- Established -- Contributions.
2.986.360	Pension reserve fund -- Established -- Expenditures.
2.986.370	Fund management -- Board powers and duties.
2.986.380	Payments from funds -- Method.
2.986.390	Interest credits.
2.986.400	Refund of accumulated contributions -- Conditions.
2.986.403	Internal Revenue Code qualification.
2.986.404	Reversion of funds to City prohibited -- Exceptions.
2.986.405	Termination of retirement system -- Accrued benefit -- Nonforfeitable.
2.986.406	Termination of participation -- Forfeitures.
2.986.407	Benefits -- Actuarial equivalence.
2.986.408	Required distribution.
2.986.409	Benefit limits.
2.986.410	Errors and adjustments.
2.986.411	Eligible rollover distributions.
2.986.412	Maximum annual earnings.
2.986.413	Military service.
2.986.414	Vesting.

2.986.420 Assignment of pension or other benefits prohibited.
2.986.430 Amendment of chapter provisions -- Retroactivity limitation.
~~2.96.440 Cost of living allowance.~~

2.98.600 Effect of Collective Bargaining Agreements.

2.986.010 Title for citation. The ordinance codified in this chapter shall be known and cited to as the “Police and Fire Revised Retirement Plan Defined Benefit Retirement Plan Ordinance.”

2.986.020 Purpose of provisions. The purpose of this chapter is to provide for the retirement of particular police and fire employees ~~and officers~~ of the City, on account of age and service, or total and permanent disability; ~~to provide pensions supplemental to social security benefits~~; to provide for contributions to the ~~Defined Benefit~~ Police and Fire Revised Retirement Plan by the members thereof and the City; to provide for the administration of the Police and Fire Revised Retirement ~~Defined Benefit Retirement Plan~~ Plan ~~and portions of the Defined Contribution Retirement Plan~~; and to promote the welfare, well-being and security of employees and other persons subject to ~~such this~~ Defined bBenefit rRetirement pPlan, in order to increase and maintain a high standard of efficiency and public service. Newly employed and otherwise eligible individuals are permitted to participate in the Police and Fire Revised Retirement Plan as of the following dates:

<u>Employee group</u>	<u>Effective date</u>	<u>Applicable to</u>
<u>Non-Union Police Command</u>	<u>7/12/2021</u>	<u>Police Chief and Deputy Police Chief</u>
<u>Non-Union Fire Command</u> <u>General employees</u>	<u>1/25/2021</u> <u>Not eligible</u>	<u>Fire Chief and Deputy Fire Chief</u> <u>All general employees</u>
<u>Police officers and police dispatchers</u>	<u>TBD 2/27/2021</u>	<u>Members of Livonia Police Officers Association</u>
<u>Police Lieutenants, Sergeants and Command</u>	<u>TBD 4/10/2021</u>	<u>Members of Livonia Lieutenants & Sergeants Association and Police Command Officers Association</u>
<u>Fire</u>	<u>TBD 1/30/2021</u>	<u>Firefighters and Fire Command</u>

~~Newly employed individuals and elected officials are not permitted to participate in the Defined Benefit Retirement Plan as of the following dates:~~

<u>Employee group</u>	<u>Effective date</u>	<u>Applicable to</u>
<u>General employees</u>	<u>March 17, 1997</u>	<u>Members of AFSCME 192, AFSCME 1917, unrepresented, appointed and elected officials</u>
<u>Police officers and police dispatchers</u>	<u>November 24, 1998</u>	<u>Members of Livonia Police Officers Association</u>

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Police Lieutenants,
Sergeants and Command

October 2, 1999

Members of Livonia
Lieutenants & Sergeants
Association and Police
Command

Fire

July 1, 1998

Firefighters and Fire
Command

2.98.025 Creation of Police and Fire Revised Retirement Plan. The City of Livonia hereby establishes the Police and Fire Revised Retirement Plan. The Police and Fire Revised Retirement Plan is an additional defined benefit retirement plan in the Retirement System. The Retirement System was previously established in Chapter 96 of the Code of Ordinances. Membership in the Police and Fire Revised Retirement Plan is determined by the applicable eligibility requirements in Chapter 98 of the Code of Ordinances. All rights and benefits accrued any eligible employee under a previous applicable retirement plan shall remain in full force and effect.

2.986.030 Construction of chapter provisions. This chapter shall be liberally construed in such a manner as to best effectuate its purpose.

2.986.040 Enabling authority. The ordinance codified in this chapter is adopted pursuant to the provisions of Act 279, Public Acts of Michigan, 1909, as amended, and Section 16, Chapter V, of the City Charter. This chapter and any amendments thereto shall be subject to the joint approval of the Civil Service Commission and City Council.

2.986.050 Definitions. As used in this chapter, the following terms shall have the following meaning unless the context clearly indicates a different meaning or requires otherwise.

1. "Accumulated contributions" means the sum of all amounts deducted from the compensations of a member and credited to the member's individual account in the pension savings fund, together with regular interest thereon.

2. "Age" means for the purpose of determining voluntary retirement age, the chronological age of a person. Otherwise, age means age at nearest birthday.

3. "Average final compensation" ~~means the average of the annual compensation received by the member during the best compensated three years of service contained within the member's ten years of service immediately preceding the member's retirement.~~ effective December 1, 1970, means the average of the annual compensation received by a member during the best compensated three (3) years of service contained within the member's ten (10) years of service immediately preceding the member's retirement; provided, however, that with respect to members of the City Council, "average final compensation" means the average of the annual compensation

~~received by a member during the best compensated three (3) years served prior to July 1, 1986 (to be known as figure 1), and the average annual compensation received by a member during the best compensated three (3) years served after July 1, 1986 (to be known as figure 2).~~

In the event the member has less than three (3) years of total service, the member's average final compensation shall be the average of the annual compensation for the member's total years of service. Retirement benefits of members ~~who retire on or after December 1, 1970,~~ shall be based upon and computed according to the definition contained in this subsection and based upon the definition of "compensation" as defined in subsection 11 of this section, ~~or, in the alternative, shall be based upon and computed according to the definition of average final compensation and compensation in effect through November 30, 1970, whichever of the two methods of compensation will result in a greater retirement benefit for the member.~~

In those cases where an employee has worked less than one (1) year, and average final compensation must be computed for purposes of determining retirement benefits, it shall be computed by projecting earnings for the balance of the first year of employment at the same rate as earned from the date of initial employment to the date of the employee's last day actually worked.

Members shall be limited to the number of average final compensation calculation requests per calendar year as provided in the Member's applicable collective bargaining agreement.

4. "Anniversary Date" for the Police and Fire Revised Retirement Defined-Benefit Plan means November 30.

5. "Beneficiary" means any individual who has an insurable interest in the life of a member and who is being paid or is entitled to the future payment of benefits for reason other than the individual's membership in the retirement plan.

6. "Board" means the Board of Trustees provided for in this chapter.

7. "City" or "Employer" means City of Livonia, State of Michigan, and its various offices, boards and departments, including the Livonia City Council ~~and Retirement Board.~~

8. "Civil Service Commission" means the Civil Service Commission of the City.

9. "Civil service position" means any position in City employment or classified service that comes under the jurisdiction of the Civil Service Commission.

10. "Code" or "IRC" means the Internal Revenue Code of 1986, as now or hereafter amended, or as superseded by laws of similar effect.

11. "Compensation" means the compensation received from the City by a person for service rendered to the City. ~~Effective December 1, 1970, for~~ For the purpose of computing average final compensation, compensation shall be defined as including base salary or wages, ~~longevity payments, shift differential payments, paid time off, holiday pay, payment of accumulated vacation time up to the limits established by the respective collective bargaining agreement or as authorized by the Civil Service Commission and City Council, merit pay (Police), Paramedic/EMT pay (Fire), Education Premium/Incentive,~~ Worker's Compensation wage loss benefits with supplemental pay not to exceed regular base wages, ~~bonus in lieu of promotion (Fire),~~ and any other financial compensation from which pension contributions are withheld. Compensation shall not be defined to include cash payout of accrued sick leave, or overtime paid to a member. ~~from and after December 1, 1970; provided, however, that all member contributions attributable to overtime payments shall be refunded to members for overtime worked on or after December 1, 1970.~~ In case a member's compensation is not all paid in money, the Board shall fix the value of that part of compensation not paid in money. ~~With respect to members of the City Council, compensation for purposes of this chapter shall be in the same amount as the compensation paid to the City Clerk for years of service credited prior to July 1, 1986, and on their respective City Council compensation for years of service credited after July 1, 1986. With respect to a department head, appointee or elected official who terminates membership for any reason on or after October 25, 1993, compensation for purposes of this chapter shall include amounts that would have been received by the member if no pay freezes had occurred and if the member had not paid back or returned any pay increases to the City, if those amounts would have been included in the calculation of average final compensation.~~

~~12. "Early retirement age" shall be:~~

~~a. For Police Officers who do not have twenty-five (25) or more years of service, any age between the age of fifty (50) years and the age of fifty-one (51) years and eleven (11) months.~~

~~b. For Police Lieutenants, Sergeants and Police Command who do not have twenty-eight (28) or more years of service, any age between the age of forty-eight (48) years and the age of forty-nine (49) years and eleven (11) months.~~

~~c. For firefighters and fire command who do not have twenty-seven (27) or more years of service, any age between the age of fifty (50) years and the age of fifty-one (51) years and eleven (11) months.~~

~~— In all cases, however, during time of war engaged in by the United States, or other national emergency recognized by the City Council, the Council may extend the age at which any class of members may retire early.~~

123. "Fire Employee" means a classified employee who is a sworn officer in the fire division who performs fire suppression, EMS/paramedic, fire prevention and administration.

13. "Employees Legacy Retirement Plan" means the Defined Benefit Plan of Chapter 96 of the City of Livonia Code of Ordinances, as amended, and referred to as the Employees Legacy Retirement Plan.

144. "General Employee" means an employee represented by AFSCME Union Local 192, AFSCME Union Local 1917, police dispatchers, appointees, elected officials, exempt, confidential, administrative and professional employees.

155. "Member" means any person included in the membership of the Police and Fire Revised Retirement Plan, ~~Defined Benefit Retirement Plan or the Defined Contribution Retirement Plan in the case of Board elections for the general City member trustee.~~

~~— 16. "Membership service" means service rendered on and after January 1, 1954.~~

167. "Part-time employee" means an employee who is regularly scheduled to work less than an eight (8) hour day or less than a forty (40) hour work week.

178. "Pension" means an annual amount payable from funds of the Police and Fire Revised ~~Defined Benefit~~ Retirement Plan, in equal monthly installments, for life.

189. "Pension reserve" means the present value of all payments to be made on account of any defined benefit pension, or benefit in lieu of any defined benefit pension, computed upon the basis of such mortality tables and other tables of experience, as the Board may from time to time adopt, and regular interest.

1920. "Police employee" means an employee who is a sworn officer in the police division who has the power to arrest or is a police cadet who performs various assigned duties in order to receive training and orientation benefits before becoming eligible for promotion to police officer.

20. "Police and Fire Revised Retirement Plan" means the retirement plan created and established in Title 2, Chapter 2.98 of the City of Livonia Code of Ordinances.

211. "Prior service" means service ~~rendered prior to earned from an applicable retirement plan of the Retirement System prior to the membership in the Police and Fire Revised Retirement Plan.~~ January 1, 1954.

222. "Regular interest" means such rate or rates of interest per year, compounded annually, as the Board may from time to time determine; provided, that regular interest shall not be less than 3 percent per year, nor more than 6 percent per year, compounded annually; provided, however, that for police and fire members regular interest shall not be less than 2 percent per year, nor more than 4 percent per year, compounded annually.

233. "Retiree" means a member who has retired with a pension payable from funds of the Police and Fire Revised Retirement Plan.

24. "Retirement system" means the system for administration and operation of the various retirement plans established by the provisions of Chapters 2.96, 2.97, and 2.98 of the Livonia Code of Ordinances, and applicable collective bargaining agreements.

~~24. "Retirement plan" means the City of Livonia Employees Retirement Plan, created and established in Chapters 2.96 and 2.97 of the Livonia Code of Ordinances.~~

~~25. "Retirement system" means the system for administration and operation of the retirement plan, as established by the provisions of Chapters 2.96 and 2.97 of the Livonia Code of Ordinances.~~

256. "Service" means the sum of a member's service earned in the Police and Fire Revised Retirement Plan. ~~means service rendered to the City by a person who is entitled to membership in the retirement plan established by either Chapter 2.96 or Chapter 2.97 of the Livonia Code of Ordinances.~~

267. "Social security benefits" means the benefits provided under the old age and survivors' insurance program of the Federal Social Security Act as now enacted and as it may be amended from time to time.

278. "Total service" means the sum of a member's membership service earned in the Police and Fire Revised Retirement Plan and applicable prior service allowable by applicable collective bargaining agreement and/or current Civil Service Commission rules and regulations.

28.9. "Voluntary retirement age" shall be as follows:

	<u>REQUIRED TOTAL SERVICE</u>	<u>APPLICABLE TO</u>
<u>Police employees: (except lieutenants, sergeants and police command)</u>	<u>25 years of total service regardless of age or age 52 with 15 years of service.</u>	<u>Police officers</u>
<u>Police lieutenants, sergeants and police command</u>	<u>25 years of total service regardless of age or age 52 with 15 years of service.</u>	<u>Police lieutenants, sergeants and police command</u>
<u>Fire employees</u>	<u>25 years of total service regardless of age or age 52 with 15 years of service.</u>	<u>Firefighters and fire command</u>

Vesting for members will include the member's service and prior service. For benefit calculation purposes, only the member's service in the Police and Fire Revised Retirement System will be used (i.e., no prior service).

In all cases, however, during time of war engaged in by the United States, or other national emergency recognized by the City Council the Council may extend the age at which any class of members may voluntarily retire. Why is this included?

	<u>REQUIRED TOTAL SERVICE</u>	<u>APPLICABLE TO</u>
<u>General employees:</u>	<u>30 years of service regardless of age, or age 55 with 10 years of service</u>	<u>Members of AFSCME 192, AFSCME 1917, Unrepresented, appointed, elected officials, and police dispatchers</u>
	<u>Permanent part time general employees need only 10 calendar years of membership instead of 10 years of credited service</u>	
<u>Police employees: (except lieutenants, sergeants and police command)</u>	<u>25 years of service regardless of age, or age 52 with 10 years of service</u>	<u>Police officers</u>

~~Police lieutenants,
sergeants and police
command~~

~~28 years of service regardless
of age, or age 50 with 10 years
of service~~

~~Police lieutenants,
sergeants and police
command~~

~~Fire employees~~

~~27 years of service regardless
of age, or age 52 with 10 years
of service~~

~~Firefighters and fire
command~~

~~—In all cases, however, during time of war engaged in by the United States, or other national emergency recognized by the City Council, the Council may extend the age at which any class of members may voluntarily retire.~~

2.986.060 Retirement system -- Established -- Purpose. A retirement system is established, pursuant to the provisions of Chapter V, Section 16 of the City Charter, for the purpose of carrying out and regulating the provisions of this chapter, including the ~~retirement plan~~provisions of this chapter.

2.986.070 Retirement system -- Rules and regulations. The Civil Service Commission is authorized to make rules and regulations for the administration of and performance of the provisions of this chapter; provided, however, that such rules and regulations shall not be inconsistent with or contrary to the provisions of this chapter.

2.986.080 Retirement System -- Board of Trustees -- Created -- Organization and authority. ~~There is created a Board of Trustees in whom is vested the power to administer, manage and operate the retirement system and to make effective the provisions of this chapter and Chapter 2.97, the Defined Contribution Retirement Plan, subject to such powers as retained by the City Council. The Board of Trustees shall be organized immediately after the trustees provided for in this chapter have qualified.~~A Board of Trustees is created in whom is vested the power to administer, manage and operate the Police and Fire Revised Retirement Plan and to make effective the provisions of this chapter, Chapter 2.96, and Chapter 2.97. The Board of Trustees shall be organized immediately after the trustees provided for in this chapter have qualified.

2.986.090 Board of Trustees -- ~~Composition~~ and Election.

A. The Board of Trustees shall consist of five trustees, as follows:

1. The Mayor or the Mayor's designated administrative representative;
2. A member of the City Council to be selected by the Council;

3. A member of the Civil Service Commission to be selected by the Civil Service Commission;
4. A police or fire member of any retirement plan established by the City ordinance to be elected by the police and fire members;
5. A general member of any retirement plan established by City ordinance to be elected by the general members of any retirement plan established by City ordinance.
- ~~A. Elections shall be held under such rules and regulations as the Board of Trustees shall from time to time adopt. The Board of Trustees shall consist of five trustees, as follows:~~
- ~~B. _____~~
- ~~C. _____ A. _____~~
~~_____ The Mayor or the Mayor's designated administrative representative;~~
- ~~D. _____~~
- ~~E. _____ B. _____ A _____~~
~~member of the City Council to be selected by the Council;~~
- ~~F. _____~~
- ~~G. _____ C. _____ A _____~~
~~member of the Civil Service Commission to be selected by the Civil Service Commission;~~
- ~~H. _____~~
- ~~I. _____ D. _____ A _____~~
~~police or fire member to be elected by the police and fire members;~~
- ~~J. _____~~
- ~~K. _____ E. _____ A _____~~
~~member of any retirement plan established by City ordinance who is not a police or fire member to be elected by the members of any retirement plan established by City ordinance other than police and fire members; and~~
- ~~L. _____~~
- ~~M.B. _____ F. _____ Elections shall be held under such rules and re~~

2.986.100 Board of Trustees -- Term of office. The regular term of office for the member trustees, provided for in subsections (A)(4) and (A)5 of Section 2.98.090, shall be four (4) years. The Council trustee shall serve at the pleasure of the City Council. The Civil Service Commission trustee shall serve at the pleasure of the Civil Service Commission. The Mayor's designated administrative representative shall serve at the pleasure of the Mayor. At the first election of trustees provided for in subsection (D) of Section 2.96.090, the police or fire trustee shall serve to July 1, 1955, and the general City member trustee shall serve to July 1, 1957. After the first election, the regular term of office for the member trustees, provided for in subsections (D) and (E) of Section 2.96.090, shall be four (4) years. The Council trustee shall serve at the pleasure of the

~~City Council and the Civil Service Commission trustee shall serve at the pleasure of the Civil Service Commission.~~

2.986.110 Board of Trustees -- Filling vacancies in office. ~~In the event an elected member trustee is no longer employed by the City, said elected member trustee shall vacate the office of trustee. If a vacancy occurs in the office of any trustee, the vacancy shall be filled, within ninety (90) days after the date the vacancy occurred, for the unexpired term, in the same manner as the office was previously filled.~~
~~In the event an elected member trustee is no longer employed by the City, said elected member trustee shall vacate the office of trustee. If a vacancy occurs in the office of any trustee, the vacancy shall be filled, within ninety (90) days after the date the vacancy occurred, for the unexpired term, in the same manner as the office was previously filled.~~

2.986.120 Board of Trustees -- Meetings and rules of procedure. ~~The Board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. Three (3) trustees shall constitute a quorum at any meeting of the Board, and at least three (3) concurring votes shall be necessary for a decision by the trustees at any meeting of the Board. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the Board shall be held in compliance with the Open Meetings Act.~~
~~The Board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. Three (3) trustees shall constitute a quorum at any meeting of the Board, and at least three (3) concurring votes shall be necessary for a decision by the trustees at any meeting of the Board. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the Board shall be held in compliance with the Open Meetings Act.~~

2.986.130 Board of Trustees -- Officers, advisors and employees. ~~The Board shall elect from its members a chairperson and a chairperson pro-tem. The secretary of the Civil Service Commission shall be secretary of the Retirement System. The Board shall designate a treasurer and/or custodian of its funds. The Board shall appoint an actuary who shall be technical advisor to the Board of matters regarding the operation of the Retirement System on an actuarial basis and who shall perform such other duties as are required in connection therewith. The Board shall employ such professional services as are required in the proper operation of the Retirement System.~~
~~The Board shall elect from its members a chairperson and a chairperson pro-tem. The secretary of the Civil Service Commission shall be secretary of the retirement system. The Board shall designate a treasurer and/or custodian of its funds. The City Attorney shall be legal advisor to the Board. The Board shall appoint an actuary who shall be technical advisor to the Board of matters regarding the operation of the retirement system on an actuarial basis and who shall perform such other duties as are required in connection therewith. The Board shall employ such professional services as are required in the proper operation of the retirement system.~~

2.986.140 Board of Trustees -- Recordkeeping and annual report. The Board shall cause to be kept such data as shall be necessary for an actuarial valuation of the assets and liabilities of the Retirement System. The Board shall render a report to the Mayor and the City Council, on or before the first day of May of each year, showing the fiscal transactions of the Retirement System for the year ending the preceding 30th day of November; and the last balance sheet showing the financial conditions of the Retirement System by means of an actuarial valuation of its assets and liabilities as of the preceding 30th day of November; and such other reports as the Mayor, City Council or Civil Service Commission may from time to time require.~~The Board shall cause to be kept such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system. The Board shall render a report to the Mayor and the City Council, on or before the first day of May of each year, showing the fiscal transactions of the retirement system for the year ending the preceding 30th day of November; and the last balance sheet showing the financial conditions of the retirement system by means of an actuarial valuation of its assets and liabilities as of the preceding 30th day of November; and such other reports as the Mayor, City Council or Civil Service Commission may from time to time require.~~

2.986.150 Board of Trustees -- Adoption of mortality and other experience tables. The~~The~~ Board shall from time to time adopt mortality and other tables of experience as are necessary for the operation of the retirement system on an actuarial basis.

2.986.160 Retirement system -- Qualifications for membership.

A. The membership of the Retirement System shall include all persons eligible employees in the classified and unclassified service of the Civil Service who perform services on a permanent part-time or full-time basis. Any member who retires, begins receiving pension benefits and thereafter is re-employed by the City is entitled as an employee to participate only in the Defined Contribution Plan set forth in Chapter 2.97 of the Livonia Code of Ordinances and only if the conditions set forth in Section 2.96.175 and Section 2.97.085 of the Livonia Code of Ordinances have been met. Temporary persons in either the classified or unclassified service are specifically excluded from membership. In case of doubt as to the membership-employment status of any person, the Civil Service Commission shall decide the issue; provided, however, that salaried elected officials shall be determined to be full time employees of the City for the purposes of this chapter. Newly employed and otherwise eligible individuals are permitted to participate in the Police and Fire Revised Retirement Plan as of the following dates:

<u>Employee group</u>	<u>Effective date</u>	<u>Applicable to</u>
<u>Non-Union Police Command</u>	<u>7/12/2021</u>	<u>Police Chief & Deputy Police Chief</u>
<u>Non-Union Fire Command</u>	<u>1/25/2021</u>	<u>Fire Chief & Deputy Fire Chief</u>
<u>General employees</u>	<u>Not eligible</u>	<u>All general employees</u>
<u>Police officers and police dispatchers</u>	<u>TBD2/27/2021</u>	<u>Members of Livonia Police Officers Association</u>
<u>Police Lieutenants, Sergeants and Command</u>	<u>TBD4/10/2021</u>	<u>Members of Livonia Lieutenants & Sergeants Association and Police Command Officers Association</u>
<u>Fire</u>	<u>TBD1/30/2021</u>	<u>Firefighters and Fire Command</u>

In case of doubt as to the membership status of any employee, the Board of Trustees shall decide the issue.

All salaried elected officials assuming office after December 31, 1985, may be excluded from membership in the retirement system at their option upon written notification to the Board. All salaried elected officials assuming office after December 31, 1993, shall be required to determine no later than thirty (30) days after taking the oath of office whether to be excluded from membership in the retirement system. Any contributions paid into the retirement system by such elected officials who elect to be excluded shall be refunded with accrued interest. Any salaried elected official who has exercised the option to be excluded from membership in the retirement system shall be prohibited at any time thereafter from becoming a member of the retirement system while serving in that particular elected office, and from claiming any opted out time as retirement credit if serving the City in any other elected, appointed or paid position.

2.98.165 Irrevocable Option Election for Membership.

A. The provisions of the Police and Fire Revised Retirement Plan shall apply to all Police Officer employees hired on or after February 27, 2021; Police Lieutenant, Sergeant, and Command employees hired on or after April 10, 2021; Fire employees hired on or after January 30, 2021; Non-Union Police Command hired on or after July 12, 2021; and Non-Union Fire Command hired on or after January 25, 2021; and all Police Officer employees hired prior to February 27, 2021, Police Lieutenant, Sergeant, and Command employees hired on or after April 10, 2021; Fire employees hired on or after January 30, 2021; Non-Union Police Command hired on or after July 12, 2021; and Non-Union Fire Command

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hired on or after January 25, 2021 who elected to convert to the Police and Fire Revised Retirement Plan. The provisions of the Police and Fire Revised Retirement Plan will not apply to employees who are members of the bargaining units on February 26, 2021 (Police Officers); April 9, 2021 (Police Lieutenants, Sergeants, and Command); and January 29, 2021 (Fire), who elect to continue to participate in the Defined Contribution Plan.

~~The provisions of the Police and Fire Revised Retirement Plan shall apply to all employees hired on or after [Date of Ratification] and all employees hired prior to [Date of Ratification] who elected to convert to the Police and Fire Revised Retirement Plan. The provisions of the Police and Fire Revised Retirement Plan will not apply to employees who are members of the bargaining unit on [Day Before Date of Ratification], who elect to continue to participate in the Defined Contribution plan.~~

B. Bargaining members of the Police and Fire Revised Retirement Plan who were hired on or after July 1, 1998 and prior to the February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire), [date of ratification] shall have a one-time irrevocable option during a 60-day window to be announced by the City to elect to participate in the Police and Fire Revised Retirement Plan.

Commented [RA1]: I think this needs to be changed like the others in this section

C. If a bargaining member hired prior to February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire), [prior to the ratification date] or prior, who does not elect to participate in the Police and Fire Revised Retirement Plan then that bargaining member will continue to participate in the Defined Contribution Plan under the terms and conditions applicable collective bargaining agreement and Retirement Ordinance.

D. Bargaining unit members hired prior to February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire) [Date of Ratification] who elect to convert to the Police and Fire Revised Retirement Plan, will no longer participate in the Defined Contribution Plan and there shall be no further employee or City contributions into the Defined Contribution Plan.

Bargaining unit members so converting to the Police and Fire Revised Retirement Plan shall have a one-time irrevocable option to purchase between 1 and 3 years of service credit in the Police and Fire Revised Retirement Plan at the full actuarial cost as determined by the Board in consultation with its actuary payable at the time of purchase. Vested funds from the employee's Defined Contribution Plan account may be used to purchase the years of service credit. Service credit purchase does not count toward retirement eligibility.

2.986.170 Termination of membership -- Conditions.

A. Except as otherwise provided in this chapter, should any member no longer be employed by the City, for any reason other than the member's death or becoming a retiree, that person shall thereupon cease to be a member, and the total service credited at the date of last separation from City service shall be forfeited. In the event the person is re-employed by the City in a civil service position, the person shall again become a member of the Retirement System, and should re-employment occur within a period of five (5) years from and after the date last separated from City service, the member's total service, if any, forfeited at the date last separated from City service shall be restored subject to subsection (C) of Section 2.986.340, Section 2.97.310 and Section 2.97.380 of the Livonia Code of Ordinances. For members of the Police and Fire Revised Retirement System, in event the person is: Effective beginning December 1, 1979, in the event a person is:

1. 1.

Re-employed by the City in a civil service position after having been separated from City service for a period greater than five (5) years; and

1. 1.

2. 1.

2. 2.

Thereafter remains in the employment of the City for a period of at least five (5) years, the member's total service, if any, forfeited at the date last separated from City service shall be restored subject to subsection (C) of Section 2.986.340. In the event a member becomes a retiree or dies, he shall thereupon cease to be a member.

B. For all fire employees and police employees hired on or before [effective date], including those employees that are terminated and re-employed by the City in a position eligible for a pension benefit, the employee shall become eligible to be a member of the Police and Fire Revised Retirement Plan with no opportunity to become a member of the Defined Contribution Plan. B. Effective March 17, 1997 for general employee members, effective July 1, 1998 for fire employee members, effective November 24, 1998 for police officers and police dispatcher members, and effective October 2, 1999 for police lieutenants and sergeants and police command, in the event the person terminated is re-employed by the City in a position eligible for pension benefit, the person shall become a member of the Defined Contribution Plan with no opportunity for restoration or buy back of Defined Benefit service credit.

C. In the event a member with ten (10) or more years of service, or a retiree, becomes engaged in a temporary position (either part-time or full-time) in either the

classified or unclassified service of the civil service of the City, the member shall not accrue service credit for such temporary employment.

D. In the event a member with less than ten (10) years of service becomes engaged in a temporary position (either part-time or full-time) in either the classified or unclassified service of the civil service of the City, the member shall:

1. ~~1.~~
~~_____~~ Cease to be a member; and
2. ~~2.~~
~~_____~~ Forfeit the service credited to said member's service account.

If the person subsequently becomes engaged in a position entitling the person to membership in the ~~R~~etirement ~~S~~ystem, the person shall again become a member and the service credit forfeited at the time the membership last terminated shall be restored to the person's credit subject to subsection (C) of Section 2.9~~86~~.340, ~~Section 2.97.310 and Section 2.97.380~~ of the Livonia Code of Ordinances.

2.9~~86~~.175 Re-employment by City after retirement.

A. In the event a member has become a retiree and has begun receiving pension benefits under this chapter, the member shall be entitled to continue to receive such pension benefits upon re-employment by the City provided that one of the following conditions is met:

1. ~~1.~~ The retiree is re-employed by the City in a different classification or position than that previously held by the retiree when he or she previously worked for the City; or
2. ~~2.~~ The retiree is re-employed by the City in a temporary or seasonal capacity; or
3. ~~3.~~ The retiree is elected to a City office.

B. ~~Any retiree so re-employed shall be considered a new hire and shall, if otherwise eligible, only be entitled to participate in the Defined Contribution Retirement System set forth in Chapter 2.97 of the Livonia Code of Ordinances. The retiree shall also be subject to all restrictions, including restrictions as to vesting, set forth in Chapter 2.97 of the Livonia Code of Ordinances. Any retiree so re-employed as a police employee or fire employee shall be considered a new hire and shall, if otherwise eligible, only be entitled to participate in the Police and Fire Revised Retirement Plan.~~

2.986.180 Service credits -- Computation. The Board shall fix and determine by appropriate rules and regulations how much service in a calendar year shall be credited any member as a year of service, but in no case shall less than ten (10) days of service rendered in any calendar month be credited as a month of service, or less than nine (9) months of service rendered in any calendar year be credited as a year of service, or shall more than one (1) year of service be credited for all service rendered by any person in any calendar year. In cases of vesting in the ~~Defined-Benefit Plan~~Police and Fire Revised Retirement Plan, no less than ten (10) days, nine (9) months and ~~fourteen~~nine (149) years of completed service shall qualify.

2.986.1190 Service credits -- For war service. In the event a member who, while employed by the City, is called to or enters any armed service of the United States, and who shall be on active duty during time of war or other national emergency, and who is subsequently re-employed by the City, in a civil service position, within one (1) year from the date of termination of required service, then such armed service shall be credited the member as City service in the same manner as if the member had served the City uninterrupted. In case of doubt as to the period so to be credited to any member, the Board shall have final power to determine such period. During the period of such armed service rendered to the federal government and until re-employment by the City, the member's contributions to the pension savings fund may be suspended, and any balance standing to the member's credit in the pension savings fund shall be accumulated at regular interest.

The member on paid military leave of absence may elect to continue to make biweekly employee pension contributions based on regular earnings entitled to if not on leave pursuant to Michigan Public Act 1951 No. 263 or issue lump sum payment upon reinstatement pursuant to the federal Uniformed Services Employment and Employee Rights Act of 1994 (38 USC Sec. 4318).

2.986.200 Members service accounts. The Board shall credit each member's service account with the number of years and months of ~~prior~~prior ~~membership~~service to which the member may be entitled.

2.986.210 Voluntary retirement. Any member who has attained or attains voluntary retirement age, as defined by this ordinance or subsequently amended by collective bargaining agreement and has fifteen (15) or more years of total service credited to the member's service account; or has twenty-five (25) years of total service credited to the member's service account at any age, may retire upon the member's written application filed with the Board setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, the member desires to be retired. Upon retirement the member shall receive a pension provided for in Section 2.98.230.

A. Any member who has attained or attains voluntary retirement age, as defined by this ordinance or subsequently amended by collective bargaining agreement and has ten

~~(10) or more years of total service credited to the member's service account, may retire upon the member's written application filed with the Board setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, the member desires to be retired. Upon retirement the member shall receive a pension provided for in Section 2.96.230.~~

~~—B.— Any member, except a fire member, a police member or a member of AFSCME Local 1917, who performs services on a permanent part time basis, and has attained or attains voluntary retirement age and has been a member for ten (10) calendar years or more, may retire upon the member's written application filed with the Board setting forth at which time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, the member desires to be retired. Upon retirement the member shall receive a pension as provided for in Section 2.96.230.~~

~~—2.986.220~~

~~—Normal retirement.~~

~~—A. Any police or fire member who has attained or attains sixty (60) years shall be separated from City employment forthwith; provided, however, that any such member who has attained or attains the age for normal retirement, i.e., sixty (60) years, as provided in this section, may be continued in City employment for periods of time not to extend more than five (5) years beyond the normal retirement age for a police or fire member subject to their ability to perform the essential functions of their position.~~

~~—B. In order for any member to continue in City employment beyond normal retirement age, said member's continuance must be: Denise, is it the intention of the parties to keep this for the Police and Fire Revised Retirement Plan?~~

~~—1. Requested in writing;~~

~~—2. Approved by the applicable department head; and~~

~~Approved by the Civil Service Commission.~~

~~Effective January 1, 1994, normal retirement age for general employee members shall be age 70. Effective January 1, 1994, members may continue in City employment beyond normal retirement age.~~

~~B. Any police or fire member who has attained or attains sixty (60) years shall be separated from City employment forthwith; provided, however, that any such member who has attained or attains the age for normal retirement, i.e., sixty (60) years, as provided in this section, may be continued in City employment for periods of time not to extend more than five (5) years beyond the normal retirement age for a police or fire member subject to their ability to perform the essential functions of their position.~~

~~C. In order for any member to continue in City employment beyond normal retirement age, said member's continuance must be:~~

- ~~1. Requested in writing;~~
- ~~2. Approved by the applicable department head; and~~
- ~~3. Approved by the Civil Service Commission.~~

~~Upon separation from City employment, the member shall receive a pension provided for in Section 2.96.230 if the member has ten (10) or more years of total service credited to the member's service account.~~

~~2.986.230~~
Age and service pension.

~~A. Upon retirement, as provided in Section 2.986.210 and Section 2.986.220, a member a member who has attained or attains voluntary retirement age and has ten (10) or more years of total service credited to the member's service account, shall receive a straight life pension provided for in this section, and shall have the right to elect an option provided for in Section 2.986.260.~~

1. On ~~or after attainment of voluntary retirement age~~, a member shall receive a pension as follows:

	<u>VOLUNTARY RETIREMENT AGE</u>	<u>MULTIPLYING FACTOR</u>	<u>MAXIMUM YEARS CREDITED</u>	<u>MAXIMUM AFC BENEFIT</u>
General employees	55	2.5%	30	75%

Police officers	52	2.8%	25	75%
LLSA/Command	50	2.679%	28	75%
Fire/Command	52	2.8%	27	75%
	<u>VOLUNTARY</u> <u>RETIREMENT</u> <u>AGE</u>	<u>MULTIPLYING</u> <u>FACTOR</u>	<u>MAXIMUM</u> <u>YEARS</u> <u>CREDITED</u>	<u>MAXIMUM</u> <u>AFC</u> <u>BENEFIT</u>
Police officers	52	2.5%	2530	62.575%
LLSA/LCOA/Comm and	52	2.5%	2530	62.575%
Fire/Command	52	2.5%	2530	62.575%

Straight Life Benefit Formula: (Final Average Compensation) x (Years of Service up to 2530 years) x (Multiplying Factor) = Monthly Straight Life Benefit. For benefit calculation purposes, only the member's service in the Police and Fire Revised Retirement Plan will be used (i.e., no prior service).

For police employees retiring December 1, 1995 and for general and fire employees retiring December 1, 1996 or thereafter there shall be no benefit reduction at full Social Security age.

—B. In the event a retiree dies before the retiree has received in straight life pension payments an aggregate amount equal to the accumulated the retiree has received in straight life pension payments an aggregate amount equal to the accumulated contributions standing to the retiree's credit in the pension savings fund at the time of retirement, the difference between said accumulated contributions and the aggregate amount of straight life pensions received shall be paid from the pension reserve fund to such person or persons as shall have been nominated by written designation, duly executed and filed with the Board. If there be is no such designated person or persons surviving the said retiree, such difference, if any, shall be paid to the retiree's legal representative. No benefits shall be paid under this subsection (B) on account of the death of a retiree if the retiree was receiving a pension under Option (A) or (B) provided for in subsection (A) of Section 2.96.260.

—C. Notwithstanding any other provision of this section, upon retirement, as provided in Section 2.96.210 and Section 2.96.220, a member of the City Council who has not elected to be excluded from membership in the retirement system pursuant to Section 2.96.160 and who has attained voluntary retirement age and has ten (10) or more years of total service credited to the member's service account, shall receive a straight life pension provided for in this subsection (C), and shall have the right to elect

~~an option provided for in Section 2.96.260. Upon retirement, a City Council member shall receive a pension equal to two and one-half percent (2.5%) of average final compensation based upon figure 1 as set forth in Section 2.96.050(3) multiplied by the number of years and fraction of a year (up to 30 years) served prior to July 1, 1986, added to two and one-half percent (2.5%) of average final compensation based upon figure 2 as set forth in Section 2.96.050(3) multiplied by the number of years and fraction of a year (up to 30 years) served after July 1, 1986, until the said City Council member reaches the age of 65 (or age at which the said member is eligible to receive full Social Security benefits); provided, however, that in no event shall said City Council member's pension be based on more than thirty (30) years of total service. At age 65 (or age at which the said member is eligible to receive full Social Security benefits), the member's pension shall revert to 2.25 percent of average final compensation (up to 30 years) plus 1 percent of average final compensation for each year and fraction of a year in excess of thirty (30) years of total service credited to the member's service account.~~

2.986.240 Deferred pension. ~~In the event a member who has 15 (fifteen) or more years of total service credited to the member's service account separates from City employment prior to the attainment of voluntary retirement age, for any reason except retirement or death, the member shall have the option to elect a voluntary age retirement benefit upon the attainment of the applicable voluntary age, which will be computed according to Section 2.98.230. In the event a member who has ten (10) or more years of total service credited to the member's service account separates from City employment prior to attainment of early retirement age, for any reason except retirement or death, the member shall have the option of electing either an early age retirement or a voluntary age retirement. The member shall be entitled to a pension computed according to Section 2.96.230 and Section 2.96.250 subject to the limitation of same. Said pension shall begin the first day of the calendar month next following the date application for same is filed with the Board, on or after the attainment of either early or voluntary retirement age. Except as is otherwise specifically provided in this chapter, in no case shall a person receive service credit for the period of absence from City employment.~~

~~**2.96.250 Early retirement pension.** A. Any member who has ten (10) or more years of total service credited to the member's service account and who has attained early retirement age shall be entitled to a pension computed according to the schedule set forth in subsection (B) of this section. Said pension shall begin the first day next following termination from City employment; provided, however, that the member shall have first filed an application for the pension with the Board and the member shall have attained early retirement age. Except as is otherwise specifically provided in this chapter, in no case shall a person receive service credit for the period of absence from City employment.~~

~~—B.— Any member who elects to take an early retirement pension pursuant to subsection (A) of this section shall receive a monthly pension equal in amount to that which the member would have been entitled had a full deferred pension, commencing at voluntary retirement age, been taken, reduced, however, for the remainder of the member's life to a percentage of the monthly full deferred pension amount as set forth in the following schedule; provided, however, that any cost-of-living allowance to which a retiree may be entitled shall not be diminished by virtue of the election to take an early retirement pension.~~

<u>Age Years-Months</u>	<u>Percentage of Full Deferred Pension</u>	<u>Age Years-Months</u>	<u>Percentage of Full Deferred Pension</u>
Police Fire Members		Police Lieutenants, Sergeants and Command	
52-00	100.00	50-00	100.00
51-11	99.50	49-11	99.50
51-10	99.00	49-10	99.00
51-09	98.50	49-09	98.50
51-08	98.00	49-08	98.00
51-07	97.50	49-07	97.50
51-06	97.00	49-06	97.00
51-05	96.50	49-05	96.50
51-04	96.00	49-04	96.00
51-03	95.50	49-03	95.50
51-02	95.00	49-02	95.00
51-01	94.50	49-01	94.50
51-00	94.00	49-00	94.00
50-11	93.50	48-11	93.50
50-10	93.00	48-10	93.00
50-09	92.50	48-09	92.50
50-08	92.00	48-08	92.00
50-07	91.50	48-07	91.50
50-06	91.00	48-06	91.00
50-05	90.50	48-05	90.50
50-04	90.00	48-04	90.00
50-03	89.50	48-03	89.50
50-02	89.00	48-02	89.00
50-01	88.50	48-01	88.50
50-00	88.00	48-00	88.00

For police members with less than 25 years of service to the City and fire members with less than 27 years of service to the City:

Age 50 — Total reduction 12% at ½% of 1% per month between age 50 years 0 months and age 52 years 0 months

Age 51 — Total reduction 6% at ½% of 1% per month between age 51 years 0 months and age 52 years 0 months

~~For police lieutenants and sergeant members and members of police command with less than 28 years of service to the City.~~

~~Age 48 — Total reduction 12% at ½% of 1% per month between age 48 years 0 months and age 50 years 0 months~~

~~Age 49 — Total reduction 6% at ½% of 1% per month between age 49 years 0 months and age 50 years 0 months~~

2.986.260 Pension options.

~~___~~ A. Prior to the effective date of retirement, but not thereafter, a member may elect to receive a straight life pension computed according to Section 2.986.230, payable for life, or may elect to receive the actuarial equivalent of said straight life pension as of the effective date of retirement, in a reduced pension payable for life, and nominate a beneficiary in accordance with the provisions of Option (A) or (B) set forth below:

~~1.~~

~~1. Option (A) -- Joint and Survivor Pension. Upon the death of a retiree who elected Option (A), the reduced pension payable to the retiree shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life, as the retiree shall have nominated by written designation, duly executed and filed with the Board prior to the effective date of retirement.~~

~~2. ——— Option (B) -- Modified Joint and Survivor Pension. Upon the death of a retiree who elected Option (B), one-half of the reduced pension payable to the retiree shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life, as the retiree shall have nominated by written designation, duly executed and filed with the Board prior to the effective date of retirement.~~

~~1. ——— Option (A) — Joint and Survivor Pension. Upon the death of a retiree who elected Option (A), the reduced pension payable to the retiree shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life, as the retiree shall have nominated by written designation, duly executed and filed with the Board prior to the effective date of retirement.~~

~~2.~~

~~2. ——— Option (B) — Modified Joint and Survivor Pension. Upon the death of a retiree who elected Option (B), one-half of the reduced pension payable to the retiree shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life, as the retiree shall have nominated by written designation, duly executed and filed with the Board prior to the effective date of retirement.~~

B. Pop-up provision. ~~Effective December 1, 1981~~^A, any member who has selected either Option (A) -- Joint and Survivor Pension, or Option (B) -- Modified Joint and Survivor Pension pursuant to the provisions of this Section 2.9~~86~~.260, and who shall survive his or her named beneficiary, shall be entitled upon the death of said beneficiary to a pension the amount of which shall be increased by one-half of the difference between a straight life pension and the pension which the member was receiving under the option selected prior to the effective date of retirement.

~~C. Annuity Withdrawal. Any member, who, with ten (10) or more years of service credit, leaves the employ of the City for any reason may elect, prior to the member's effective date of retirement but not thereafter, to be paid the accumulated contributions standing to said member's credit in the pension savings fund. Upon such election, and the payment of the accumulated contributions, the retiring member's monthly pension shall be reduced by an amount which is the actuarial equivalent of the accumulated contributions so paid. Such actuarial equivalent amount shall be determined on the basis of an annual rate of interest of 6 percent, compounded annually, and the mortality table in effect as of November 30, 1979, or as adopted by the Board for other actuarial calculations.~~

2.9~~86~~.270 Non-duty death benefits.

^A. Any member who continues in the employ of the City on or after the date the member acquires ten (10) years of total service credit may, at any time prior to the effective date of retirement, elect Option (A) provided for in Section 2.9~~86~~.260 and nominate a beneficiary whom the Board of Trustees finds to be dependent upon the member for at least 50 percent of support due to lack of financial means. Prior to the effective date of retirement, but not thereafter, the said member may revoke said election of Option (A) and nomination of beneficiary and may again elect the said Option (A) and nominate a beneficiary as provided in this subsection. Upon the death of a member who has an Option (A) election in force, the beneficiary, if living, shall be entitled to the same pension to which the beneficiary would have been entitled had the member retired the day preceding the date of the member's death, notwithstanding that voluntary retirement age may not have been attained. Payment of the pension shall begin immediately upon the death of the member, if the member had attained voluntary retirement age on the date of death; otherwise, payment shall begin the first day of the calendar month next following the date the member would have attained voluntary retirement age. If a member has an Option (A) election in force at the time of retirement, said election of Option (A) and nomination of beneficiary shall thereafter continue in force unless, prior to the effective date of retirement, the member elects to receive a pension as a straight life pension or according to Option (B) provided for in Section 2.9~~86~~.260.

B. Any member who continues in the employ of the City on or after the date ten (10) years of total service credit is acquired and does not have an Option (A) election in force, as provided in subsection (A) of this section, and (1) dies while in the employ of the City, and (2) leaves a widow, or in the case of a female member leaves a widower, the said widow or widower, as the case may be, shall be entitled to the same pension to which the said widow or widower would have been entitled if the said member had (1) retired the day preceding the date of the member's death, notwithstanding that voluntary retirement age might not have been attained, (2) elected Option (A) provided for in Section 2.98.260, and (3) nominated said widow or widower, as the case may be, as beneficiary. Payment of the pension shall begin immediately upon the death of the member if the member has attained voluntary retirement age on the date of death; otherwise, payment shall begin the first day of the calendar month next following the date the member would have attained voluntary retirement age.

2.98.280 Duty death benefits.

A. In the event a member dies as the result of a personal injury or disease arising solely and exclusively out of and in the course of employment with the City, and such death, injury or disease resulting in death is found by the Board to have been the result of actual performance of duty in the employ of the City, the applicable benefits provided for in subdivisions 1-3 of this subsection (A) shall be paid, subject to subsections (B) and (C) of this section; provided, that no pensions become payable under Section 2.98.270 on account of the member's death.

1. The widow or widower shall receive, for life, a pension equal to the pension for which the widow or widower would have been eligible under Sections 2.98.290, 2.98.300 and 2.98.310, as if:

a. The deceased member had become, on the day before the member's death, totally and permanently mentally or physically incapacitated for duty in the employ of the City; and

b. Such incapacity had been found by the Board to be the natural and proximate result of causes arising out of and in the course of actual performance of duty in the employ of the City; and

c. The member had been retired by the Board; and

d. The member had elected Option (A) as provided in Section 2.98.260 and nominated said widow or widower as beneficiary; and

e. The member had subsequently died.

a.

b.—

1. The widow or widower shall receive, for life, a

- ~~c.~~ _____ ~~a.~~ The deceased member had become, on the date of death, totally and permanently incapacitated for duty in the employ of the City by reason of personal injury or disease.
 - ~~d.~~ _____ ~~b.~~ Such incapacity had been found by the Board to be permanent.
 - ~~e.~~ _____
 - ~~f.~~ _____ ~~c.~~ The member had been retired by the Board; and
 - ~~g.~~ _____
 - ~~h.~~ _____ ~~d.~~ The member had elected Option (A) as provided in subdivision 1 of this subsection.
- ~~e.~~ The member had subsequently died.

- ~~22.~~ If the deceased member leaves no widow or widower, or if the widow's or widower's pension provided for in subdivision 1 of this subsection is terminated, the deceased member's unmarried child or children under age 18 shall share equally in a pension equal to the pension computed in subdivision 1 of this section. For purposes of this subsection, the Option (A) pension shall be equal to 80 percent of the straight life pension. The child's or children's pension shall continue until the last child is adopted, married, attains age 18 years or dies, whichever occurs first. If a child's pension is terminated, said pension shall be redistributed equally among the remaining eligible children, if any.
3. If the deceased member leaves no widow or widower or eligible children, or if the widow's or widower's pension and children's pension provided for in subdivisions 1 and 2 of this subsection are terminated, the deceased member's parents, who are at least 50 percent dependent upon the deceased member for support, shall share equally in a pension equal to the pension computed in subdivision 1 of this subsection. For purposes of this subsection, the Option (A) pension shall be equal to 80 percent of the straight life pension. The parent's pension shall continue until death. If a parent's pension is terminated, said pension shall be redistributed equally among the remaining eligible parents, if any.
- B. As used in this section, the term "widow" or "widower" means the person to whom the said member was married at the time employment with the City terminated.
- C. Any Worker's Compensation benefits payable as a result of the deceased member's death on account of City employment shall be deducted from the benefits payable under this section.

2.986.290 Disability retirements.

A. Upon the application of a member, or the member's department head, a member who has ten (10) or more years of total service credited to the member's service account, and becomes totally and permanently incapacitated for duty in the employ of the City by reason of personal injury or disease may be retired by the Board; provided, that after a medical examination of the said member made by or under the direction of a

medical committee, consisting of three (3) physicians, one of whom shall be appointed by the Board, one by the said member, and the third by the first two physicians so named, the medical committee certifies to the Board by a majority opinion in writing:

1. ~~_____ 1.~~
_____ That the member is mentally or physically totally incapacitated for duty in the employ of the City;
2. ~~_____ 2.~~
_____ That such incapacity will probably be permanent; and
3. ~~_____ 3.~~
_____ That such member should be retired.

B. The ten (10) or more years of total service requirement contained in subsection (A) above will be waived in the event that the Board finds:

1. ~~_____ 1.~~
_____ The member's total and permanent mental or physical incapacity is the natural and proximate result of causes arising out of and in the course of actual performance of duty in the employ of the City; and in the case of a police or fire member, duty in the employ of the City as used in subsection (A) above shall mean duty in the employ of the police division or fire division of the City, as appropriate; and
2. ~~_____ 2.~~
_____ The member is in receipt of Worker's Compensation on account of such incapacity.

C. Subsections (A) and (B) of this section also apply to any member who retires, begins receiving pension benefits and is subsequently re-employed in a permanent classification by the City. Such re-employed individual is treated as a new hire and is not eligible for a non-duty disability retirement until the member has ten (10) or more years of total service after being re-employed credited to the member's service account. Any such re-employed individual may continue to receive a regular pension or may receive a disability pension but shall not receive both.

2.986.300 Pension -- Disability incurred after age fifty-five. A member who retires at or after attainment of age fifty-five (55) years on account of disability, as provided in Section 2.986.290, shall receive a disability pension computed in accordance with the provisions of Section 2.986.230, notwithstanding that voluntary retirement age might not have been attained. Said disability pension shall be subject to Section 2.986.320. Any Worker's Compensation received on account of the member's City employment shall be deducted from said disability pension. Upon retirement, the member shall have the right to elect an option provided for in Section 2.986.260.

2.986.310 Pension -- Disability incurred before age fifty-five.

A. A member who retires prior to attainment of age fifty-five (55) years on account of disability, as provided in Section 2.986.290, shall receive a disability pension computed according to Section 2.986.230, provided that for the sole purpose only of computing said disability pension, total service credit shall be increased by the number of years, and fraction of a year, contained in the period from the date of retirement to the date the member would attain age fifty-five (55) years; provided, however, that the maximum total service credit used shall not exceed the following limits:

<u>TOTAL SERVICE CREDIT BEFORE ADDITIONAL CREDIT TO AGE 55</u>	<u>MAXIMUM TOTAL USABLE SERVICE CREDIT</u>	<u>MAXIMUM PENSION PAY OUT RATE ALLOWED</u>
10 TO 15	20	50%
16 TO 20	25	62.5%
OVER 20	30 YEARS OR ACTUAL SERVICE, IF GREATER	75%

The member's disability pension shall be subject to Section 2.986.320. For members of the Police and Fire Revised Retirement Plan hired on or after February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire) [the ratification date], benefits under this Section will be calculated utilizing a 2.5% multiplier. Any Worker's Compensation received on account of the member's City employment shall be deducted from said disability pension. Upon retirement, the member shall have the right to elect an option provided for in Section 2.986.260.

B. In the event the Board finds the member's total and permanent mental or physical incapacity is the natural and proximate result of causes arising out of and in the course of actual performance of duty in the employ of the City, the member's disability pension provided for in subsection (A) of this section, payable to attainment of age fifty-

| five (55) years, shall not be less than three-quarters or 75 percent of the member's average final compensation. Said disability pension shall be subject to Section 2.986.320. Any Worker's Compensation received on account of the member's City employment shall be deducted from said disability pension.

2.986.320 Disability retirees -- Reexamination -- Return to service.

A. At least once each year during the first five (5) years following the retirement of a member with a disability pension, and at least once in every three-year period thereafter, the Board may, and upon the retiree's application shall, require any disability retiree who has not attained voluntary retirement age to undergo a medical examination to be made by or under the direction of a physician designated by the Board. Should the retiree who has not attained voluntary retirement age refuse to submit to such medical examination in any such period, said disability pension may be discontinued by the Board, and should such refusal continue for one (1) year all rights in and to said pension may be revoked by the Board. If upon such medical examination of a retiree, the physician reports to the Board that the retiree is physically or mentally able and capable of resuming employment with the City, the disability retiree shall be restored to active service with the City and said disability pension shall be discontinued.

B. A disability retiree who has been or shall be returned to active service in the employ of the City shall again become a member of the Police and Fire Revised Retirement Plan retirement system. The total service credited at the time of retirement shall be restored. Service shall be credited for the period the member was in receipt of Worker's Compensation benefits on account of the member's disability arising out of and in the course of employment with the City.

~~— 2.96.330 — Military buy-back -- Conditions. Subject to Board policy, a member or in some cases, an unremarried widow or widower, of the retirement system may increase the total service credited to the member's service account based upon active military service in the armed forces of the United States.~~

~~— A. — The maximum amount of military time which may be purchased and credited to the member's service account shall be three (3) years.~~

~~— B. — The member must have been discharged or released from the military service under honorable conditions and must have served during those periods of time set forth in Section 35.61, as amended, of Michigan Compiled Laws Annotated, wherein a "veteran" is defined.~~

~~— C. — The time purchased shall be fully paid for prior to the effective date of the member's retirement upon terms which shall be established by the Board of Trustees of the retirement system. The total amount of such payment shall be the product of the member's current annual rate of contribution to the pension savings fund, multiplied by the member's current annual compensation, multiplied by the number of years and months to be purchased.~~

~~— D. — Any military service time purchased by a member shall have no effect upon the computation of average final compensation.~~

~~E. Any military service time purchased by a member shall not be applied to the initial ten (10) years of total service required for vesting in the retirement system, nor will it be applicable to attain the maximum years of service required to receive full pension benefits according to applicable bargaining agreement for voluntary retirement without reduction.~~

2.98.340 Pension savings fund.

~~A. The pension savings fund is established. It shall be the fund in which shall be accumulated contributions of members to the retirement system Police and Fire Revised Retirement Plan, and from which shall be paid refunds of accumulated contributions as provided in this chapter. The accumulated contributions in the pension savings fund of the Employees Legacy Retirement Plan shall be segregated and accounted for separately from the accumulated contributions in the pension savings fund of the Police and Fire Revised Retirement Plan.~~

~~1.~~

~~1. Fire members. Fire members Members participating in the Police and Fire Revised Retirement Plan and the City will pay 4% of base wages. Should the actuarially determined contribution (the "ADC") exceed 8% in any year, the City will contribute the next 10% of base wages toward the ADC (i.e., between 8% and 18%), as provided in Section 2.98.350, and in addition fire members will contribute the next 4% of base wages towards the ADC (i.e., between 18% and 22%). bBe obligated to contribute 4% of base wages every year to the Police and Fire Revised Retirement Plan. In addition, should the actuarially determined contribution ("ADC") exceed 8% in any year, the City will contribute the next 10% of base wages toward the ADC (between 8% and 18%), and employees will contribute the next 4% of base wages toward the ADC (between 18% and 22%). The City will contribute the required ADC above 22% of base wages.~~

~~Police members. Police members participating in the Police and Fire Revised Retirement Plan will pay the first 4% of base wages toward the actuarially determined cost (the "ADC") of the Police and Fire Revised Retirement Plan. The City will pay the next 14% of base wages toward the ADC, as provided in Section 2.98.350, and the police members will pay the next 4% of base wages toward the ADC. The City will pay the ADC of anything over 22% of base wages. The minimum contribution is 4% of base wages for both police employee and City.~~

~~A. From and after December 1, 1989, the contribution of all general members shall be 3.1% of compensation except that from and after May 1, 1997, the~~

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~~contribution of all members of Local 1917 shall be 3.66% of compensation. From and after July 1, 1998, the contribution of all fire employees shall be 3.56% of compensation. Effective June 1, 1994, the contribution of all police employees shall be 2.55% of compensation. Effective June 1, 1996, the contribution of all police lieutenants, sergeants and police command shall be 5.21% of compensation.~~

B. The officer or officers responsible for making up the payroll shall cause the contributions provided for in subsection ~~(A)(1-2A)~~ of this section to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, beginning with the effective date of the ~~R~~retirement ~~S~~system and continuing so long as a member remains in the employ of the City. When deducted, the contributions provided for herein shall be paid into the pension savings fund and credited to the individual account of the member from whose compensations the contributions were made. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of compensations less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the member during the period covered by such payment, except as to benefits provided by the ~~R~~retirement ~~S~~system. The members' contributions provided for herein shall be made notwithstanding that the minimum compensation provided by law shall be changed thereby.

C. In addition to the contributions deducted from the compensations of a member, as hereinbefore provided, the member shall repay to the pension savings fund, in a manner approved by the Board, all amounts the member may have withdrawn from the fund, together with regular interest thereon computed from the date of withdrawal to the date or dates of repayment. No member shall be given credit for service rendered prior to the date said member withdraws any part of said accumulated contributions from the pension savings fund until the member has paid in full all amounts due the fund.

D. Upon the retirement of a member, the accumulated contributions standing to the member's credit in the pension savings fund shall be transferred from the fund to the pension reserve fund. Except as otherwise provided in this chapter, at the expiration of a period of three (3) years from the date an individual's membership is terminated, any balance of accumulated contributions standing to the member's credit in the pension savings fund, unclaimed by the individual or the individual's legal representative, shall be transferred to the pension accumulation fund; ~~provided, however, that funds standing in the pension savings fund shall not be transferred to the pension accumulation fund if, within the three-year period from the date an individual's membership is terminated, said member has made a request in writing to the Board of Trustees for a deferred pension in accordance with Section 2.96.240, or for an early retirement pension in accordance with Section 2.96.250, and if said terminated member makes such written request, said accumulated contributions shall be transferred from the pension savings fund to the pension reserve fund.~~

E. Retirees shall receive their first pension check within forty-five (45) days of the effective date of their retirement.

2.986.350 Pension accumulation fund -- Established -- Contributions.

A. The pension accumulation fund is established. It shall be the fund in which shall be accumulated contributions made by the City to the Police and Fire Revised Retirement Plan retirement system. The accumulated contributions of the City in the pension accumulation fund of the Employees Legacy Retirement Plan shall be segregated and accounted for separately from the accumulated contributions of the City in the pension accumulation fund of the Police and Fire Revised Retirement Plan.

B. Upon the basis of such mortality tables and other assumptions and tables of experience as the Board shall adopt, the actuary shall annually compute the City's contributions to the Retirement System in the manner set forth in subdivisions 1, and 2 and 3 of this subsection (B).

1. 1. An amount which, if paid annually by the City during the prospective service of members, will be sufficient, together with the expected net future contributions of members, to cover the actuarial present value of pensions allocated to service rendered after the beginning of the fiscal year; and

2. 2. An amount which, if paid annually by the City over a period selected by the Board but not more than thirty (30) years, will be sufficient, together with present fund balances, to cover the actuarial present value of pensions allocated to service rendered before the beginning of the fiscal year; and.

3. The City's contributions to the Pension accumulation fund of the Police and Fire Revised Retirement Plan shall be determined separately for police members and fire members by the Actuary in accordance with the following:

i. Fire members. The City shall contribute 4% of base wages for fire members participating in the Police and Fire Revised Retirement Plan. In addition, should the actuarially determined contribution (the "ADC") exceed 8% in any year, the City will contribute the next 10% of base wages toward the ADC (i.e., between 8% and 18%). Fire members will contribute the next 4% of base wages towards the ADC in the event ADC exceeds 18% (i.e., between 18% and 22%). The City will contribute the required ADC above 22% of base wages. Members participating in the Police and Fire Revised Retirement Plan and the City will be obligated to contribute 4% of base wages every year. In addition, should

the actuarially determined contribution ("ADC") exceed 8% in any year, the City will contribute the next 10% of base wages toward the ADC (between 8% and 18%), and employees will contribute the next 4% (between 18% and 22%). The City will contribute the required ADC above 22% of base wages.

- ~~i. Police members. Police members pay the first 4% of base wages toward the actuarially determined cost (the "ADC") of the Police and Fire Revised Retirement Plan. The City will contribute the next 14% of base wages toward the ADC and the police members will thereafter pay the next 4% of base wages toward the ADC. The City will contribute the required ADC above 22% of base wages. The minimum contribution is 4% of base wages police members.~~

C. The City Council shall appropriate each year such amounts of contributions as determined in subdivisions (1), ~~and (2)~~, and (3) of subsection (B) of this section, and the City shall pay such amounts into the pension accumulation fund during the ensuing fiscal year, which payments shall be made quarterly during said fiscal year.

D. At the end of each City fiscal year there shall be a transfer between the pension accumulation fund and the pension reserve fund in order that the pension reserve fund be 100 percent funded at the end of the fiscal year.

E. The Board may adopt different mortality tables and other assumptions and tables of experience for the Employees Legacy Retirement Plan and/or the Police and Fire Revised Retirement Plan.

2.986.360 Pension reserve fund -- Established -- Expenditures. The pension reserve fund is established. It shall be the fund from which shall be paid all pensions, and benefits in lieu of pensions, payable as provided in this chapter. Should a disability retiree be returned to service, the pension reserve for said disability retiree, computed as of the date of said return to service, shall be transferred from the pension reserve fund to the pension savings fund and the pension accumulation fund in the same proportion as the original transfers were made. The assets of the Pension reserve fund of the Employees Legacy Retirement Plan shall be segregated and accounted for separately from assets of the Police and Fire Revised Retirement Plan.

2.986.370 Fund management -- Board powers and duties.

A. The Board shall be the trustees of the fund of the Defined Benefit Police and Fire Revised Retirement Plan retirement system and shall have full power to invest and reinvest such funds, subject to all terms, conditions, limitations and restrictions imposed by the State upon life insurance companies in the making and disposing of their

investments, except that notes, bonds or obligations of the City shall not be subject to such conditions, limitations and restrictions, and except as otherwise provided to the extent and in the manner prescribed by State law. The Board shall have full power to purchase notes, bonds or other obligations of the City at any legally conducted public or private sale. The Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the funds of the ~~R~~retirement ~~S~~system have been invested, as well as the proceeds of the investments and any moneys belonging to the ~~R~~retirement ~~S~~system. The Board may, however, authorize an investment fiduciary to invest such funds in accordance with the guidelines and policies which have been determined by the Board to appropriately further the purposes of the ~~R~~retirement ~~S~~system. The investment fiduciary shall report all investment transactions to the Board each month or as required by the Board. The Board reserves the exclusive rights to revoke this grant of authority at its discretion at any time.

B. There shall be kept on deposit available cash not exceeding 10 percent of the total assets of the ~~retirement system~~Retirement System. All funds of the ~~retirement system~~Retirement System shall be held for the sole purpose of meeting disbursements for pensions, and other payments authorized by the provisions of this chapter, and shall be used for no other purpose. The description of the various funds of the ~~retirement system~~Retirement System shall be interpreted to refer to the accounting records of the ~~retirement system~~Retirement System and not to the segregation of moneys in the various funds of the ~~retirement system~~Retirement System.

C. The Board shall have the power to authorize disbursements to be made from the funds of the ~~retirement system~~Retirement System for the payment of professional services utilized by the Board and for other expenses necessary in the administration of the ~~retirement system~~Retirement System.

D. The Board may not comingle funds from the Police and Fire Revised Retirement and the Plan Employees Legacy Retirement Plan.

2.986.380 Payments from funds -- Method. No payments from the funds of the ~~retirement system~~Retirement System shall be made unless previously authorized by at least three (3) members of the Board of Trustees, subject however, to the following exceptions:

In the case of retirees, such authorization by three (3) members of the Board of Trustees shall be required only at the time of retirement. The retiree will then be placed on a regular monthly retiree payroll, and check authorization thereafter shall require only the signature of the chairperson or the chairperson pro-tem. Each monthly retiree payroll shall be confirmed at regular meetings of the Board of Trustees. Any changes in the retiree's pension [except for the change occurring at age sixty-five (65)] resulting

from amendments to the ~~retirement system~~ Retirement System or for any other reason shall necessitate an additional authorization by three (3) members of the Board of Trustees in the first instance only, and thereafter said authorization may be made upon the signature of the chairperson or the chairperson pro-tem.

2.986.390 Interest credits. All interest and other earnings on moneys and investments of the ~~retirement system~~ Retirement System shall be credited to the pension accumulation fund. The Board shall, at the end of each fiscal year, allow regular interest computed on members' individual balances in the pension savings fund at the beginning of the fiscal year, and on the mean balance in the pension reserve fund. The amounts of interest so allowed and credited to the pension savings fund and pension reserve fund shall be charged to the pension accumulation fund.

2.986.400 Refund of accumulated contributions -- Conditions.

A. Should any member cease to be an employee of the City for any reason except the member's death or retirement, or after attaining voluntary retirement age ~~or early retirement age~~ and not be entitled to a pension, the person shall be paid the accumulated contributions standing to the person's credit in the pension savings fund upon said person's demand in writing on forms furnished by the Board.

B. Should any member die and no pension become payable, except as provided in Section 2.986.280, the accumulated contributions standing to said member's credit in the pension savings fund, at the time of death, shall be paid to such person or persons as shall have been nominated by written designation, duly executed and filed with the Board. In the event there be no such designated person or persons surviving the said member, the said accumulated contributions shall be paid to the member's legal representative.

C. If any member dies without heirs and without having nominated a beneficiary, as provided in this section, the accumulated contributions standing to said member's credit in the pension savings fund at the time of death may be used by the Board to pay the member's reasonable burial expenses, provided that no other estate was left sufficient for such purpose.

D. Refunds of accumulated contributions provided for herein may be made according to such rules and regulations as the Board shall from time to time adopt; provided, however, that in any case refunds of accumulated contributions shall be made in full within forty-five (45) calendar days of the date of termination of the employee.

2.986.403 Internal Revenue Code qualification. The Retirement System, consisting of the Employees Legacy Plan and t~~The Defined-Benefit-Police and Fire Revised~~ Retirement Plan is intended and has been administered to be a qualified pension plan under Section 401 of the Internal Revenue Code, as amended ("IRC" or

"Code"), or successor provisions of law, including the Tax Reform Act of 1986 (TRA '86); the Technical and Miscellaneous Revenue Act of 1988 (TAMRA); the Unemployment Compensation Amendments of 1992 (UCA); the Omnibus Budget Reconciliation Acts (OBRA); the Uniformed Service Employment and Re-employment Rights Act of 1994 (USERRA); the Uruguay Round Agreements Act of 1994 (GATT); the Small Business Job Protection Act of 1996 (SBJPA '96); the Taxpayer Relief Act of 1997 (TRA '97); the Internal Revenue Service Restructuring and Reform Act of 1998 (RRA '98); the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and other applicable laws, regulations and administrative authority. The ~~retirement plan~~Retirement System ~~is-is~~ is a governmental plan under IRC Section 414(d) and is administered for the exclusive benefit of the plan's participants and their beneficiaries. The Retirement System's retirement plan ~~trust~~ is an exempt organization under IRC Section 501.

2.986.404 Reversion of funds to City prohibited -- Exceptions. No part of the corpus or income held in trust under the provisions of this chapter shall be used for, or diverted to, purposes other than for the exclusive benefit of the members, retirees and beneficiaries of the ~~retirement system~~Retirement System, except that:

A. If the Board determines that any contribution was made by a good-faith mistake of fact, then such contribution may be returned to the City within six (6) months after such determination; however, any earnings attributable to the amounts mistakenly contributed shall not be returned to the City, while losses attributable to such amounts shall reduce the amount returned; and

B. If, after termination or partial termination of the ~~retirement system~~Retirement System, by formal action of the City or for any other reason, the accrued benefits of all members, retirees and other ~~retirement system~~Retirement System beneficiaries and all other ~~retirement system~~Retirement System liabilities have been paid, then any residual assets of the ~~retirement system~~Retirement System shall revert to the City.

2.996.405 Termination of retirement system -- Accrued benefit -- Nonforfeitable. In the event of the termination or partial termination of the ~~retirement system~~Retirement System, the rights of all members to benefits accrued to the date of such termination or partial termination, to the extent funded as of such date, or any amounts credited to members' accounts shall be nonforfeitable.

2.986.406 Termination of participation -- Forfeitures. Any forfeiture resulting from a termination of participation in the ~~retirement system~~Retirement System by a member shall not be applied to increase the benefits any member, retiree or beneficiary would otherwise receive under the ~~retirement system~~Retirement System prior to its termination. Amounts forfeited shall reduce the next contribution of the City following determination of the amount of any such forfeitures.

2.986.407 Benefits -- Actuarial equivalence. The present value of any benefit under the terms of this Defined Benefit Police and Fire Revised Retirement Plan would be the actuarial equivalent of the normal form of benefit. Actuarial equivalence shall be determined by the Board in consultation with its Actuary, on the basis of the following mortality rates and interest rates:

~~—A.— Option (A) or Option (B): Eight percent (8%) interest, ninety five percent (95%) male/five percent (5%) female merged gender mortality table where the male rates are from the 1971 Group Annuity Mortality Table projected to 2000 and the female rates are the male rates set back six (6) years; or rates as recommended by the actuary and approved by the Board as deemed appropriate.~~

~~—B.— Annuity withdrawal:
Six percent (6%) interest, ninety percent (90%) male/ten percent (10%) female merged gender mortality table where the male rates are from the 1971 Group Annuity Mortality Table and the female rates are the male rates set back five (5) years.~~

2.986.408 Required distribution.

A. Distributions shall be made in the manner set forth in Sections 2.986.210 through 2.986.310 of this chapter. Under no circumstances shall any distributions, not made in a lump sum, be made over a period of time different from one of the following periods (or a combination thereof):

1. 1.
~~—~~The life of the member or retiree;
2. 2.—The life of the member or retiree and a designated beneficiary;
3. 3.—————A
period certain not extending beyond the life expectancy of the member or retiree; or
4. 4.—————A
period certain not extending beyond the joint and last survivor expectancy of the member or retiree and a designated beneficiary.

B. Minimum amounts to be distributed.

1. 1.—————If
the member or retiree's entire interest is to be distributed in other than a lump sum, then the amount to be distributed each year must be at least an amount equal to the quotient obtained by dividing the member or retiree's entire interest by the life expectancy of the member or retiree or joint and last survivor

expectancy of the member or retiree and the designated beneficiary. Life expectancy and joint and last survivor expectancy are computed by the use of the return multiples contained in Section 1.72-9 of the Income Tax Regulations. For purposes of this computation, a member or retiree's life expectancy may be recalculated no more frequently than annually; however, the life expectancy of a non-spouse beneficiary may not be recalculated. If the member or retiree's spouse is not the designated beneficiary, the method of distribution selected must assume that at least 50 percent of the present value of the amount available for distribution is paid within the life expectancy of the member or retiree.

~~2.~~ Distributions to all members or retirees must commence no later than the first day of April following the calendar year in which the later of termination of employment or age 70 ½ occurs.

C. Death distribution provisions. Upon the death of the member or retiree, the following distribution provision shall take effect:

1. ~~1.~~ If the member or retiree dies after distribution of his or her interest has commenced, the remaining portion of such interest will continue to be distributed at least as rapidly as under the method of distribution being used prior to the member or retiree's death.

~~2.~~ ~~2.~~ If the member or retiree dies before distribution of his or her interest commences, the member or retiree's entire interest will be distributed no later than five (5) years after the member or retiree's death, except as follows:

~~a.~~ ~~a.~~ If any portion of the member or retiree's interest is payable to a designated beneficiary, or over a shorter period of time as provided in this chapter, commencing no later than one (1) year after the member or retiree's death;

~~a.~~ If the designated beneficiary is the member or retiree's surviving spouse, the date distributions are required to begin in accordance with (2)(a) above shall not be earlier than the day on which the member or retiree would have attained age 70 ½, and if the spouse dies before payments begin, subsequent distribution shall be made as if the spouse had been the member or retiree.

~~b.~~

~~c.b.~~ ~~b.~~ If the designated beneficiary is the member or retiree, the member or retiree would have attained age 70 ½, and if the spouse dies before

~~payments begin, subsequent distribution shall be made as if the spouse had been the member or retiree.~~

~~2.3.~~ 3. For purposes of subsection (C)(2) above, payments will be calculated by the use of return multiples specified in Section 1.72-9 of the Income Tax Regulations. Life expectancy of a surviving spouse may be recalculated annually; however, in the case of any other designated beneficiary, such life expectancy will be calculated at the time payment first commences without further recalculation.

D. With respect to distributions under the plan made for calendar years beginning on or after January 1, 2001, the plan will apply the minimum distribution requirements of IRC Section 401(a)(9) in accordance with the regulations under IRC Section 401(a)(9) that were proposed in January 2001, notwithstanding any provision in the plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under Section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.

2.986.409 Benefit limits. Anything to the contrary notwithstanding, any benefit payable under ~~this system~~ the Police and Fire Revised Retirement System shall not exceed the limits set forth in Internal Revenue Code Section 415 and Regulations thereunder, the terms of which are specifically incorporated herein by reference.

2.986.410 Errors and adjustments. Should any change in the records result in any member, beneficiary or retiree receiving from the retirement system more or less than ordinarily would have been received had the records been correct, the Board shall correct such error, and as far as practicable, shall adjust the payment in such manner that the actuarial equivalent of the benefit to which the member, beneficiary or retiree was correctly entitled shall be paid.

2.986.411 Eligible rollover distributions. ~~This section applies to distributions made on or after January 1, 1993.~~ Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee as a direct rollover. The following definitions shall apply with regard to this section:

A. Eligible rollover distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of

ten (10) years or more, and any distribution to the extent such distribution is required under IRC Section 401(a)(9). For purposes of the direct rollover provision, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in IRC Section 408(a) or (b), or to a qualified plan described in IRC Section 401(a) or 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

B. Eligible retirement plan. An eligible retirement plan is an individual retirement account described in IRC Section 408(a), an individual retirement annuity described in IRC Section 408(a), annuity plan described in IRC Section 403(a), an annuity contract described in IRC Section 403(b), an eligible plan under IRC Section 457 which is maintained by a state, political subdivision of a state and which agrees to separately account for amounts transferred into such plan, or a qualified trust described in IRC Section 401(a), that accepts the distributee's eligible rollover distribution. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a domestic relations order.

C. Distributee. A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse is a distributee with regard to the interest of the surviving spouse.

D. Direct rollover. A direct rollover is a payment by the ~~retirement system~~ Retirement System to the eligible retirement plan specified by the distributee.

2.986.412 Maximum annual earnings. ~~For plan years beginning on or after January 1, 1989, and before July 1, 1996, the~~ The annual compensation of each participant taken into account for determining all benefits provided under the plan for any determination period shall not include any amounts in excess of the annual compensation limit (originally \$200,000.00) provided for in IRC Section 401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993 ("OBRA '93") and adjusted for inflation in the manner provided by IRC Section 401(a)(17). ~~For plan years beginning on or after July 1, 1996, the~~ annual compensation of each employee taken into account shall not exceed the annual compensation limit provided for in IRC Section 401(a)(17), as amended by the Omnibus Budget Reconciliation Act of 1993 ("OBRA '93") (\$200,000.00 in 2002). This limit may be adjusted as required by federal law for qualified government plans and shall be further adjusted for inflation in the manner provided by IRC Section 401(a)(17). Annual compensation means compensation during the plan year or such other consecutive 12-month period over which compensation is otherwise determined under the plan. The cost-of-living adjustment in effect for a

calendar year applies to annual compensation for the determination period that begins with or within such calendar year.

2.986.413 Military service. Notwithstanding any provision of the plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with IRC Section 414(u) and regulations.

2.986.414 Vesting. Notwithstanding any provision of the plan to the contrary, a member shall be 100 percent vested in his/her accrued benefit when he or she attains normal retirement age.

2.986.420 Assignment of pension or other benefits prohibited. The right of a person to a pension, to the return of accumulated contributions, the pension itself, any optional benefit, any other right accrued or accruing to any member, retiree or beneficiary under the provisions of this chapter, and the moneys belonging to the ~~retirement system~~ Retirement System, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law, and shall be unassignable, except as is specifically provided in this chapter or pursuant to a support order in accordance with Act No. 295 of the Public Acts of 1982 (MCLA 552.601, et seq.); provided, that the City shall have the right to set off for any claim arising from embezzlement by or fraud of a member.

2.986.430 Amendment of chapter provisions -- Retroactivity limitation. No amendments to this chapter unless otherwise provided, shall serve to increase any pensions which are being paid as of the date of any such amendment to any retiree or beneficiary.

~~2.96.440 Cost of living allowance. An additional cost of living allowance will be paid to all retirees. The monthly amount is determined as follows:~~

~~2.98.600 Effect of Collective Bargaining Agreements. Pursuant to Michigan law, when an applicable Collective Bargaining Agreement is properly executed, it immediately amends the applicable provisions of the Police and Fire Revised Retirement System.~~

~~A. General employee members retiring on or after December 1, 1986; police employee members retiring on or after December 1, 1991; and fire employee members retiring on or after December 1, 1993:~~

~~1. \$20.00 per month for one (1) year period commencing one (1) year after retirement.~~

~~2. \$40.00 per month for one (1) year period commencing two (2) years after retirement.~~

~~3. \$60.00 per month for one (1) year period commencing three (3) years after retirement.~~

~~4. \$80.00 per month for one (1) year period commencing four (4) years after retirement.~~

~~5. \$100.00 per month for one (1) year period commencing five (5) years after retirement.~~

~~6. \$120.00 per month commencing six (6) years after retirement.~~

~~B. For general employees retiring before December 1, 1986, police employees retiring before December 1, 1991 and for fire employees retiring before December 1, 1993, the maximum increase is \$80.00 per month.~~

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

Section 4. This ordinance is hereby declared to be an emergency ordinance necessary for the protection of the public health, safety and welfare and shall take effect immediately upon publication.

The above ordinance was passed at the _____ ~~regular~~ meeting of the City Council ~~of the City of Livonia~~ held on _____, ~~at~~ p.m. _____.

-City Clerk

The foregoing ordinance was authenticated by me on ~~this~~ _____ day of _____

~~Sean P. Kavanagh~~, City Attorney
Dated: _____

NO. ____

**AN ORDINANCE AMENDING TITLE 2 OF THE CITY OF
LIVONIA CODE OF ORDINANCES, AS AMENDED TO
ADOPT A NEW CHAPTER 98 TO BE TITLED THE CITY
OF LIVONIA POLICE AND FIRE REVISED
RETIREMENT PLAN - A DEFINED BENEFIT PLAN.**

THE CITY OF LIVONIA ORDAINS:

Section 1. Title 2, Chapter 98 of the Livonia Code of Ordinances, as amended, is hereby adopted to read as follows:

CHAPTER 2.98

THE CITY OF LIVONIA POLICE AND FIRE REVISED RETIREMENT PLAN

Sections:

- | | |
|-----------------|---|
| 2.98.010 | Title for citation. |
| 2.98.020 | Purpose of provisions. |
| 2.98.025 | Creation of Police and Fire Revised Retirement Plan. |
| 2.98.030 | Construction of chapter provisions. |
| 2.98.040 | Enabling authority. |
| 2.98.050 | Definitions. |
| 2.98.060 | Retirement system -- Established -- Purpose. |
| 2.98.070 | Retirement system -- Rules and regulations. |
| 2.98.080 | Retirement system -- Board of Trustees -- Created -- Organization and authority. |
| 2.98.090 | Board of Trustees -- Composition and Election. |
| 2.98.100 | Board of Trustees -- Term of office. |
| 2.98.110 | Board of Trustees -- Filling vacancies in office. |
| 2.98.120 | Board of Trustees -- Meetings and rules of procedure. |
| 2.98.130 | Board of Trustees -- Officers, advisors and employees. |
| 2.98.140 | Board of Trustees -- Recordkeeping and annual report. |
| 2.98.150 | Board of Trustees -- Adoption of mortality and other experience tables. |
| 2.98.160 | Retirement system -- Qualifications for membership. |
| 2.98.165 | Irrevocable Option Election for Membership. |
| 2.98.170 | Termination of membership -- Conditions. |

2.98.175	Re-employment by City after retirement.
2.98.180	Service credits -- Computation.
2.98.190	Service credits -- For war service.
2.98.200	Members service accounts.
2.98.210	Voluntary retirement.
2.98.220	Normal retirement.
2.98.230	Age and service pension.
2.98.240	Deferred pension.
2.98.260	Pension options.
2.98.270	Non-duty death benefits.
2.98.280	Duty death benefits.
2.98.290	Disability retirements.
2.98.300	Pension -- Disability incurred after age fifty-five.
2.98.310	Pension -- Disability incurred before age fifty-five.
2.98.320	Disability retirees -- Reexamination -- Return to service.
2.98.340	Pension savings fund.
2.98.350	Pension accumulation fund -- Established -- Contributions.
2.98.360	Pension reserve fund -- Established -- Expenditures.
2.98.370	Fund management -- Board powers and duties.
2.98.380	Payments from funds -- Method.
2.98.390	Interest credits.
2.98.400	Refund of accumulated contributions -- Conditions.
2.98.403	Internal Revenue Code qualification.
2.98.404	Reversion of funds to City prohibited -- Exceptions.
2.98.405	Termination of retirement system -- Accrued benefit -- Nonforfeitable.
2.98.406	Termination of participation -- Forfeitures.
2.98.407	Benefits -- Actuarial equivalence.
2.98.408	Required distribution.
2.98.409	Benefit limits.
2.98.410	Errors and adjustments.
2.98.411	Eligible rollover distributions.
2.98.412	Maximum annual earnings.
2.98.413	Military service.
2.98.414	Vesting.
2.98.420	Assignment of pension or other benefits prohibited.
2.98.430	Amendment of chapter provisions -- Retroactivity limitation.
2.98.600	Effect of Collective Bargaining Agreements.

2.98.010 Title for citation. The ordinance codified in this chapter shall be known and cited to as the “Police and Fire Revised Retirement Plan Ordinance.”

2.98.020 Purpose of provisions. The purpose of this chapter is to provide for the retirement of particular police and fire employees of the City, on account of age and service, or total and permanent disability; to provide for contributions to the Police and Fire Revised Retirement Plan by the members thereof and the City; to provide for the administration of the Police and Fire Revised Retirement Plan; and to promote the welfare, well-being and security of employees and other persons subject to this defined benefit retirement plan, in order to increase and maintain a high standard of efficiency and public service. Newly employed and otherwise eligible individuals are permitted to participate in the Police and Fire Revised Retirement Plan as of the following dates:

<u>Employee group</u>	<u>Effective date</u>	<u>Applicable to</u>
Non-Union Police Command	7/12/2021	Police Chief and Deputy Police Chief
Non-Union Fire Command	1/25/2021	Fire Chief and Deputy Fire Chief
Police officers	2/27/2021	Members of Livonia Police Officers Association
Police Lieutenants, Sergeants and Command	4/10/2021	Members of Livonia Command Officers Association
Fire	1/30/2021	Firefighters and Fire Command

2.98.025 Creation of Police and Fire Revised Retirement Plan. The City of Livonia hereby establishes the Police and Fire Revised Retirement Plan. The Police and Fire Revised Retirement Plan is an additional defined benefit retirement plan in the Retirement System. The Retirement System was previously established in Chapter 96 of the Code of Ordinances. Membership in the Police and Fire Revised Retirement Plan is determined by the applicable eligibility requirements in Chapter 98 of the Code of Ordinances. All rights and benefits accrued any eligible employee under a previous applicable retirement plan shall remain in full force and effect.

2.98.030 Construction of chapter provisions. This chapter shall be liberally construed in such a manner as to best effectuate its purpose.

2.98.040 Enabling authority. The ordinance codified in this chapter is adopted pursuant to the provisions of Act 279, Public Acts of Michigan, 1909, as amended, and

Section 16, Chapter V, of the City Charter. This chapter and any amendments thereto shall be subject to the joint approval of the Civil Service Commission and City Council.

2.98.050 Definitions. As used in this chapter, the following terms shall have the following meaning unless the context clearly indicates a different meaning or requires otherwise.

1. "Accumulated contributions" means the sum of all amounts deducted from the compensations of a member and credited to the member's individual account in the pension savings fund, together with regular interest thereon.

2. "Age" means for the purpose of determining voluntary retirement age, the chronological age of a person. Otherwise, age means age at nearest birthday.

3. "Average final compensation" means the average of the annual compensation received by the member during the best compensated three years of service contained within the member's ten years of service immediately preceding the member's retirement.

In the event the member has less than three (3) years of total service, the member's average final compensation shall be the average of the annual compensation for the member's total years of service. Retirement benefits of members shall be based upon and computed according to the definition contained in this subsection and based upon the definition of "compensation" as defined in subsection 11 of this section.

In those cases where an employee has worked less than one (1) year, and average final compensation must be computed for purposes of determining retirement benefits, it shall be computed by projecting earnings for the balance of the first year of employment at the same rate as earned from the date of initial employment to the date of the employee's last day actually worked.

Members shall be limited to the number of average final compensation calculation requests per calendar year as provided in the Member's applicable collective bargaining agreement.

4. "Anniversary Date" for the Police and Fire Revised Retirement Plan means November 30.

5. "Beneficiary" means any individual who has an insurable interest in the life of a member and who is being paid or is entitled to the future payment of benefits for reason other than the individual's membership in the retirement plan.

6. "Board" means the Board of Trustees provided for in this chapter.

7. "City" or "Employer" means City of Livonia, State of Michigan, and its various offices, boards and departments, including the Livonia City Council.

8. "Civil Service Commission" means the Civil Service Commission of the City.

9. "Civil service position" means any position in City employment or classified service that comes under the jurisdiction of the Civil Service Commission.

10. "Code" or "IRC" means the Internal Revenue Code of 1986, as now or hereafter amended, or as superseded by laws of similar effect.

11. "Compensation" means the compensation received from the City by a person for service rendered to the City. For the purpose of computing average final compensation, compensation shall be defined as including base salary or wages, Worker's Compensation wage loss benefits with supplemental pay not to exceed regular base wages, and any other financial compensation from which pension contributions are withheld. Compensation shall not be defined to include cash payout of accrued sick leave, or overtime paid to a member. In case a member's compensation is not all paid in money, the Board shall fix the value of that part of compensation not paid in money.

12. "Fire Employee" means a classified employee who is a sworn officer in the fire division who performs fire suppression, EMS/paramedic, fire prevention and administration.

13. "Employees Legacy Retirement Plan" means the Defined Benefit Plan of Chapter 96 of the City of Livonia Code of Ordinances, as amended, and referred to as the Employees Legacy Retirement Plan.

14. "General Employee" means an employee represented by AFSCME Union Local 192, AFSCME Union Local 1917, police dispatchers, appointees, elected officials, exempt, confidential, administrative and professional employees.

15. "Member" means any person included in the membership of the Police and Fire Revised Retirement Plan.

16. "Part-time employee" means an employee who is regularly scheduled to work less than an eight (8) hour day or less than a forty (40) hour work week.

17. "Pension" means an annual amount payable from funds of the Police and Fire Revised Retirement Plan, in equal monthly installments, for life.

18. "Pension reserve" means the present value of all payments to be made on account of any defined benefit pension, or benefit in lieu of any defined benefit pension,

computed upon the basis of such mortality tables and other tables of experience, as the Board may from time to time adopt, and regular interest.

19. "Police employee" means an employee who is a sworn officer in the police division who has the power to arrest or is a police cadet who performs various assigned duties in order to receive training and orientation benefits before becoming eligible for promotion to police officer.

20. "Police and Fire Revised Retirement Plan" means the retirement plan created and established in Title 2, Chapter 2.98 of the City of Livonia Code of Ordinances.

21. "Prior service" means service earned from an applicable retirement plan of the Retirement System prior to the membership in the Police and Fire Revised Retirement Plan.

22. "Regular interest" means such rate or rates of interest per year, compounded annually, as the Board may from time to time determine; provided, that regular interest shall not be less than 3 percent per year, nor more than 6 percent per year, compounded annually; provided, however, that for police and fire members regular interest shall not be less than 2 percent per year, nor more than 4 percent per year, compounded annually.

23. "Retiree" means a member who has retired with a pension payable from funds of the Police and Fire Revised Retirement Plan.

24. "Retirement system" means the system for administration and operation of the various retirement plans established by the provisions of Chapters 2.96, 2.97, and 2.98 of the Livonia Code of Ordinances, and applicable collective bargaining agreements.

25. "Service" means the sum of a member's service earned in the Police and Fire Revised Retirement Plan.

26. "Social security benefits" means the benefits provided under the old age and survivors' insurance program of the Federal Social Security Act as now enacted and as it may be amended from time to time.

27. "Total service" means the sum of a member's service earned in the Police and Fire Revised Retirement Plan and applicable prior service.

28. "Voluntary retirement age" shall be as follows:

	<u>REQUIRED TOTAL SERVICE</u>	<u>APPLICABLE TO</u>
Police employees:	25 years of total service	Police officers

(except lieutenants, sergeants and police command)	regardless of age or age 52 with 15 years of service.	
Police lieutenants, sergeants and police command	25 years of total service regardless of age or age 52 with 15 years of service.	Police lieutenants, sergeants and police command
Fire employees	25 years of total service regardless of age or age 52 with 15 years of service.	Firefighters and fire command

Vesting for members will include the member's service and prior service. For benefit calculation purposes, only the member's service in the Police and Fire Revised Retirement System will be used (i.e., no prior service).

In all cases, however, during time of war engaged in by the United States, or other national emergency recognized by the City Council the Council may extend the age at which any class of members may voluntarily retire.

2.98.060 Retirement system -- Established -- Purpose. A retirement system is established, pursuant to the provisions of Chapter V, Section 16 of the City Charter, for the purpose of carrying out and regulating the provisions of this chapter, including the provisions of this chapter.

2.98.070 Retirement system -- Rules and regulations. The Civil Service Commission is authorized to make rules and regulations for the administration of and performance of the provisions of this chapter; provided, however, that such rules and regulations shall not be inconsistent with or contrary to the provisions of this chapter.

2.98.080 Retirement System -- Board of Trustees -- Created -- Organization and authority. A Board of Trustees is created in whom is vested the power to administer, manage and operate the Police and Fire Revised Retirement Plan and to make effective the provisions of this chapter, Chapter 2.96, and Chapter 2.97. The Board of Trustees shall be organized immediately after the trustees provided for in this chapter have qualified.

2.98.090 Board of Trustees – Composition and Election.

A. The Board of Trustees shall consist of five trustees, as follows:

1. The Mayor or the Mayor's designated administrative representative;
2. A member of the City Council to be selected by the Council;

3. A member of the Civil Service Commission to be selected by the Civil Service Commission;
 4. A police or fire member of any retirement plan established by the City ordinance to be elected by the police and fire members;
 5. A general member of any retirement plan established by City ordinance to be elected by the general members of any retirement plan established by City ordinance.
- B. Elections shall be held under such rules and regulations as the Board of Trustees shall from time to time adopt.

2.98.100 Board of Trustees -- Term of office. The regular term of office for the member trustees, provided for in subsections (A)(4) and (A)5 of Section 2.98.090, shall be four (4) years. The Council trustee shall serve at the pleasure of the City Council. The Civil Service Commission trustee shall serve at the pleasure of the Civil Service Commission. The Mayor's designated administrative representative shall serve at the pleasure of the Mayor.

2.98.110 Board of Trustees -- Filling vacancies in office. In the event an elected member trustee is no longer employed by the City, said elected member trustee shall vacate the office of trustee. If a vacancy occurs in the office of any trustee, the vacancy shall be filled, within ninety (90) days after the date the vacancy occurred, for the unexpired term, in the same manner as the office was previously filled.

2.98.120 Board of Trustees -- Meetings and rules of procedure. The Board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. Three (3) trustees shall constitute a quorum at any meeting of the Board, and at least three (3) concurring votes shall be necessary for a decision by the trustees at any meeting of the Board. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the Board shall be held in compliance with the Open Meetings Act.

2.98.130 Board of Trustees -- Officers, advisors and employees. The Board shall elect from its members a chairperson and a chairperson pro-tem. The secretary of the Civil Service Commission shall be secretary of the Retirement System. The Board shall designate a treasurer and/or custodian of its funds. The Board shall appoint an actuary who shall be technical advisor to the Board of matters regarding the operation of the Retirement System on an actuarial basis and who shall perform such other duties as are required in connection therewith. The Board shall employ such professional services as are required in the proper operation of the Retirement System.

2.98.140 Board of Trustees -- Recordkeeping and annual report. The Board shall cause to be kept such data as shall be necessary for an actuarial valuation of the assets and liabilities of the Retirement System. The Board shall render a report to the Mayor and the City Council, on or before the first day of May of each year, showing the fiscal transactions of the Retirement System for the year ending the preceding 30th day of November; and the last balance sheet showing the financial conditions of the Retirement System by means of an actuarial valuation of its assets and liabilities as of the preceding 30th day of November; and such other reports as the Mayor, City Council or Civil Service Commission may from time to time require.

2.98.150 Board of Trustees -- Adoption of mortality and other experience tables. The Board shall from time to time adopt mortality and other tables of experience as are necessary for the operation of the retirement system on an actuarial basis.

2.98.160 Retirement system -- Qualifications for membership.

A. The Retirement System shall include all eligible employees in the classified and unclassified service of the Civil Service who perform services on a permanent part-time or full-time basis. Temporary persons in either the classified or unclassified service are specifically excluded from membership. In case of doubt as to the employment status of any person, the Civil Service Commission shall decide the issue. Newly employed and otherwise eligible individuals are permitted to participate in the Police and Fire Revised Retirement Plan as of the following dates:

<u>Employee group</u>		<u>Effective date</u>	<u>Applicable to</u>
Non-Union Command	Police	7/12/2021	Police Chief & Deputy Police Chief
Non-Union Command	Fire	1/25/2021	Fire Chief & Deputy Fire Chief
Police officers		2/27/2021	Members of Livonia Police Officers Association
Police Lieutenants, Sergeants and Command		4/10/2021	Members of Livonia Command Officers Association
Fire		1/30/2021	Firefighters and Fire Command

In case of doubt as to the membership status of any employee, the Board of Trustees shall decide the issue.

2.98.165 Irrevocable Option Election for Membership.

- A. The provisions of the Police and Fire Revised Retirement Plan shall apply to all Police Officer employees hired on or after February 27, 2021, Police Lieutenant, Sergeant, and Command employees hired on or after April 10, 2021; Fire employees hired on or after January 30, 2021; Non-Union Police Command hired on or after July 12, 2021; and Non-Union Fire Command hired on or after January 25, 2021; and all Police Officer employees hired prior to February 27, 2021, Police Lieutenant, Sergeant, and Command employees hired on or after April 10, 2021; Fire employees hired on or after January 30, 2021; Non-Union Police Command hired on or after July 12, 2021; and Non-Union Fire Command hired on or after January 25, 2021 who elected to convert to the Police and Fire Revised Retirement Plan. The provisions of the Police and Fire Revised Retirement Plan will not apply to employees who are members of the bargaining units on February 26, 2021 (Police Officers); April 9, 2021 (Police Lieutenants, Sergeants, and Command); and January 29, 2021 (Fire), who elect to continue to participate in the Defined Contribution Plan.
- B. Bargaining members of the Police and Fire Revised Retirement Plan who were hired on or after July 1, 1998 and prior to the February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire), shall have a one-time irrevocable option during a 60-day window to be announced by the City to elect to participate in the Police and Fire Revised Retirement Plan.
- C. If a bargaining member hired prior to February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire), or prior, who does not elect to participate in the Police and Fire Revised Retirement Plan then that bargaining member will continue to participate in the Defined Contribution Plan under the terms and conditions applicable collective bargaining agreement and Retirement Ordinance.
- D. Bargaining unit members hired prior to February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire) who elect to convert to the Police and Fire Revised Retirement Plan, will no longer participate in the Defined Contribution Plan and there shall be no further employee or City contributions into the Defined Contribution Plan.

Bargaining unit members so converting to the Police and Fire Revised Retirement Plan shall have a one-time irrevocable option to purchase between 1 and 3 years of service credit in the Police and Fire Revised Retirement Plan at the full actuarial cost as

determined by the Board in consultation with its actuary payable at the time of purchase. Vested funds from the employee's Defined Contribution Plan account may be used to purchase the years of service credit. Service credit purchase does not count toward retirement eligibility.

2.98.170 Termination of membership -- Conditions.

A. Except as otherwise provided in this chapter, should any member no longer be employed by the City, for any reason other than the member's death or becoming a retiree, that person shall thereupon cease to be a member, and the total service credited at the date of last separation from City service shall be forfeited. In the event the person is re-employed by the City in a civil service position, the person shall again become a member of the Retirement System, and should re-employment occur within a period of five (5) years from and after the date last separated from City service, the member's total service, if any, forfeited at the date last separated from City service shall be restored subject to subsection (C) of Section 2.98.340, of the Livonia Code of Ordinances. For members of the Police and Fire Revised Retirement System, in event the person is:

1. Re-employed by the City in a civil service position after having been separated from City service for a period greater than five (5) years; and
2. Thereafter remains in the employment of the City for a period of at least five (5) years, the member's total service, if any, forfeited at the date last separated from City service shall be restored subject to subsection (C) of Section 2.98.340. In the event a member becomes a retiree or dies, he shall thereupon cease to be a member.

B. For all fire employees and police employees hired on or before January 30, 2021, for LFFU; February 27, 2021, for LPOA, and April 10, 2021, for LCOA, including those employees that are terminated and re-employed by the City in a position eligible for a pension benefit, the employee shall become eligible to be a member of the Police and Fire Revised Retirement Plan with no opportunity to become a member of the Defined Contribution Plan.

C. In the event a member with ten (10) or more years of service, or a retiree, becomes engaged in a temporary position (either part-time or full-time) in either the classified or unclassified service of the civil service of the City, the member shall not accrue service credit for such temporary employment.

D. In the event a member with less than ten (10) years of service becomes engaged in a temporary position (either part-time or full-time) in either the classified or unclassified service of the civil service of the City, the member shall:

1. Cease to be a member; and
2. Forfeit the service credited to said member's service account.

If the person subsequently becomes engaged in a position entitling the person to membership in the Retirement System, the person shall again become a member and the service credit forfeited at the time the membership last terminated shall be restored to the person's credit subject to subsection (C) of Section 2.98.340, of the Livonia Code of Ordinances.

2.98.175 Re-employment by City after retirement.

A. In the event a member has become a retiree and has begun receiving pension benefits under this chapter, the member shall be entitled to continue to receive such pension benefits upon re-employment by the City provided that one of the following conditions is met:

1. The retiree is re-employed by the City in a different classification or position than that previously held by the retiree when he or she previously worked for the City; or
2. The retiree is re-employed by the City in a temporary or seasonal capacity; or
3. The retiree is elected to a City office.

B. Any retiree so re-employed as a police employee or fire employee shall be considered a new hire and shall, if otherwise eligible, only be entitled to participate in the Police and Fire Revised Retirement Plan.

2.98.180 Service credits -- Computation. The Board shall fix and determine by appropriate rules and regulations how much service in a calendar year shall be credited any member as a year of service, but in no case shall less than ten (10) days of service rendered in any calendar month be credited as a month of service, or less than nine (9) months of service rendered in any calendar year be credited as a year of service, or shall more than one (1) year of service be credited for all service rendered by any person in any calendar year. In cases of vesting in the Police and Fire Revised Retirement Plan, no less than ten (10) days, nine (9) months and fourteen (14) years of completed service shall qualify.

2.98.190 Service credits -- For war service. In the event a member who, while employed by the City, is called to or enters any armed service of the United States, and who shall be on active duty during time of war or other national emergency, and who is subsequently re-employed by the City, in a civil service position, within one (1) year from the date of termination of required service, then such armed service shall be

credited the member as City service in the same manner as if the member had served the City uninterrupted. In case of doubt as to the period so to be credited to any member, the Board shall have final power to determine such period. During the period of such armed service rendered to the federal government and until re-employment by the City, the member's contributions to the pension savings fund may be suspended, and any balance standing to the member's credit in the pension savings fund shall be accumulated at regular interest.

The member on paid military leave of absence may elect to continue to make biweekly employee pension contributions based on regular earnings entitled to if not on leave pursuant to Michigan Public Act 1951 No. 263 or issue lump sum payment upon reinstatement pursuant to the federal Uniformed Services Employment and Employee Rights Act of 1994 (38 USC Sec. 4318).

2.98.200 Members service accounts. The Board shall credit each member's service account with the number of years and months of service and prior service to which the member may be entitled.

2.98.210 Voluntary retirement. Any member who has attained or attains voluntary retirement age, as defined by this ordinance or subsequently amended by collective bargaining agreement and has fifteen (15) or more years of total service credited to the member's service account; or has twenty-five (25) years of total service credited to the member's service account at any age, may retire upon the member's written application filed with the Board setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, the member desires to be retired. Upon retirement the member shall receive a pension provided for in Section 2.98.230.

2.98.230 Age and service pension.

A. Upon retirement, as provided in Section 2.98.210 and Section 2.98.220, a member shall receive a straight life pension provided for in this section, and shall have the right to elect an option provided for in Section 2.98.260.

1. On retirement, a member shall receive a pension as follows:

	<u>VOLUNTARY RETIREMENT AGE</u>	<u>MULTIPLYING FACTOR</u>	<u>MAXIMUM YEARS CREDITED</u>	<u>MAXIMUM AFC BENEFIT</u>
Police officers	52	2.5%	30	75%
LCOA/Command	52	2.5%	30	75%

Fire/Command	52	2.5%	30	75%
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Straight Life Benefit Formula: (Final Average Compensation) x (Years of Service up to 30 years) x (Multiplying Factor) = Monthly Straight Life Benefit. For benefit calculation purposes, only the member's service in the Police and Fire Revised Retirement Plan will be used (i.e., no prior service).

B. In the event a retiree dies before the retiree has received in straight life pension payments an aggregate amount equal to the accumulated contributions standing to the retiree's credit in the pension savings fund at the time of retirement, the difference between said accumulated contributions and the aggregate amount of straight life pensions received shall be paid from the pension reserve fund to such person or persons as shall have been nominated by written designation, duly executed and filed with the Board. If there is no such designated person or persons surviving the said retiree, such difference, if any, shall be paid to the retiree's legal representative. No benefits shall be paid under this subsection (B) on account of the death of a retiree if the retiree was receiving a pension under Option (A) or (B) provided for in subsection (A) of Section 2.98.260.

2.98.240 Deferred pension. In the event a member who has 15 (fifteen) or more years of total service credited to the member's service account separates from City employment prior to the attainment of voluntary retirement age, for any reason except retirement or death, the member shall have the option to elect a voluntary age retirement benefit upon the attainment of the applicable voluntary age, which will be computed according to Section 2.98.230.

2.98.260 Pension options.

A. Prior to the effective date of retirement, but not thereafter, a member may elect to receive a straight life pension computed according to Section 2.98.230, payable for life, or may elect to receive the actuarial equivalent of said straight life pension as of the effective date of retirement, in a reduced pension payable for life, and nominate a beneficiary in accordance with the provisions of Option (A) or (B) set forth below:

1. Option (A) -- Joint and Survivor Pension. Upon the death of a retiree who elected Option (A), the reduced pension payable to the retiree shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life, as the retiree shall have nominated by written designation, duly executed and filed with the Board prior to the effective date of retirement.

2. Option (B) -- Modified Joint and Survivor Pension. Upon the death of a retiree who elected Option (B), one-half of the reduced pension payable to the retiree shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life, as the retiree shall have nominated by written designation, duly executed and filed with the Board prior to the effective date of retirement.

B. Pop-up provision. Any member who has selected either Option (A) -- Joint and Survivor Pension, or Option (B) -- Modified Joint and Survivor Pension pursuant to the provisions of this Section 2.98.260, and who shall survive his or her named beneficiary, shall be entitled upon the death of said beneficiary to a pension the amount of which shall be increased by one-half of the difference between a straight life pension and the pension which the member was receiving under the option selected prior to the effective date of retirement.

2.98.270 Non-duty death benefits.

A. Any member who continues in the employ of the City on or after the date the member acquires ten (10) years of total service credit may, at any time prior to the effective date of retirement, elect Option (A) provided for in Section 2.98.260 and nominate a beneficiary whom the Board of Trustees finds to be dependent upon the member for at least 50 percent of support due to lack of financial means. Prior to the effective date of retirement, but not thereafter, the said member may revoke said election of Option (A) and nomination of beneficiary and may again elect the said Option (A) and nominate a beneficiary as provided in this subsection. Upon the death of a member who has an Option (A) election in force, the beneficiary, if living, shall be entitled to the same pension to which the beneficiary would have been entitled had the member retired the day preceding the date of the member's death, notwithstanding that voluntary retirement age may not have been attained. Payment of the pension shall begin immediately upon the death of the member, if the member had attained voluntary retirement age on the date of death; otherwise, payment shall begin the first day of the calendar month next following the date the member would have attained voluntary retirement age. If a member has an Option (A) election in force at the time of retirement, said election of Option (A) and nomination of beneficiary shall thereafter continue in force unless, prior to the effective date of retirement, the member elects to receive a pension as a straight life pension or according to Option (B) provided for in Section 2.98.260.

B. Any member who continues in the employ of the City on or after the date ten (10) years of total service credit is acquired and does not have an Option (A) election in force, as provided in subsection (A) of this section, and (1) dies while in the employ of the City, and (2) leaves a widow, or in the case of a female member leaves a widower, the said widow or widower, as the case may be, shall be entitled to the same pension to which the said widow or widower would have been entitled if the said member had (1)

retired the day preceding the date of the member's death, notwithstanding that voluntary retirement age might not have been attained, (2) elected Option (A) provided for in Section 2.98.260, and (3) nominated said widow or widower, as the case may be, as beneficiary. Payment of the pension shall begin immediately upon the death of the member if the member has attained voluntary retirement age on the date of death; otherwise, payment shall begin the first day of the calendar month next following the date the member would have attained voluntary retirement age.

2.98.280 Duty death benefits.

A. In the event a member dies as the result of a personal injury or disease arising solely and exclusively out of and in the course of employment with the City, and such death, injury or disease resulting in death is found by the Board to have been the result of actual performance of duty in the employ of the City, the applicable benefits provided for in subdivisions 1-3 of this subsection (A) shall be paid, subject to subsections (B) and (C) of this section; provided, that no pensions become payable under Section 2.98.270 on account of the member's death.

1. The widow or widower shall receive, for life, a pension equal to the pension for which the widow or widower would have been eligible under Sections 2.98.290, 2.98.300 and 2.98.310, as if:
 - a. The deceased member had become, on the day before the member's death, totally and permanently mentally or physically incapacitated for duty in the employ of the City; and
 - b. Such incapacity had been found by the Board to be the natural and proximate result of causes arising out of and in the course of actual performance of duty in the employ of the City; and
 - c. The member had been retired by the Board; and
 - d. The member had elected Option (A) as provided in Section 2.98.260 and nominated said widow or widower as beneficiary; and
 - e. The member had subsequently died.
2. If the deceased member leaves no widow or widower, or if the widow's or widower's pension provided for in subdivision 1 of this subsection is terminated, the deceased member's unmarried child or children under age 18 shall share equally in a pension equal to the pension computed in subdivision 1 of this section. For purposes of this subsection, the Option (A) pension shall be equal to 80 percent of the straight life pension. The child's or children's pension shall continue until the last child is adopted, married, attains age 18 years or dies,

whichever occurs first. If a child's pension is terminated, said pension shall be redistributed equally among the remaining eligible children, if any.

3. If the deceased member leaves no widow or widower or eligible children, or if the widow's or widower's pension and children's pension provided for in subdivisions 1 and 2 of this subsection are terminated, the deceased member's parents, who are at least 50 percent dependent upon the deceased member for support, shall share equally in a pension equal to the pension computed in subdivision 1 of this subsection. For purposes of this subsection, the Option (A) pension shall be equal to 80 percent of the straight life pension. The parent's pension shall continue until death. If a parent's pension is terminated, said pension shall be redistributed equally among the remaining eligible parents, if any.

B. As used in this section, the term "widow" or "widower" means the person to whom the said member was married at the time employment with the City terminated.

C. Any Worker's Compensation benefits payable as a result of the deceased member's death on account of City employment shall be deducted from the benefits payable under this section.

2.98.290 Disability retirements.

A. Upon the application of a member, or the member's department head, a member who has ten (10) or more years of total service credited to the member's service account, and becomes totally and permanently incapacitated for duty in the employ of the City by reason of personal injury or disease may be retired by the Board; provided, that after a medical examination of the said member made by or under the direction of a medical committee, consisting of three (3) physicians, one of whom shall be appointed by the Board, one by the said member, and the third by the first two physicians so named, the medical committee certifies to the Board by a majority opinion in writing:

1. That the member is mentally or physically totally incapacitated for duty in the employ of the City;
2. That such incapacity will probably be permanent; and
3. That such member should be retired.

B. The ten (10) or more years of total service requirement contained in subsection (A) above will be waived in the event that the Board finds:

1. The member's total and permanent mental or physical incapacity is the natural and proximate result of causes arising out of and in the course of actual performance of duty in the employ of the City; and in the case of a police or fire

member, duty in the employ of the City as used in subsection (A) above shall mean duty in the employ of the police division or fire division of the City, as appropriate; and

2. The member is in receipt of Worker's Compensation on account of such incapacity.

C. Subsections (A) and (B) of this section also apply to any member who retires, begins receiving pension benefits and is subsequently re-employed in a permanent classification by the City. Such re-employed individual is treated as a new hire and is not eligible for a non-duty disability retirement until the member has ten (10) or more years of total service after being re-employed credited to the member's service account. Any such re-employed individual may continue to receive a regular pension or may receive a disability pension but shall not receive both.

2.98.300 Pension -- Disability incurred after age fifty-five. A member who retires at or after attainment of age fifty-five (55) years on account of disability, as provided in Section 2.98.290, shall receive a disability pension computed in accordance with the provisions of Section 2.98.230, notwithstanding that voluntary retirement age might not have been attained. Said disability pension shall be subject to Section 2.98.320. Any Worker's Compensation received on account of the member's City employment shall be deducted from said disability pension. Upon retirement, the member shall have the right to elect an option provided for in Section 2.98.260.

2.98.310 Pension -- Disability incurred before age fifty-five.

A. A member who retires prior to attainment of age fifty-five (55) years on account of disability, as provided in Section 2.98.290, shall receive a disability pension computed according to Section 2.98.230, provided that for the sole purpose only of computing said disability pension, total service credit shall be increased by the number of years, and fraction of a year, contained in the period from the date of retirement to the date the member would attain age fifty-five (55) years; provided, however, that the maximum total service credit used shall not exceed the following limits:

<u>TOTAL SERVICE CREDIT BEFORE ADDITIONAL CREDIT TO AGE 55</u>	<u>MAXIMUM TOTAL USABLE SERVICE CREDIT</u>	<u>MAXIMUM PENSION PAY OUT RATE ALLOWED</u>
10 TO 15	20	50%
16 TO 20	25	62.5%

OVER 20

30 YEARS OR ACTUAL
SERVICE, IF GREATER

75%

The member's disability pension shall be subject to Section 2.98.320. For members of the Police and Fire Revised Retirement Plan hired on or after February 27, 2021 (Police Officers); April 10, 2021 (Police Lieutenants, Sergeants, and Command); and January 30, 2021 (Fire) benefits under this Section will be calculated utilizing a 2.5% multiplier. Any Worker's Compensation received on account of the member's City employment shall be deducted from said disability pension. Upon retirement, the member shall have the right to elect an option provided for in Section 2.98.260.

B. In the event the Board finds the member's total and permanent mental or physical incapacity is the natural and proximate result of causes arising out of and in the course of actual performance of duty in the employ of the City, the member's disability pension provided for in subsection (A) of this section, payable to attainment of age fifty-five (55) years, shall not be less than three-quarters or 75 percent of the member's average final compensation. Said disability pension shall be subject to Section 2.98.320. Any Worker's Compensation received on account of the member's City employment shall be deducted from said disability pension.

2.98.320 Disability retirees -- Reexamination -- Return to service.

A. At least once each year during the first five (5) years following the retirement of a member with a disability pension, and at least once in every three-year period thereafter, the Board may, and upon the retiree's application shall, require any disability retiree who has not attained voluntary retirement age to undergo a medical examination to be made by or under the direction of a physician designated by the Board. Should the retiree who has not attained voluntary retirement age refuse to submit to such medical examination in any such period, said disability pension may be discontinued by the Board, and should such refusal continue for one (1) year all rights in and to said pension may be revoked by the Board. If upon such medical examination of a retiree, the physician reports to the Board that the retiree is physically or mentally able and capable of resuming employment with the City, the disability retiree shall be restored to active service with the City and said disability pension shall be discontinued.

B. A disability retiree who has been or shall be returned to active service in the employ of the City shall again become a member of the Police and Fire Revised Retirement Plan. The total service credited at the time of retirement shall be restored. Service shall be credited for the period the member was in receipt of Worker's Compensation benefits on account of the member's disability arising out of and in the course of employment with the City.

2.98.340 Pension savings fund.

A. The pension savings fund is established. It shall be the fund in which shall be accumulated contributions of members to the Police and Fire Revised Retirement Plan, and from which shall be paid refunds of accumulated contributions as provided in this chapter. The accumulated contributions in the pension savings fund of the Employees Legacy Retirement Plan shall be segregated and accounted for separately from the accumulated contributions in the pension savings fund of the Police and Fire Revised Retirement Plan.

1. Members participating in the Police and Fire Revised Retirement Plan and the City will be obligated to contribute 4% of base wages every year to the Police and Fire Revised Retirement Plan. In addition, should the actuarially determined contribution ("ADC") exceed 8% in any year, the City will contribute the next 10% of base wages toward the ADC (between 8% and 18%), and employees will contribute the next 4% of base wages toward the ADC (between 18% and 22%). The City will contribute the required ADC above 22% of base wages.

B. The officer or officers responsible for making up the payroll shall cause the contributions provided for in subsection (A)(1-2) of this section to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, beginning with the effective date of the Retirement System and continuing so long as a member remains in the employ of the City. When deducted, the contributions provided for herein shall be paid into the pension savings fund and credited to the individual account of the member from whose compensations the contributions were made. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of compensations less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the member during the period covered by such payment, except as to benefits provided by the Retirement System. The members' contributions provided for herein shall be made notwithstanding that the minimum compensation provided by law shall be changed thereby.

C. In addition to the contributions deducted from the compensations of a member, as hereinbefore provided, the member shall repay to the pension savings fund, in a manner approved by the Board, all amounts the member may have withdrawn from the fund, together with regular interest thereon computed from the date of withdrawal to the date or dates of repayment. No member shall be given credit for service rendered prior to the date said member withdraws any part of said accumulated contributions from the pension savings fund until the member has paid in full all amounts due the fund.

D. Upon the retirement of a member, the accumulated contributions standing to the member's credit in the pension savings fund shall be transferred from the fund to the pension reserve fund. Except as otherwise provided in this chapter, at the expiration of

a period of three (3) years from the date an individual's membership is terminated, any balance of accumulated contributions standing to the member's credit in the pension savings fund, unclaimed by the individual or the individual's legal representative, shall be transferred to the pension accumulation fund.

E. Retirees shall receive their first pension check within forty-five (45) days of the effective date of their retirement.

2.98.350 Pension accumulation fund -- Established -- Contributions.

A. The pension accumulation fund is established. It shall be the fund in which shall be accumulated contributions made by the City to the Police and Fire Revised Retirement Plan. The accumulated contributions of the City in the pension accumulation fund of the Employees Legacy Retirement Plan shall be segregated and accounted for separately from the accumulated contributions of the City in the pension accumulation fund of the Police and Fire Revised Retirement Plan.

B. Upon the basis of such mortality tables and other assumptions and tables of experience as the Board shall adopt, the actuary shall annually compute the City's contributions to the Retirement System in the manner set forth in subdivisions 1, 2 and 3 of this subsection (B).

1. An amount which, if paid annually by the City during the prospective service of members, will be sufficient, together with the expected net future contributions of members, to cover the actuarial present value of pensions allocated to service rendered after the beginning of the fiscal year; and
2. An amount which, if paid annually by the City over a period selected by the Board but not more than thirty (30) years, will be sufficient, together with present fund balances, to cover the actuarial present value of pensions allocated to service rendered before the beginning of the fiscal year; and
3. The City's contributions to the Pension accumulation fund of the Police and Fire Revised Retirement Plan shall be determined separately for police members and fire members by the Actuary in accordance with the following:
 - i. Members participating in the Police and Fire Revised Retirement Plan and the City will be obligated to contribute 4% of base wages every year. In addition, should the actuarially determined contribution ("ADC") exceed 8% in any year, the City will contribute the next 10% of base wages toward the ADC (between 8% and 18%), and employees will contribute the next 4% (between 18% and 22%). The City will contribute the required ADC above 22% of base wages.

C. The City Council shall appropriate each year such amounts of contributions as determined in subdivisions (1), (2), and (3) of subsection (B) of this section, and the City shall pay such amounts into the pension accumulation fund during the ensuing fiscal year, which payments shall be made quarterly during said fiscal year.

D. At the end of each City fiscal year there shall be a transfer between the pension accumulation fund and the pension reserve fund in order that the pension reserve fund be 100 percent funded at the end of the fiscal year.

E. The Board may adopt different mortality tables and other assumptions and tables of experience for the Employees Legacy Retirement Plan and/or the Police and Fire Revised Retirement Plan.

2.98.360 Pension reserve fund -- Established -- Expenditures. The pension reserve fund is established. It shall be the fund from which shall be paid all pensions, and benefits in lieu of pensions, payable as provided in this chapter. Should a disability retiree be returned to service, the pension reserve for said disability retiree, computed as of the date of said return to service, shall be transferred from the pension reserve fund to the pension savings fund and the pension accumulation fund in the same proportion as the original transfers were made. The assets of the Pension reserve fund of the Employees Legacy Retirement Plan shall be segregated and accounted for separately from assets of the Police and Fire Revised Retirement Plan.

2.98.370 Fund management -- Board powers and duties.

A. The Board shall be the trustees of the fund of the Police and Fire Revised Retirement Plan and shall have full power to invest and reinvest such funds, subject to all terms, conditions, limitations and restrictions imposed by the State upon life insurance companies in the making and disposing of their investments, except that notes, bonds or obligations of the City shall not be subject to such conditions, limitations and restrictions, and except as otherwise provided to the extent and in the manner prescribed by State law. The Board shall have full power to purchase notes, bonds or other obligations of the City at any legally conducted public or private sale. The Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the funds of the Retirement System have been invested, as well as the proceeds of the investments and any moneys belonging to the Retirement System. The Board may, however, authorize an investment fiduciary to invest such funds in accordance with the guidelines and policies which have been determined by the Board to appropriately further the purposes of the Retirement System. The investment fiduciary shall report all investment transactions to the Board each month or as required by the Board. The Board reserves the exclusive rights to revoke this grant of authority at its discretion at any time.

B. There shall be kept on deposit available cash not exceeding 10 percent of the total assets of the Retirement System. All funds of the Retirement System shall be held for the sole purpose of meeting disbursements for pensions, and other payments authorized by the provisions of this chapter, and shall be used for no other purpose. The description of the various funds of the Retirement System shall be interpreted to refer to the accounting records of the Retirement System and not to the segregation of moneys in the various funds of the Retirement System.

C. The Board shall have the power to authorize disbursements to be made from the funds of the Retirement System for the payment of professional services utilized by the Board and for other expenses necessary in the administration of the Retirement System.

D. The Board may not comingle funds from the Police and Fire Revised Retirement and the Plan Employees Legacy Retirement Plan.

2.98.380 Payments from funds -- Method. No payments from the funds of the Retirement System shall be made unless previously authorized by at least three (3) members of the Board of Trustees, subject however, to the following exceptions:

In the case of retirees, such authorization by three (3) members of the Board of Trustees shall be required only at the time of retirement. The retiree will then be placed on a regular monthly retiree payroll, and check authorization thereafter shall require only the signature of the chairperson or the chairperson pro-tem. Each monthly retiree payroll shall be confirmed at regular meetings of the Board of Trustees. Any changes in the retiree's pension [except for the change occurring at age sixty-five (65)] resulting from amendments to the Retirement System or for any other reason shall necessitate an additional authorization by three (3) members of the Board of Trustees in the first instance only, and thereafter said authorization may be made upon the signature of the chairperson or the chairperson pro-tem.

2.98.390 Interest credits. All interest and other earnings on moneys and investments of the Retirement System shall be credited to the pension accumulation fund. The Board shall, at the end of each fiscal year, allow regular interest computed on members' individual balances in the pension savings fund at the beginning of the fiscal year, and on the mean balance in the pension reserve fund. The amounts of interest so allowed and credited to the pension savings fund and pension reserve fund shall be charged to the pension accumulation fund.

2.98.400 Refund of accumulated contributions -- Conditions.

A. Should any member cease to be an employee of the City for any reason except the member's death or retirement, or after attaining voluntary retirement age and not be entitled to a pension, the person shall be paid the accumulated contributions standing to

the person's credit in the pension savings fund upon said person's demand in writing on forms furnished by the Board.

B. Should any member die and no pension become payable, except as provided in Section 2.98.280, the accumulated contributions standing to said member's credit in the pension savings fund, at the time of death, shall be paid to such person or persons as shall have been nominated by written designation, duly executed and filed with the Board. In the event there be no such designated person or persons surviving the said member, the said accumulated contributions shall be paid to the member's legal representative.

C. If any member dies without heirs and without having nominated a beneficiary, as provided in this section, the accumulated contributions standing to said member's credit in the pension savings fund at the time of death may be used by the Board to pay the member's reasonable burial expenses, provided that no other estate was left sufficient for such purpose.

D. Refunds of accumulated contributions provided for herein may be made according to such rules and regulations as the Board shall from time to time adopt; provided, however, that in any case refunds of accumulated contributions shall be made in full within forty-five (45) calendar days of the date of termination of the employee.

2.98.403 Internal Revenue Code qualification. The Retirement System, consisting of the Employees Legacy Plan and the Police and Fire Revised Retirement Plan is intended and has been administered to be a qualified pension plan under Section 401 of the Internal Revenue Code, as amended ("IRC" or "Code"), or successor provisions of law, including the Tax Reform Act of 1986 (TRA '86); the Technical and Miscellaneous Revenue Act of 1988 (TAMRA); the Unemployment Compensation Amendments of 1992 (UCA); the Omnibus Budget Reconciliation Acts (OBRA); the Uniformed Service Employment and Re-employment Rights Act of 1994 (USERRA); the Uruguay Round Agreements Act of 1994 (GATT); the Small Business Job Protection Act of 1996 (SBJPA '96); the Taxpayer Relief Act of 1997 (TRA '97); the Internal Revenue Service Restructuring and Reform Act of 1998 (RRA '98); the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and other applicable laws, regulations and administrative authority. The Retirement System is a governmental plan under IRC Section 414(d) and is administered for the exclusive benefit of the plan's participants and their beneficiaries. The Retirement System's trust is an exempt organization under IRC Section 501.

2.98.404 Reversion of funds to City prohibited -- Exceptions. No part of the corpus or income held in trust under the provisions of this chapter shall be used for, or diverted to, purposes other than for the exclusive benefit of the members, retirees and beneficiaries of the Retirement System, except that:

A. If the Board determines that any contribution was made by a good-faith mistake of fact, then such contribution may be returned to the City within six (6) months after such determination; however, any earnings attributable to the amounts mistakenly contributed shall not be returned to the City, while losses attributable to such amounts shall reduce the amount returned; and

B. If, after termination or partial termination of the Retirement System, by formal action of the City or for any other reason, the accrued benefits of all members, retirees and other Retirement System beneficiaries and all other Retirement System liabilities have been paid, then any residual assets of the Retirement System shall revert to the City.

2.99.405 Termination of retirement system -- Accrued benefit -- Nonforfeitable. In the event of the termination or partial termination of the Retirement System, the rights of all members to benefits accrued to the date of such termination or partial termination, to the extent funded as of such date, or any amounts credited to members' accounts shall be nonforfeitable.

2.98.406 Termination of participation -- Forfeitures. Any forfeiture resulting from a termination of participation in the Retirement System by a member shall not be applied to increase the benefits any member, retiree or beneficiary would otherwise receive under the Retirement System prior to its termination. Amounts forfeited shall reduce the next contribution of the City following determination of the amount of any such forfeitures.

2.98.407 Benefits -- Actuarial equivalence. The present value of any benefit under the terms of this Police and Fire Revised Retirement Plan would be the actuarial equivalent of the normal form of benefit. Actuarial equivalence shall be determined by the Board in consultation with its Actuary.

2.98.408 Required distribution.

A. Distributions shall be made in the manner set forth in Sections 2.98.210 through 2.98.310 of this chapter. Under no circumstances shall any distributions, not made in a lump sum, be made over a period of time different from one of the following periods (or a combination thereof):

1. The life of the member or retiree;
2. The life of the member or retiree and a designated beneficiary;
3. A period certain not extending beyond the life expectancy of the member or retiree; or

4. A period certain not extending beyond the joint and last survivor expectancy of the member or retiree and a designated beneficiary.
- B. Minimum amounts to be distributed.
 1. If the member or retiree's entire interest is to be distributed in other than a lump sum, then the amount to be distributed each year must be at least an amount equal to the quotient obtained by dividing the member or retiree's entire interest by the life expectancy of the member or retiree or joint and last survivor expectancy of the member or retiree and the designated beneficiary. Life expectancy and joint and last survivor expectancy are computed by the use of the return multiples contained in Section 1.72-9 of the Income Tax Regulations. For purposes of this computation, a member or retiree's life expectancy may be recalculated no more frequently than annually; however, the life expectancy of a non-spouse beneficiary may not be recalculated. If the member or retiree's spouse is not the designated beneficiary, the method of distribution selected must assume that at least 50 percent of the present value of the amount available for distribution is paid within the life expectancy of the member or retiree.

Distributions to all members or retirees must commence no later than the first day of April following the calendar year in which the later of termination of employment or age 70 ½ occurs.

C. Death distribution provisions. Upon the death of the member or retiree, the following distribution provision shall take effect:

1. If the member or retiree dies after distribution of his or her interest has commenced, the remaining portion of such interest will continue to be distributed at least as rapidly as under the method of distribution being used prior to the member or retiree's death.
2. If the member or retiree dies before distribution of his or her interest commences, the member or retiree's entire interest will be distributed no later than five (5) years after the member or retiree's death, except as follows:
 - a. If any portion of the member or retiree's interest is payable to a designated beneficiary, distribution may be made in substantially equal installments over the life or the life expectancy of the designated beneficiary, or over a shorter period of time as provided in this chapter, commencing no later than one (1) year after the member or retiree's death;
 - b. If the designated beneficiary is the member or retiree's surviving spouse, the date distributions are required to begin in accordance with (2)(a) above

shall not be earlier than the day on which the member or retiree would have attained age 70 ½, and if the spouse dies before payments begin, subsequent distribution shall be made as if the spouse had been the member or retiree.

3. For purposes of subsection (C)(2) above, payments will be calculated by the use of return multiples specified in Section 1.72-9 of the Income Tax Regulations. Life expectancy of a surviving spouse may be recalculated annually; however, in the case of any other designated beneficiary, such life expectancy will be calculated at the time payment first commences without further recalculation.

D. With respect to distributions under the plan made for calendar years beginning on or after January 1, 2001, the plan will apply the minimum distribution requirements of IRC Section 401(a)(9) in accordance with the regulations under IRC Section 401(a)(9) that were proposed in January 2001, notwithstanding any provision in the plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under Section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.

2.98.409 Benefit limits. Anything to the contrary notwithstanding, any benefit payable under the Police and Fire Revised Retirement System shall not exceed the limits set forth in Internal Revenue Code Section 415 and Regulations thereunder, the terms of which are specifically incorporated herein by reference.

2.98.410 Errors and adjustments. Should any change in the records result in any member, beneficiary or retiree receiving from the retirement system more or less than ordinarily would have been received had the records been correct, the Board shall correct such error, and as far as practicable, shall adjust the payment in such manner that the actuarial equivalent of the benefit to which the member, beneficiary or retiree was correctly entitled shall be paid.

2.98.411 Eligible rollover distributions. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee as a direct rollover. The following definitions shall apply with regard to this section:

A. Eligible rollover distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of

the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more, and any distribution to the extent such distribution is required under IRC Section 401(a)(9). For purposes of the direct rollover provision, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in IRC Section 408(a) or (b), or to a qualified plan described in IRC Section 401(a) or 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

B. Eligible retirement plan. An eligible retirement plan is an individual retirement account described in IRC Section 408(a), an individual retirement annuity described in IRC Section 408(a), annuity plan described in IRC Section 403(a), an annuity contract described in IRC Section 403(b), an eligible plan under IRC Section 457 which is maintained by a state, political subdivision of a state and which agrees to separately account for amounts transferred into such plan, or a qualified trust described in IRC Section 401(a), that accepts the distributee's eligible rollover distribution. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a domestic relations order.

C. Distributee. A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse is a distributee with regard to the interest of the surviving spouse.

D. Direct rollover. A direct rollover is a payment by the Retirement System to the eligible retirement plan specified by the distributee.

2.98.412 Maximum annual earnings. The annual compensation of each participant taken into account for determining all benefits provided under the plan for any determination period shall not include any amounts in excess of the annual compensation limit (originally \$200,000.00) provided for in IRC Section 401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993 ("OBRA '93") and adjusted for inflation in the manner provided by IRC Section 401(a)(17). The annual compensation of each employee taken into account shall not exceed the annual compensation limit provided for in IRC Section 401(a)(17), as amended by the Omnibus Budget Reconciliation Act of 1993 ("OBRA '93") (\$200,000.00 in 2002). This limit may be adjusted as required by federal law for qualified government plans and shall be further adjusted for inflation in the manner provided by IRC Section 401(a)(17). Annual compensation means compensation during the plan year or such other consecutive 12-month period over which compensation is otherwise determined under the plan. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year.

2.98.413 Military service. Notwithstanding any provision of the plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with IRC Section 414(u) and regulations.

2.98.414 Vesting. Notwithstanding any provision of the plan to the contrary, a member shall be 100 percent vested in his/her accrued benefit when he or she attains normal retirement age.

2.98.420 Assignment of pension or other benefits prohibited. The right of a person to a pension, to the return of accumulated contributions, the pension itself, any optional benefit, any other right accrued or accruing to any member, retiree or beneficiary under the provisions of this chapter, and the moneys belonging to the Retirement System, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law, and shall be unassignable, except as is specifically provided in this chapter or pursuant to a support order in accordance with Act No. 295 of the Public Acts of 1982 (MCLA 552.601, et seq.); provided, that the City shall have the right to set off for any claim arising from embezzlement by or fraud of a member.

2.98.430 Amendment of chapter provisions -- Retroactivity limitation. No amendments to this chapter unless otherwise provided, shall serve to increase any pensions which are being paid as of the date of any such amendment to any retiree or beneficiary.

2.98.600 Effect of Collective Bargaining Agreements. Pursuant to Michigan law, when an applicable Collective Bargaining Agreement is properly executed, it immediately amends the applicable provisions of the Police and Fire Revised Retirement System.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

Section 4. This ordinance is hereby declared to be an emergency ordinance necessary for the protection of the public health, safety and welfare and shall take effect immediately upon publication.

The above ordinance was passed at the _____ meeting of the City Council held on _____.

City Clerk

The foregoing ordinance was authenticated by me on

_____.

Mayor

Approved as to form:

City Attorney_____

Dated: _____

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MARCH 23, 2022**

Meeting was called to order at 8:43 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and Kathleen McIntyre. Absent: None

Elected and appointed officials present: Deputy City Clerk, Lori Miller, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, Paul Bernier; City Attorney, Jeannine Laible, Human Resources Director, Doug Moore, Assistant Director of Public Works, Ted Davis; Superintendent of Parks and Recreation.

Councilmember Scott Bahr wanted to note that he noticed the low amount of people at the Rec Center. He pointed out that it is ok to come back. He loves to see when it is vibrant there and would like to see more people come out to play basketball in the mornings.

3. REQUEST TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CHARTER COUNTY OF WAYNE AND THE CITY OF LIVONIA: Department of Parks and Recreation, re: for improvements at Botsford Pool and Clements Circle Pool.

Ted Davis, Superintendent of Parks and Recreation, presented the request to Council.

Vice President Laura Toy offered and approving resolution for the Consent agenda and asked for an update on Sheldon Center Pool. Ted Davis stated that it depends on staffing levels. They do not anticipate opening this year solely based on staffing. He indicated that he would like to see Clement Circle and the Rec Center indoor pool open without restrictions and Botsford open as much as possible. The normal goal for lifeguards is 100, but they would be lucky to have 60.

DIRECTION:

APPROVAL

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

3.

Parks and Recreation March 7, 2022

MEETING DATE

Study Meeting of
March 23, 2022

PREPARED BY

Ann Cox, Program Supervisor

AGENDA ITEM

REQUEST TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CHARTER COUNTY OF WAYNE AND THE CITY OF LIVONIA: Department of Parks and Recreation, re: for improvements at Botsford Pool and Clements Circle Pool.

BACKGROUND

The Department of Parks and Recreation respectfully requests your approval to enter into an Intergovernmental Agreement with Wayne County for a grant of \$158,973.00 to be used toward the following projects:

- Botsford Pool – installation of fencing and pool mechanical structures.
- Clements Circle –replacement of the pool furniture and installation of additional security cameras.

RECOMMENDATION

We recommend Council to authorize the Mayor and City Clerk to execute this contract, which has been approved as to form by City Attorney Paul Bernier, on behalf of the City of Livonia.

FISCAL CONSIDERATION

This agreement is for 2021/22 and all projects will be budgeted for the 22/23 fiscal year. Projects will be completed with City funds and then reimbursed by the County. The total cost of these projects is projected to be \$160,000, with additional monies contributed by budgeted funds from Parks and Recreation fund.

ATTACHMENTS

1. 2022 DPS Park Millage IGA - Livonia - Botsford Park and Clements Circle Park - 3-3-2022

APPROVED BY



Date: March 07, 2022

Ted Davis, CPRP, Superintendent of Parks and Recreation



Date: March 07, 2022

Michael Slater, Finance Director



Date: March 10, 2022

Paul Bernier, City Attorney



Date: March 11, 2022

Maureen Miller Brosnan, Mayor

AGREEMENT

between

THE CHARTER COUNTY OF WAYNE

and

THE CITY OF LIVONIA

for

Improvements to

BOTSFORD PARK AND CLEMENTS CIRCLE PARK

FY 2021-2022

TABLE OF CONTENTS

1.	PURPOSE	1
2.	SCOPE OF THE PROJECT	1
3.	TERM OF CONTRACT	1
4.	COUNTY'S COVENANTS.....	1
5.	CITY'S COVENANTS	1
6.	TERMINATION.....	2
7.	DATA TO BE FURNISHED	3
8.	ADMINISTRATION.....	3
9.	RELATIONSHIP OF PARTIES	4
10.	INSURANCE	4
11.	HOLD HARMLESS.....	4
12.	LIABILITY	4
13.	ENVIRONMENTAL MATTERS	4
14.	COMPLIANCE WITH LAWS.....	6
15.	AMENDMENTS.....	6
16.	NONDISCRIMINATION PRACTICES	6
17.	ETHICS IN CONTRACTING.....	8
18.	NOTICES.....	8
19.	WAIVER OF ANY BREACH	9
20.	SEVERABILITY OF PROVISIONS.....	9
21.	MERGER CLAUSE.....	9
22.	JURISDICTION AND LAW	9
23.	MISCELLANEOUS.....	9
24.	AUTHORIZATION AND CAPABILITY	10
25.	SIGNATURE	10
	EXHIBIT A: LEGAL DESCRIPTIONS.....	A-1
	EXHIBIT B: PROJECT DESCRIPTIONS.....	B-1
	EXHIBIT C: SIGNAGE SPECIFICATIONS	C-1
	EXHIBIT D: INSURANCE COVERAGES.....	D-1

THIS AGREEMENT (“Agreement”) is between the County of Wayne, Michigan, a public body corporate and Home Rule Charter County, acting through its Department of Public Services, Parks Division (hereinafter the “County”) and the City of Livonia, a Michigan municipal corporation (hereinafter “City”).

1. PURPOSE

1.01 The County and City have an interest in entering into cooperative parks and recreation projects that are mutually beneficial to the citizens of Wayne County.

2. SCOPE OF THE PROJECT

2.01 The County will cooperatively fund the construction of improvements (the “Project”) at Botsford Park and Clements Circle Park, located in the City (individually, “Site” or collectively, “Sites”), for the citizens of Wayne County, at the location(s) described in **Exhibit A** attached hereto and made a part hereof. The County will finance any improvements agreed upon by the Chief Executive Officer for the County or his/her designee and the Mayor of the City or his/her designee, in creation of the Project under the limitations indicated in Sections 3, 4 and 5.

3. TERM OF CONTRACT

3.01 The term of this Agreement shall commence upon approval by the Wayne County Commission and **shall terminate on September 30, 2024 at 11:59 p.m.**

3.02 If City fails to complete the Project by the termination date as stated in Section 3.01, the parties agree that the County shall be under no further obligation to provide any remaining funds committed hereunder.

4. COUNTY'S COVENANTS

4.01 The County will assist in funding construction of the Project described in **Exhibit B** attached hereto and made a part hereof. The FY 2021-2022 funding provided by the County for the recreational Project **shall not exceed One Hundred Fifty Eight Thousand Nine Hundred Seventy Three Dollars (\$158,973).**

5. CITY'S COVENANTS

5.01 Prior to construction of any portion of the Project, City shall provide the County with documents evidencing title to each Site, including, but not limited to, deeds, assignments, leases, land contracts, and mortgage instruments. The documents must specify all covenants, restrictions, easements, or other encumbrances on each Site.

5.02 City warrants that it is the legal owner with good, valid, and clear title to each Site and that each Site is accurately described in **Exhibit A**. City shall hold harmless and defend the County against any claims, demands, penalties, fines, liabilities, settlements, damages, costs or expenses, including but not limited to, court costs and litigation expenses, known or unknown, contingent or otherwise, arising out of or in any way related to an action by a third party to quiet title in any Site described in **Exhibit A**.

5.03 City shall keep accurate records and account of the Project costs that shall be accessible for inspection and audit by a representative of the County.

5.04 City shall submit to the County no more frequently than once every 30 days, a certified application for reimbursement of acceptable Project costs together with all contractor

and subcontractor certified invoices and any required supporting documentation for reimbursement, which shall be made upon receipt and approval of the application for reimbursement. The County is under no obligation to reimburse City for any unapproved costs or costs outside the scope of this Agreement.

5.05 City shall be responsible for financing the Project beyond the financial commitment the County has made as indicated in Section 4.01.

5.06 City shall operate and maintain improvements for public recreation, and that it shall allow each park to be open to the public on equal and reasonable terms and that no individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age or handicap.

5.07 City agrees that in consideration of the financial commitment that the County is providing for the Project, City shall operate each Site as a recreational facility for no less than ten (10) years after the Project is completed.

5.08 City will develop signage at its own expense, which recognizes the County as a donor at each Site. The signage shall comply with the specifications described in **Exhibit C** attached hereto and made a part hereof. The County shall have the right to approve the signage. Such approval will not be unreasonably withheld or delayed. City shall install the signage prior to the Project's completion.

5.09 City agrees to provide the County with an opportunity to participate in planning any press conference, ribbon cutting ceremony, opening ceremony, or other public/media announcement related to the Project ("media event"). City further agrees to provide the County with no less than thirty (30) days prior written notice of a proposed media event.

5.10 Breach of any of the provisions contained in this Article may be regarded as a material breach of this Agreement.

6. TERMINATION

6.01 This Agreement can be terminated by either party with or without cause upon thirty (30) days written notice, prior to commencing construction. If terminated prior to commencing construction of the Project, each party is solely responsible for its own costs, fees, and obligations incurred prior to the termination.

6.02 After the Project's construction is commenced, the County may terminate this Agreement with or without cause and shall be responsible for expenses previously approved by the County and incurred by City, not to exceed the amount stated in Section 4.01.

6.03 City may terminate this Agreement, with or without cause, after construction is commenced and shall return to the County any funding provided by the same under this Agreement.

6.04 This Agreement shall terminate if any Site is not operational and regularly open to the public.

7. DATA TO BE FURNISHED

7.01 City must maintain copies of all information, books, data, reports, records, etc., related to the Project. Such information and records shall be maintained for a period of three (3) years from the date City receives its final reimbursement payment under this Agreement.

7.02 Upon the request of the County or its authorized representative, including its Legislative Auditor General, City must furnish, without charge, copies of all information, books, records, data, reports, etc., of City, or any contractors, subcontractors, consultants or agents rendering or furnishing services under this Agreement, whether direct or indirect, that will permit adequate evaluation or audit of the services provided by City or any of its contractors, subcontractors, consultants or agents. City must include a similar covenant allowing for County audit in any agreement it has with a contractor, subcontractor, consultant or agent related to this Agreement. The County may delay reimbursement payments to City pending the results of any such audit without penalty or interest.

7.03 The County may schedule conferences at mutually convenient times with City administrative personnel to gather the information. If, as a result of any audit conducted by or for the County relating to City's performance under this Agreement, a discrepancy should arise as to the amount of compensation due City, City shall pay to the County on demand the amount of compensation in question. If City fails or refuses to make payment, in addition to other legal remedies available to the County, the County may retain said amount from any funds allocated to City but not yet disbursed under this Agreement or may offset such a deficiency against the compensation to be paid City in any concurrent, successive or future agreements between the parties.

7.04 City further acknowledges the right of the Wayne County Commission as a third-party beneficiary of this Agreement to sue for specific performance to enforce the audit rights provided herein for the Legislative Auditor General.

8. ADMINISTRATION

8.01 City must inform the County as soon as the following types of conditions become known:

- A. Probable delays or adverse conditions which do or may materially prevent meeting the objectives of this Agreement, including changes, transfer, or assignment of any real property interest related to any Site;
- B. Favorable developments or events that enable meeting time schedules or goals sooner than anticipated; or
- C. Any changes or modifications in appropriations and funding for the Project.

9. RELATIONSHIP OF PARTIES

9.01 The parties are independent entities. No liability or benefits, such as Workers' Compensation, pension rights, or insurance rights, arising out of, or related to a contract for hire or employer/employee relationship, accrues to either party or either party's agents, contractors, subcontractors, or employees as a result of this Agreement. No relationship, other than that of independent contractor will be implied between the parties, or either party's agents, employees, contractors, or subcontractors.

10. INSURANCE

10.1 City will require that all contractors undertaking work on the Project abide the terms, and provide insurance coverage in said amounts, as set forth in **Exhibit D**.

10.2 All insurance and bonds shall name the Charter County of Wayne and the City as insured or beneficiary.

11. HOLD HARMLESS

11.01 City agrees to remain responsible for its own negligence, or tortious acts, errors, or omissions, and the acts, errors, or omissions of any of its employees, contractors, subcontractors, consultants, or agents. It is agreed that the County is merely acting as a funding source for the Project and that any negligence, or tortious acts, errors, or omissions on the part of the County shall only arise out of providing these funds or processing reimbursement requests made by City as submitted pursuant to Section 5.04.

11.02 This hold harmless provision must not be construed as a waiver of any governmental immunity by the County or City or any of their agencies, or employees, as provided by statute or modified by court decisions.

12. LIABILITY

12.01 The County does not assume and is not responsible for, payment of any debt service, lien, or encumbrance, including, but not limited to, mortgage, promissory note, land contract, or other obligation, incurred prior to the signing or during the term of this Agreement.

12.02 This Agreement is not intended to create beneficial rights in any third party other than the Wayne County Commission. This Agreement is entered into for the sole benefit of the parties to this Agreement.

13. ENVIRONMENTAL MATTERS

13.01 City warrants to the County that City will not use Hazardous Materials (as defined in Section 13.06) at any Site in violation of any governmental regulation pertaining to the use, storage, treatment, transportation, manufacture, refinement, handling, production or disposal of Hazardous Materials.

13.02 City warrants that it is not in violation of governmental regulations pertaining to the use, storage, treatment, transportation, manufacture, refinement, handling, production or disposal of Hazardous Materials at any Site, and, to the best of City's knowledge, there have been no actions commenced or threatened by any party for noncompliance which affects a Site.

13.03 City will keep each Site free of Hazardous Materials except to the extent that the Hazardous Materials are stored or used in compliance with applicable local, state and federal

regulations. City must not cause or permit any Site to be used to generate, manufacture, refine, transport, treat, store, handle, dispose of, transfer, produce, or process Hazardous Materials, except in compliance with governmental regulations. City shall not cause or permit, as a result of any intentional or unintentional act or omission on the part of City, any tenant, subtenant or occupant, the release, spill, leak or emission of Hazardous Materials at any Site or onto any other contiguous property.

13.04 Prior to commencing the Project, City must conduct and complete or cause to be conducted and completed an investigation, including a comprehensive environmental audit, studies, sampling, and testing, as the County deems necessary. A copy of any environmental audit, study, sampling or testing shall be provided to the County within ten (10) working days of City's receipt of such audit, study, sampling or testing. If the audit reveals the existence of any Hazardous Material at any Site, City shall immediately disclose the findings to the County. If the County decides to proceed with the Project, City shall do or cause to be done all remedial, removal and other actions necessary to clean up and remove all Hazardous Materials on, under, from or affecting the Site as required by all applicable governmental regulations, to the satisfaction of the County, and according to all federal, state and local governmental authorities. Any audit conducted by the County is solely for the benefit, protection, and interest of the County. City or any third party cannot rely upon the audit conducted by the County for any purpose.

13.05 It is agreed that the County is merely acting as a funding source for the Project and that the County shall only be responsible for providing these funds and processing reimbursement requests made by City as submitted pursuant to Section 5.04. Therefore, the County shall not be responsible for any claims, demands, penalties, fines, liabilities, settlements, damages, costs or expenses, including attorney and consultant fees, investigation and laboratory fees, court costs and litigation expenses, known or unknown, contingent or otherwise, arising out of or in any way related to:

- A. The presence, disposal, release or threatened release of any Hazardous Materials on, over, under, from or affecting the Site or the soil, water, vegetation, buildings, personal property, persons or animals;
- B. Any personal injury (including wrongful death) or property damage (real or personal) arising out of or related to Hazardous Materials at a Site;
- C. Any lawsuit brought or threatened, settlement reached or government order relating to the Hazardous Materials with respect to a Site;
- D. Any violation of laws, orders, regulations, requirements or demands of government authorities, or any policies or requirements of any mortgage, which are based on or related to the Hazardous Materials used at a Site;
- E. This section applies to the presence, disposal, release, leakage, or threatened release of any Hazardous Materials prior to the effective date of this Agreement.

13.06 Hazardous Material means any material or substance:

- A. Which is or becomes defined as a hazardous substance, pollutant, or contaminant pursuant to the Comprehensive Environmental Response,

Compensation and Liability Act (42 U.S.C. 9601 et. seq.) and any amendments thereto and regulations pursuant thereto;

- B. Containing gasoline, oil, diesel, fuel, or other petroleum products;
- C. Which is or becomes defined as hazardous waste pursuant to the Resource Conservation and Recovery Act (42 U.S.C. 6901 et. seq.) and any amendments thereto and regulations pursuant thereto;
- D. Containing polychlorinated biphenyl;
- E. Containing asbestos;
- F. Which is radioactive;
- G. The presence of which requires investigation or remediation under any governmental regulation; or
- H. Which is or becomes defined as a hazardous waste, hazardous substance, pollutant, contaminant, or biologically hazardous material under any governmental regulation.

14. COMPLIANCE WITH LAWS

14.01 Each party must comply with and must require its employees to comply with all applicable laws and regulations.

14.02 City must construct and develop the Project or cause the Project to be constructed and developed according to applicable local, state and federal laws.

15. AMENDMENTS

15.01 No amendment to this Agreement is effective unless it references this Agreement, is written, is signed and acknowledged by duly authorized representatives of both parties and approved by resolutions adopted by the Livonia City Council and the Wayne County Commission.

16. NONDISCRIMINATION PRACTICES

16.01 City shall require that all contractors, subcontractors, consultants and agents retained to perform work related to this Agreement comply with:

- A. Titles VI and VII of the Civil Rights Act (42 U.S.C. §§ 2000d et. seq.) and the United States Department of Justice Regulations (28 C.F.R. Part 42) issued pursuant to these Titles.
- B. The Age Discrimination Act of 1985 (42 U.S.C. §6101-07).
- C. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794).
- D. The Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et. seq.) and its associated regulations.
- E. The Elliot-Larson Civil Rights Act (P.A. 1976 No. 453)
- F. The Persons With Disabilities Civil Rights Act (P.A. 1976 No. 220).

- G. The anti-discrimination provisions as required by Section 120-192 of the Wayne County Code of Ordinances.

16.02 All contractors, subcontractors, consultants and agents retained by City to perform work related to this Agreement shall not:

- A. Refuse to recruit, hire, employ, promote or to bar or discharge from employment an individual, or discriminate against an individual in compensation, terms, conditions or privileges of employment because of race, color, creed, national origin, age, marital status, handicap, sex, religion, familial status, height or weight.
- B. Limit, segregate, or classify an employee or applicant for employment in a way which deprives or tends to deprive any individual of employment opportunities or otherwise adversely affects the employment status of an employee because of race, color, creed, national origin, age, marital status, handicap, sex, familial status, height or weight.
- C. Print or publish or cause to be printed or published a notice, application, or advertisement relating to employment indicating a preference, limitation, specification, or discrimination based upon race, color, creed, national origin, age, marital status, handicap, sex, religion, familial status, height or weight.
- D. Except as permitted by rules and regulations promulgated pursuant to Section 120-192 of the Wayne County Code of Ordinances, or applicable state or federal law, make or use a written or oral inquiry or form of application that elicits or attempts to solicit information concerning the race, color, creed, national origin, age, marital status, handicap, sex, religion, familial status, height or weight, of prospective employees. City also shall not make or keep a record of that information or disclose such information.
- E. Make or use a written or oral inquiry or form of application that expresses a preference, limitation or specification based on religion, race, color, creed, national origin, age, height, weight, marital status, handicap, or sex.

16.03 City agrees that it will notify all of its contractors, subcontractors, consultants, or agents of their obligations relative to non-discrimination under this Agreement when soliciting the contractor, subcontractor, consultant, or agent. City will include the provisions of this Article in any contract, as well as provide the County with a copy of any agreement with a contractor, subcontractor, consultant, or agent completing work related to this Agreement.

16.04 All contractors, subcontractors, consultants and agents retained by City to perform work related to this Agreement shall not discriminate against any employee or applicant for employment, training, education, or apprenticeship connected directly or indirectly with the performance of this Agreement, with respect to hire, promotion, job assignment, tenure, terms, conditions or privileges of employment because of race, color, creed, national origin, age, marital status, handicap, sex, religion, familial status, height or weight. This Section does not apply if it is determined by the County Division of Human Relations that the requirements are bona fide occupational qualifications reasonably necessary to perform the duties required for employment.

The burden of proof that the occupational qualifications are bona fide is upon City.

16.05 Breach of any of the covenants in this Article may be regarded as a material breach of this Agreement.

16.06 City acknowledges the right of the County Director of Human Relations to sue to enforce the provisions in this Article.

16.07 If City or any of its contractors, subcontractors, consultants, or agents does not comply with the non-discrimination provisions of this Agreement, the County may impose sanctions, as it determines to be appropriate, including but not limited to the cancellation, termination or suspension of this Agreement, in whole or in part.

16.08 In the event that City is or becomes subject to federal or state law which conflicts with the requirements of Section 120-192 of the Wayne County Code of Ordinances, the provisions of federal or state law shall apply and this Agreement shall be interpreted and enforced accordingly. In accordance with the Elliot-Larson Civil Rights Act, P.A. 1976 No. 453, as amended, MCL 37.2101 *et seq.*, City covenants not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment because of race, color, religion, national origin, age, sex, weight, height, or marital status, and to require a similar covenant on the part of any contractor, subcontractor, consultant, or agent employed in the performance of this Agreement.

17. ETHICS IN CONTRACTING

17.01 City and all of its contractors must comply with Article 12 of Chapter 120 of the Wayne County Code of Ordinances governing "Ethics in Public Contracting" or any similarly existing City ordinances.

18. NOTICES

18.01 All notices, consents, approvals, requests and other communications ("Notices") required or permitted under this Agreement must be given in writing and mailed by first-class mail and addressed as follows:

If to City:
Department of Parks and Recreation
City of Livonia
15100 Hubbard
Livonia, Michigan 48154

If to the County:
Director of Parks
Wayne County Parks
33175 Ann Arbor Trail
Westland, Michigan 48185
and
Director
Wayne County Department of Public Services
400 Monroe, Suite 300
Detroit, Michigan 48226

18.02 All notices are deemed given on the day of mailing. Either party to this Agreement may change its address for the receipt of notices at any time by giving notice to the other as provided. Any notice given by a party must be signed by an authorized representative of such party.

18.03 Termination notices, change of address notices, and other notices of a legal nature, are an exception and must be sent by registered or certified mail, postage prepaid, return receipt requested.

19. WAIVER OF ANY BREACH

19.01 No failure by a party to insist upon the strict performance of any term of this Agreement or to exercise any term after a breach constitutes a waiver of any breach of term. No waiver of any breach affects or alters this Agreement, but every term of this Agreement remains effective with respect to any other then existing or subsequent breach.

20. SEVERABILITY OF PROVISIONS

20.01 If any provision of this Agreement or the application to any person or circumstance is, to any extent, judicially determined to be invalid or unenforceable, the remainder of this Agreement, or the application of the provision to persons or circumstances other than those as to which it is invalid or unenforceable, is not affected and is enforceable.

21. MERGER CLAUSE

21.01 This Agreement, including the Exhibits contains the entire agreement between the parties and all prior negotiations and agreements are merged in this document. Neither party has made any representations except those expressly set forth in this Agreement. No rights or remedies are, or will be acquired by either party by implication or otherwise unless set forth herein.

21.02 This Agreement may be executed in counterparts, each of which will be deemed an original but all of which together will constitute one agreement.

22. JURISDICTION AND LAW

22.01 This Agreement, and all actions arising from it, must be governed by, subject to, and construed according to the laws of the State of Michigan. Each party consents to the personal jurisdiction of any competent court in Wayne County, Michigan, for any action arising out of this Agreement. Each party will not commence any action against the other because of any matter arising out of this Agreement, in any courts other than those in the County of Wayne, State of Michigan unless original jurisdiction is in the United States District Court for the Eastern District of Michigan, Southern Division, the Court of Claims, the Michigan Supreme Court or the Michigan Court of Appeals.

23. MISCELLANEOUS

23.01 It is mutually understood and agreed that neither of the parties hereto shall be held responsible for damages occasioned by delay or failure to perform where due to fire, strike, flood, acts of God, unavailability of labor, material, legal acts of public authorities, or delays caused by public carriers or third person (including contractors or subcontractors) which cannot reasonably be foreseen or provided against.

23.02 The parties agree that upon termination of this Agreement, the following sections shall survive termination and shall remain in full force and effect: 5.02; 11; 12; 13; 14 and 22.

23.03 The term "County" includes the Charter County of Wayne and all other associated, affiliated, or subsidiary departments or divisions now existing or to be created, their agents, and employees.

23.04 This Agreement must not be construed as a waiver of any governmental immunity the County or City, or any of their agencies, or employees, has as provided by statute or modified by court decisions.

23.05 The headings of the articles in this Agreement are for convenience only and must not be used to construe or interpret the scope or intent of this Agreement or in any way affect this Agreement.

24. AUTHORIZATION AND CAPABILITY

24.01 This Agreement has been approved, as evidenced by the attached Resolutions adopted by the Livonia City Council and the County Commission. Copies of such resolutions shall be adopted to this Agreement.

24.02 Each party warrants that the person signing this Agreement is authorized to sign on behalf of its principal and is empowered to bind its principal to this Agreement.

25. SIGNATURE

25.01 The County and City, by their authorized officers and representatives have executed this Agreement as of the dates written below.

[SIGNATURES ON THE FOLLOWING PAGE]

City of Livonia
Botsford Park and Clements Circle Park

County Commission approved and execution authorized by Resolution	CHARTER COUNTY OF WAYNE
No. _____	By: _____
Date: _____	Warren C. Evans
	Its: County Executive
	Date: _____

STATE OF MICHIGAN)
)
COUNTY OF WAYNE)

This document was acknowledged before me on _____ by **Warren C. Evans**, on behalf of the Charter County of Wayne.

Notary Public, Wayne County, Michigan
County of Wayne, State of Michigan
My Commission Expires: _____
Acting in Wayne County

City of Livonia
Botsford Park and Clements Circle Park

Livonia City Council approved and execution authorized by Resolution No. _____ Date: _____	CITY OF LIVONIA By: _____ Maureen Miller Brosnan Its: Mayor Date: _____
---	---

STATE OF MICHIGAN)
)
COUNTY OF WAYNE)

This document was acknowledged before me on _____ by **Maureen Miller Brosnan** on behalf of the City of Livonia.

Notary Public,
County of Wayne, State of Michigan
My Commission Expires: _____
Acting in Wayne County

APPROVED AS TO FORM:
By: Patricia Moore
DEPT OF CORPORATION COUNSEL
APPROVAL DATE: 2/25/2022

EXHIBIT A
LEGAL DESCRIPTIONS

BOTSFORD PARK

DEPARTMENT OF LAW

CITY ATTORNEY

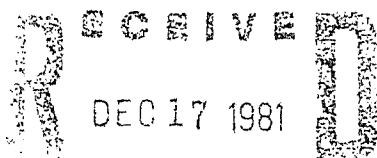
Harry C. Tatigian

ASSISTANT CITY ATTORNEYS

Robert M. Feinberg

Robert B. Brzezinski

Edward H. McNamara
MAYOR



CITY OF LIVONIA
CITY CLERK

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

December 17, 1981

To _____

TO: ADDISON W. BACON, City Clerk

FROM: DEPARTMENT OF LAW

SUBJECT: Discharge of Mortgage

REF: C.R. 450-67, 790-67, 203-71, 900-71, 1099-71
(Park Site E-26, Section 5)

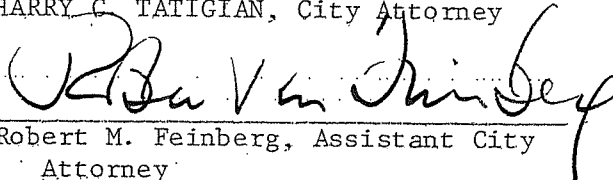
Dear Sir:

Pursuant to the foregoing resolutions, the City of Livonia acquired Park Site E-26 in Section 5 and in connection therewith executed a mortgage and mortgage note, dated November 15, 1971 to Pyramid Investment Company, a Michigan corporation, in the sum of \$100,000.00.

This is to advise you that the final mortgage payment on the subject property was made on December 16, 1981 and in return for its check number B 112226 in the sum of \$10,600.00, payable to Manufacturers National Bank, collection agent for Pyramid Investment Company, the City received a duly executed Discharge of Mortgage which is attached hereto. We request that the Discharge be recorded in the Office of the Wayne County Register of Deeds and thereafter be retained in your permanent file.

Very truly yours,

HARRY C. TATIGIAN, City Attorney


Robert M. Feinberg, Assistant City Attorney

RMF:aa

attachment

cc: Finance Director
Chief Accountant

SHORT FORM OF
DISCHARGE OF MORTGAGE FOR CORPORATIONS

Form 1131



Know All Men by These Presents,

That a certain Indenture of Mortgage, bearing date the

15th day of November 19 71, made and executed by

City of Livonia, a Michigan Municipal Corporation of 33001 Five Mile Rd., Livonia

of the first part, to Pyramid Investment Company, a Michigan Corporation - 3333 Cadillac Tower

Detroit

of the second part, and recorded in the office of the Register of Deeds for the County of Wayne

State of Michigan, in Liber 18018 of § Wayne County Records on Page 350 & 351

is fully paid, satisfied and discharged.

Dated this 28th day of March 19 72

Pyramid Investment Company

Whose address is: 3333 Cadillac Tower

Detroit, Michigan, 48226

Signed in the presence of:

Louis Wechsler
Louis Wechsler
Mary DeTomaso
Mary DeTomaso

By *Murray Koorhan*
Murray Koorhan, President
By *Charles Rosenblatt*
Charles Rosenblatt, Secretary

CORPORATE
SEAL

882440

RECORDED DEC 29 1981 AT 11:28
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

STATE OF MICHIGAN,

County of Wayne ss.

On this 28th day of March 19 72, before me appeared

Murray Koorhan and Charles Rosenblatt

to me personally known, who, being by me duly sworn, did say that they are respectively the

president and secretary

of the Pyramid Investment Company, and that the seal affixed to said

instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of

said corporation, by authority of its Board of Directors, and Murray Koorhan

and Charles Rosenblatt acknowledged said instrument to be the free act and deed of said corporation.

My commission expires 10-16-75

Mary DeTomaso
MARY DETOMASO MACOMB, Notary Public,
ACTING IN WAYNE County, Michigan

§NOTE: Insert Mortgages or County Records according to the Register's stamp upon the original mortgage. Wayne County changed from Mortgages to Wayne County Records on January 10, 1942.

When recorded return to:

Office of the City Clerk
33000 Civic Center Drive
Livonia, Michigan 48154

Drafted By: Louis Wechsler
3333 Cadillac Tower

Business Address: Detroit, Michigan 48226
WO. 3-0633

J857578
MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING BURTON TITLE INSURANCE

DEPARTMENT OF LAW

CITY ATTORNEY

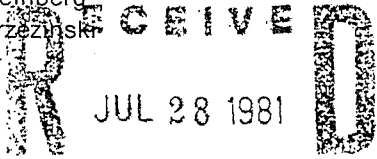
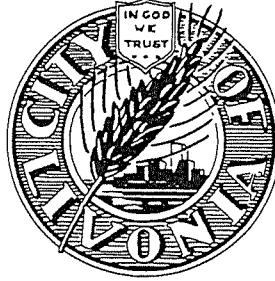
Harry C. Tatigian

Edward H. McNamara
MAYOR

ASSISTANT CITY ATTORNEYS

Robert M. Feinberg

Robert B. Brzezinski



CITY OF LIVONIA
CITY CLERK

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

To _____

July 28, 1981

TO: CITY CLERK

FROM: DEPARTMENT OF LAW

SUBJECT: Discharge of Mortgage

REF: C.R. 654-71 and 802-71
(Park Site E-25, Sections 4 and 5)

Dear Sir:

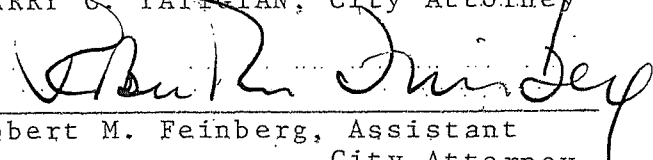
Pursuant to the foregoing resolutions, the City of Livonia acquired Park Site E-25 in Sections 4 and 5 and in connection therewith executed a mortgage and mortgage note, dated August 4, 1971 to Arthur D. Levitt and Ruth B. Levitt, his wife; Charles A. Pizer and Mollie S. Pizer, his wife; and Lawrence R. Pizer and Ruth L. Pizer, his wife, in the sum of \$110,000.00.

This is to advise you that the final mortgage payments on the subject property were made on July 13, 1981, and in return for its check numbers B 105132 in the sum of \$5,830.00; B 105179 in the sum of \$1,943.33; and B 105180 in the sum of \$3,886.67, payable to Arthur D. Levitt and Ruth B. Levitt, his wife; Charles A. Pizer and Mollie S. Pizer, his wife; and Lawrence R. Pizer and Ruth L. Pizer, his wife, respectively, the City received a duly executed Discharge of Mortgage from the aforementioned mortgagees which is attached hereto. We request that the Discharge be recorded in the Office of the Wayne County Register of Deeds and thereafter be retained in your permanent file.

Very truly yours,

RMF:aa
attachment
cc: Finance Director
Chief Accountant

HARRY C. TATIGIAN, City Attorney


Robert M. Feinberg, Assistant
City Attorney

RECORDED 'AUG 4 1981 AT 1114
 FOREST E. YOUNGBLOOD, Register of Deeds
 WAYNE COUNTY, MICHIGAN 48226

DISCHARGE OF MORTGAGE

J839488

KNOW ALL MEN BY THESE PRESENTS, That a certain Indenture Mortgage bearing date the 4th day of August A.D. 1971, made and executed by CITY OF LIVONIA, a Michigan Municipal Corporation, party of the first part to ARTHUR D. LEVITT and RUTH B. LEVITT, his wife; CHARLES A. PIZER and MOLLIE S. PIZER, his wife; and LAWRENCE R. PIZER and RUTH L. PIZER, his wife, parties of the second part, and recorded in the Register's Office for the County of Wayne and State of Michigan in Liber 17789 of Mortgages, on Page 8 on the 6th day of August A.D. 1971 is fully paid, satisfied and discharged.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day of July 16, A.D. 1981.

Signed, Sealed and Delivered
 in Presence of

L. R. Pizer
 L. R. Pizer

Arthur D. Levitt
 Arthur D. Levitt

Ruth L. Pizer
 Ruth L. Pizer

Ruth B. Levitt
 Ruth B. Levitt

L. R. Pizer
 L. R. Pizer

Charles A. Pizer
 Charles A. Pizer

Ruth L. Pizer
 Ruth L. Pizer

Mollie S. Pizer
 Mollie S. Pizer

Arthur Levitt
 Arthur Levitt

Lawrence R. Pizer
 Lawrence R. Pizer

Ruth B. Levitt
 Ruth B. Levitt

Ruth L. Pizer
 Ruth L. Pizer

J839488

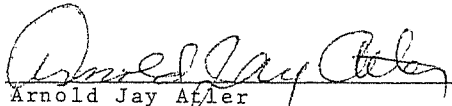
880448

STATE OF MICHIGAN)
) ss.
 COUNTY OF Oakland)

On this 15th day of July A.D. 1981,
 before me, a Notary Public in and for said County, personally
 came the above named ARTHUR D. LEVITT and RUTH B. LEVITT, his
 wife, known to me to be the persons named in and who executed the
 above instrument, and acknowledged that they executed the same
 for the intents and purposes therein mentioned.

My commission expires

JULY 7 1984

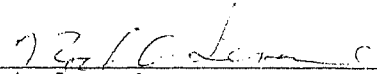

 Arnold Jay Adler
 Notary Public
OAKLAND County, Michigan

STATE OF MICHIGAN)
) ss.
 COUNTY OF ALCONA)

On this 16 day of JULY A.D. 1981,
 before me, a Notary Public in and for said County, personally
 came the above named CHARLES A. PIZER and MOLLIE S. PIZER, his
 wife, known to me to be the persons named in and who executed the
 above instrument, and acknowledged that they executed the same
 for the intents and purposes therein mentioned.

My commission expires

8. 4. 84

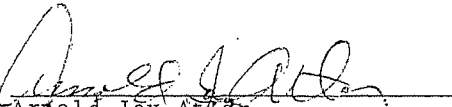

 Noel A. Lemand
 Notary Public
 Alcona County, Michigan

STATE OF MICHIGAN)
) ss.
 COUNTY OF Oakland)

On this 15th day of July A.D. 1981,
 before me, a Notary Public in and for said County, personally
 came the above named LAWRENCE R. PIZER and RUTH L. PIZER, his
 wife, known to me to be the persons named in and who executed the
 above instrument, and acknowledged that they executed the same
 for the intents and purposes therein mentioned.

My commission expires

JULY 7 1984


 Arnold Jay Adler
 Notary Public
OAKLAND County, Michigan

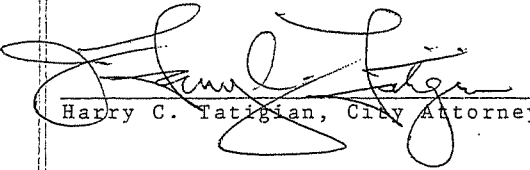
Instrument drafted by:

Robert M. Feinberg
Assistant City Attorney
Department of Law
33000 Civic Center Drive
Livonia, Michigan 48154

When recorded return to:

Office of the City Clerk
33000 Civic Center Drive
Livonia, Michigan 48154

Approved as to Form:



Harry C. Tatigian, City Attorney

AN ORDINANCE AMENDING SECTION 5-901 OF
CHAPTER 9 (PARKS AND PLAYGROUNDS) OF
TITLE 5 OF THE LIVONIA CODE OF ORDINANCES,
AS AMENDED, BY AMENDING PARAGRAPH (mm)
THEREOF AND ADDING PARAGRAPH (pp) THERETO.

THE CITY OF LIVONIA ORDAINS:

Section 1. Paragraph (mm) of Section 5-901 of Chapter 9 of Title 5 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

(~~mm~~) The land owned by the City in the S.W. 1/4 of Section 4 and the S.E. 1/4 of Section 5, located on either side of and immediately adjacent to the section line separating Sections 4 and 5, shall be known and referred to as "Livonia Bicentennial Park," excepting therefrom the following described parcel:

The North 800 feet of the South 860 feet of the S.W. 1/4 of Section 4, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan, bounded on the East by the West line of Bicentennial Estates Subdivision (Liber 99, Pages 77, 78, 79 and 80, Wayne County Records), and on the West by the East right-of-way line of Bicentennial Drive (86 feet wide) as established.

Section 2. Section 5-901 of Chapter 9 of Title 5 of the Livonia Code of Ordinances, as amended, is hereby amended by adding paragraph (pp) thereto, which paragraph shall read as follows:

(~~pp~~) The North 800 feet of the South 860 feet of the S.W. 1/4 of Section 4, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan, bounded on the East by the West line of Bicentennial Estates Subdivision (Liber 99, Pages 77, 78, 79 and 80, Wayne County Records), and on the West by the East right-of-way line of Bicentennial Drive (86 feet wide) as established, shall be known and referred to as "Christopher Columbus Park."

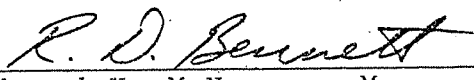
Section 3. Ordinance No. 1167 is hereby repealed as of the effective date of this ordinance and all ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

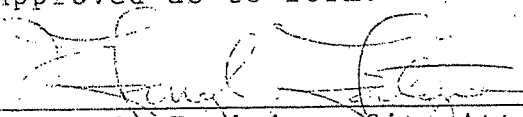
The above ordinance was passed at the regular meeting of the Council of the City of Livonia held Wednesday, November 19, 1980, at 8:00 P.M.


Addison W. Bacon, City Clerk

The foregoing ordinance was authenticated by me this 3rd day of December, 1980.


Edward H. McNamara, Mayor

Approved as to form:


Harry C. Tatigian, City Attorney
Dated: December 1, 1980

Sec. 4

certifying that at a regular meeting of the Council of the City of Livonia, held on January 10, 1979 at 33001 Five Mile Road, Livonia, Michigan, at which time and place the following members of the Council were present: Robert E. McCann, Robert F. Nash, Gerald D. Taylor, Jerry Raymond, Robert D. Bennett, Robert R. Bishop and Peter A. Ventura; absent--none; the following resolution was duly made and adopted:

G379216

RECORDED JAN 31 1979 AT 10 00 AM

LI20407PA177

FOREST E. YOUNGBLOOD, Register of Deeds

WAYNE COUNTY, MICHIGAN 48226

#28-79 RESOLVED, that having considered a letter from the City Engineer, approved by the Director of Public Works and approved for submission by the Mayor, recommending that 60 ft. rights-of-way be dedicated for public road purposes through the City's Bicentennial Park, the Council does hereby determine to dedicate and relinquish 60 ft. wide rights-of-way, the center lines of which are described as:

Bicentennial Drive

60 foot rights-of-way in the S.W. 1/4 of Section 4 and the S.E. 1/4 of Section 5, to be known as Bicentennial Drive, the center lines of said rights-of-way are described as:

Beginning at a point on the West right-of-way line of the 86 foot wide right-of-way known as Bicentennial Drive (Liber 19297, Page 673, Wayne County Records) in Section 4, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan; said point being distant 75.23 feet due North to a point on a curve; thence Northeasterly along a curve to the right 314.16 feet measured along the arc of said curve to a point of tangency, said curve

having a radius of 600 feet and a central angle of 30° 00' 00"; thence N. 30° 00' 00" E. 512.05 feet to a point on a curve; thence Northerly on a curve to the left 209.44 feet, measured along the arc of said curve to a point of tangency, having a radius of 400 feet and a central angle of 30° 00' 00"; thence due North 641.32 feet; thence due West 43.00 feet from the S.W. corner of Section 4 to the point of beginning; thence due West 697.00 feet to the point of ending.

And also a 60 ft. right-of-way described as beginning at a point on the West right-of-way line of the 86 foot wide right-of-way, known as Bicentennial Drive (Liber 19297, Page 673, Wayne County Records) in Section 4, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan; said point being distant 75.23 feet North to a point on a curve; thence Northeasterly along a curve to the right 314.16 feet measured along the arc of said curve to a point of tangency, said curve having a radius of 600 feet and a central angle of 30° 00' 00"; thence N. 30° 00' 00" E. 94.82 feet; thence N. 60° 00' 00" W. 43.00 feet from the Southwest corner of said Section 4; and proceeding thence N. 60° 00' 00" W. along said line 54.72 feet to a point on a curve; thence Northwesterly along a curve to the left 209.44 feet measured along the arc of said curve to a point of tangency, said curve having a radius of 400 feet and a central angle of 30° 00' 00"; thence West 322.82 feet to a point on a curve; thence Northwesterly along a curve to the right 78.54 feet measured along the arc of said curve to a point of tangency, said curve having a radius of 100 feet and a central angle of 90° 00' 00"; thence North 300 feet to point of ending.

861-776

G379216

And a 60 foot right-of-way in the S.W. 1/4 of Section 4, to be known as Bicentennial Drive, the center line of which is described as:

Beginning at a point on the East right-of-way line of the 86 foot wide right-of-way, known as Bicentennial Drive (Liber 19297, Page 673, Wayne County Records) in Section 4, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan; said point being distant 75.23 feet North to a point on a curve; thence Northeasterly along a curve to the right 314.16 feet measured along the arc of said curve to a point of tangency, said curve having a radius of 600 feet and a central angle of 30° 00' 00"; thence N. 30° 00' 00" E. 512.05 feet to a point on a curve; thence Northerly on a curve to the left 209.44 feet measured along the arc of said curve to a point of tangency, said curve having a radius of 400 feet and a central angle of 30° 00' 00"; thence due North 271.32 feet; thence due East 43.00 feet from the S.W. corner of Section 4 to point of beginning; thence due East 817.00 feet to the point of ending.

And, the Council does further request that the Wayne County Bureau of Taxation record such rights-of-way dedication on all maps issued by that office and further, that the City Clerk is hereby requested to forward a certified copy of this resolution to the Wayne County Register of Deeds.

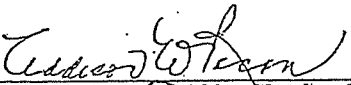
A roll call vote was taken on the foregoing resolution with the following result:

AYES: Bishop, Nash, Taylor, Raymond, Bennett, Ventura and McCann.

NAYS: None.

The President declared the resolution adopted.

IN WITNESS WHEREOF, the undersigned has hereunto affixed his signature on this 25th day of January, A. D. 1979.


Addison W. Bacon, City Clerk, City of Livonia
Wayne County, Michigan

Return to:
Addison W. Bacon, City Clerk
33001 Five Mile Road
Livonia, Michigan 48154

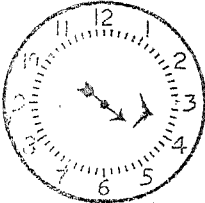
DEPARTMENT OF LAW

CITY ATTORNEY
Harry C. Tatigian

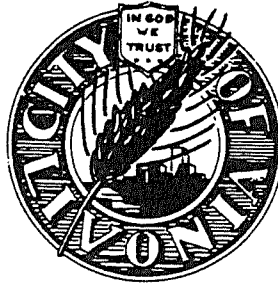
ASSISTANT CITY ATTORNEYS
Robert M. Feinberg
Robert B. Brzezinski

David G. Stoker

AUG 20 1976 PM



RECEIVED
CITY OF LIVONIA
OFFICE OF THE CITY CLERK



33001 FIVE MILE ROAD
LIVONIA, MICHIGAN 48154
GARfield 1-2000

Edward H. McNamara
MAYOR

August 19, 1976

TO: ADDISON W. BACON, CITY CLERK

FROM: DEPARTMENT OF LAW

SUBJECT: PARK SITE E-22, BUREAU OF TAXATION PARCEL
04FF2

Dear Sir:

Pursuant to Council Resolution No. 750-71, the City on September 9, 1971 acquired the captioned property with a down payment of \$20,000.00, the balance of \$57,000.00 being financed by a 5 year purchase money mortgage. The Council in its Resolution No. 865-71, accepted the warranty deed for the property on behalf of the City.

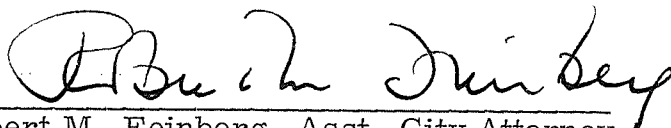
This is to inform you that the final payment due on the aforementioned mortgage has been paid by City of Livonia check No. B 022782, dated August 3, 1976, in the amount of \$12,084.00, a copy of which is enclosed for your files.

We are also attaching herewith a Discharge of Mortgage signed by the mortgagees, dated August 16, 1976, which should be recorded in the office of the Wayne County Register of Deeds.

We are closing our file.

Very truly yours,

HARRY C. TATIGIAN, CITY ATTORNEY


Robert M. Feinberg, Asst. City Attorney

RMF:kmd
Enclosures

INVOICE DATE	INVOICE NO.	ACCOUNT NUMBER	P.O. NO.	AMOUNT OF INVOICE	DEDUCTIONS	NET AMOUNT
08/01/76		101-267-997.000.000	4029	684.00		684.
08/01/76		101-267-993.000.000	4029	11,409.00		11,400.

CITY OF LIVONIA

74-1238
764

MICHIGAN NATIONAL BANK-WEST METRO
LIVONIA, MICHIGAN

33001 FIVE MILE ROAD



LIVONIA, MICHIGAN

B 022782

CITY OF LIVONIA **12,084 AND 00 CTS**

PAY
TO THE
ORDER OF

SAM & GERTRUDE WILLIS,
MILTON & ETHEL LAPPIN,
JOSEPH & RUTH CABOT
AND ALBERT & DELLA SHULMAN

CHECK NUMBER	DATE	AMOUNT
22782	08/03/76	****12,084.00

CITY OF LIVONIA
GENERAL PAYABLE ACCOUNT

Robert M. Feinberg
TREASURER

10724 1238 0709 1133 11

The undersigned on behalf of Sam and Gertrude Willis, Milton and Ethel Lappin, Joseph and Ruth Cabot, and Albert and Della Shulman, acknowledges receipt of the above check received this 17th day of August, 1976 from Robert M. Feinberg, Asst. City Atty.

Milton M. Lappin
Milton Lappin

(office of Mr. Feinberg)

J462354

19496 PA 776

DISCHARGE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that SAM WILLIS and GERTRUDE A. WILLIS, his wife; MILTON M. LAPPIN and ETHEL LAPPIN, his wife; JOSEPH CABOT and RUTH W. CABOT, his wife; and ALBERT B. SHULMAN and DELLA S. SHULMAN, his wife, whose address is 16225 Oxley Road, Southfield, Michigan 48075, do hereby certify, That a certain Indenture Mortgage bearing date the 9th day of September, A.D. 1971, made and executed by CITY OF LIVONIA, a Michigan municipal corporation, of the first part, to SAM WILLIS and GERTRUDE A. WILLIS, his wife; MILTON M. LAPPIN and ETHEL LAPPIN, his wife; JOSEPH CABOT and RUTH W. CABOT, his wife; and ALBERT B. SHULMAN and DELLA S. SHULMAN, his wife, of the second part, and recorded in the Register's Office for the County of Wayne and State of Michigan, in Liber 17895 of Wayne County Records, on Page 944, on the 12th day of November, A.D. 1971, Register J 86046, is fully paid, satisfied and discharged.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the 10 day of August, 1976.

Signed, Sealed and Delivered in
Presence of

Ida Rycus
Ida Rycus

Alexander C. Perinoff
Alexander C. Perinoff

Sam Willis
Sam Willis

Gertrude A. Willis
Gertrude A. Willis

Milton M. Lappin
Milton M. Lappin

Ethel Lappin
Ethel Lappin

Joseph Cabot
Joseph Cabot

Ruth W. Cabot
Ruth W. Cabot

Albert B. Shulman
Albert B. Shulman

Della S. Shulman
Della S. Shulman

AUG 27 1976
JAMES E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

SEP 02 76 AM



RECEIVED
CITY OF LIVONIA
OFFICE OF THE CITY CLERK

Page One of Two Pages

841212

J462354

STATE OF MICHIGAN)
) SS:
 COUNTY OF)

On this 18th day of August, 1976, before me personally appeared SAM WILLIS and GERTRUDE A. WILLIS, his wife; MILTON M. LAPPIN and ETHEL LAPPIN, his wife; JOSEPH CABOT and RUTH W. CABOT, his wife; and ALBERT B. SHULMAN and DELLA S. SHULMAN, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Alexander C. Perinoff
 Notary Public, Wayne County, Mich.
 My comm. expires: Sept. 5, 1977

Instrument drafted by:

Robert M. Feinberg, Asst. City Attorney
 Department of Law
 33001 Five Mile Road
 Livonia, Michigan 48154

When recorded, return to:

Office of the City Clerk
 City of Livonia
 33001 Five Mile Road
 Livonia, Michigan 48154

Approved as to form:

Robert M. Feinberg
 Robert M. Feinberg, Asst. City Atty.
 Dated: August 17, 1976



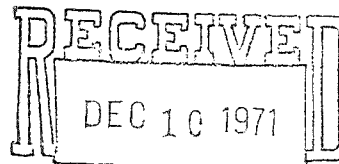
GROSSMAN LIVONIA REALTY CO.

ESTABLISHED 1940

A COMPLETE REAL ESTATE SERVICE

27520 Five Mile Road
Livonia, Michigan
48154

December 7, 1971



CITY OF LIVONIA
DEPT. OF LAW

CR-865-71 City Park Site Designation E-22

City Attorney
Mr. Tatigan
Livonia, Michigan

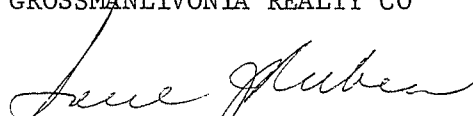
Re: 7 Mile Road property

Gentlemen:

Enclosed is the Title Policy from Burtons Abstract
& Title Company # 804336, covering the property you purchased on 7 Mile
Road.

Very truly yours,

GROSSMANLIVONIA REALTY CO


Saul J. Rubin - President

SJR:as

encl.

SCHEDULE A

Policy No.:

82-807781

Date of Policy:

January 26, 1972 at 8:30 A. M.

Amount of Insurance:

\$ 150,000.00

1. Name of Insured:

City of Livonia, a Michigan Municipal Corporation.

2. The estate or interest in the land described herein and which is covered by this policy is a fee simple estate and is at Date of Policy vested in:

City of Livonia, a Michigan Municipal Corporation.

3. The land referred to in this policy is described as follows:

Land in the City of Livonia, Wayne County, Michigan described as:

That part of Section 5, Town 1 South, range 9 East, described as being East 1/2 of East 1/2 of Southeast 1/4 of Section 5, except the East 10.0 acres thereof and containing 29.86 acres, more or less. Subject to rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

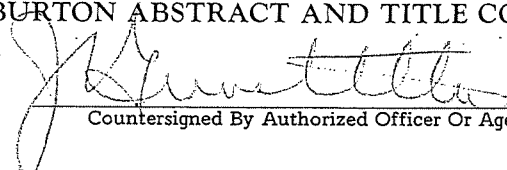
SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

1. Standard exceptions A to E shown under **Exclusions from Coverage** of this Policy.
2. Master School and Park Plan for City of Livonia, as set forth in instrument recorded in liber 16192, page 256, Register No. F 154516.

Audit No. **07307**

BURTON ABSTRACT AND TITLE COMPANY


Countersigned By Authorized Officer Or Agent

pm

18018-351

The covenants herein shall bind and the benefits and advantages accrue to the respective heirs, assigns and successors of the
Dated this 14th day of November A.D. 1911
Signed, Sealed and Delivered in Presence of: Signed and Sealed:

(L.S.)

CITY OF LIVONIA, a Michigan Municipal Corporation

By: Edward H. McNamara (L.S.)
Edward H. McNamara

Mayor

and: Addison W. Bacon (L.S.)
Addison W. Bacon
City Clerk

STATE OF MICHIGAN

COUNTY OF

On this 14th day of November A.D. 1911
before me, the subscriber, a Notary Public in and for said county, personally appeared
person to me to be the person described in said instrument, and there acknowledged the execution thereof to be
free and voluntary.

My commission expires

Notary Public,

County, Michigan.

STATE OF MICHIGAN

COUNTY OF Wayne

On this 14th day of November A.D. 1911 before me, the subscriber, a Notary Public in
and for said county, personally appeared EDWARD H. MC NAMARA
ADDISON W. BACON
that they are the Mayor and City Clerk of the City of Livonia, a
Michigan Municipal Corp., and that the seal of said corporation is the seal of said corporation, and that said
instrument was signed and acknowledged in behalf of said corporation, by authority of its Board of Directors, pursuant to council
Resolution No. 600-71 and
Edward H. McNamara and Addison W. Bacon acknowledged said instrument to be the true act and deed of said corporation.

My commission expires

Marie V. -len

County, Michigan.

Witness: Henry C. Tolpin,
Notary Department of Law

City of Livonia, Michigan

REPAGE

This Mortgage, Made

15th day of November

1971

Between CITY OF LIVONIA, a Michigan Municipal Corporation,
33001 Five Mile Road, Livonia, Michigan 48154

THE MORTGAGEE PYRAMID INVESTMENT COMPANY, a Michigan Corporation,
3333 Cadillac Tower, Detroit, Michigan

Witnesseth, That the Mortgagee mortgages and conveys to the Mortgagee lands situate in the City of Livonia,

County of Wayne

and State of Michigan

described as That part of Section 5, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as being East 1/2 of East 1/2 of the Southeast 1/4 of Section 5, except the east 10.0 acres thereof.

(Bureau of Taxation Parcel 05h.1)

29.86 acres

MAR 20 1972
JUN 20 1972
ALFRED J. JUNGELNO, Register of Deeds
WAYNE COUNTY 26, MICHIGAN

TITLE INSURANCE - ABSTRACTS - RECORDS
1123313

together with the improvements and appurtenances thereunto, including but not limited to the use of the land for the purpose of erecting and maintaining a building designed for occupancy as an apartment house, family hotel or for commercial or business purposes, also together with all discharging beds, ice houses, equipment for heating, hot water, cooking, laundry, and other services and buildings and such other goods, chattels and personal property as are now or hereafter located on the premises, together with the building erected upon the mortgaged premises and now or hereafter erected thereon by the Mortgagee or any person, which shall be deemed between the parties hereto, and all parties claiming by, through or under them, an exception to the foreclosed land and a part of the title and encumbrances by this mortgage to secure the performance of the covenants hereinafter contained, and the payment of the principal sum of One Hundred Thousand and

no/100 Dollars (\$100,000.00). Annual payments of Ten Thousand and no/100 Dollars (\$10,000.00) on principal, plus interest, the first payment of which shall be due on December 1, 1972, and a like sum each 12 months thereafter until fully paid within ten (10) years (December 1, 1981), made payable to ~~THE MORTGAGEE~~ ~~Pyramid Investment Company, a Michigan Corporation~~

and from due hereon at the rate of SIX (6) per cent per annum while the mortgagee is not in default in making the payments provided, and if in default in making such payments for a period of thirty days, then at the rate of seven per cent per annum from the time of default until all sums in default are fully paid, payable ~~annually~~ until the full payment of all sums according to the terms of a promissory note of even date executed by

to the mortgagee and will pay interest on all monies interest from its maturity until paid at the rate of seven per cent per annum, provided, all be paid at the rate herein agreed, anything in said note to the contrary notwithstanding.

The Mortgagee covenants with the Mortgagee while this mortgage remains in force, as follows: -
to pay, and discharge and the interest thereon in the time and in the manner above provided.

to pay all taxes and assessments levied on the land within thirty days after the same become due and payable, and deliver the official receipts to the Mortgagee.

to keep the premises insured against fire and other hazards by a fire insurance policy or in the payment of any tax, assessment or insurance premium the Mortgagee shall pay the same to the Mortgagee forthwith with interest at the rate of seven per cent per annum.

to keep the premises insured against fire and other hazards by a fire insurance policy or in the payment of any tax, assessment or insurance premium the Mortgagee shall pay the same to the Mortgagee forthwith with interest at the rate of seven per cent per annum.

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to keep the premises insured against fire and other hazards by a fire insurance policy or in the payment of any tax, assessment or insurance premium the Mortgagee shall pay the same to the Mortgagee forthwith with interest at the rate of seven per cent per annum.

to keep the premises insured against fire and other hazards by a fire insurance policy or in the payment of any tax, assessment or insurance premium the Mortgagee shall pay the same to the Mortgagee forthwith with interest at the rate of seven per cent per annum.

KNOW ALL MEN BY THESE PRESENTS: That PYRAMID INVESTMENT COMPANY, a Michigan Corporation
3333 Cadillac Tower, Detroit, Michigan
Conveys and Warrants to CITY OF LIVONIA, a Michigan Municipal Corporation
whose Street Number and Post Office address is 33001 Five Mile Road, Livonia, Michigan 48154
the following described premises situated in the City of Livonia County of Wayne
and State of Michigan, to-wit:

That part of Section 5, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as being East 1/2 of East 1/2 of Southeast 1/4 of Section 5, except the east 10.0 acres thereof.

REGULATED JAN 25 1972 AT 847 (Bureau of Taxation Parcel 05K1)
BERNARD J. YOUNGBLOOD, Register of Deeds 29.86 Acres

LEGAL DESCRIPTION
APPROVED
J. C. Sierant
OK. Raul

WAYNE COUNTY, MICHIGAN 48226
together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining,

for the sum of One Hundred Fifty Thousand and no/100 Dollars (\$150,000.00) One Dollar(s)

and other valuable considerations;

subject to restrictions and easements of record.

Dated this 15th day of November

Signed, Sealed and Delivered in Presence of:

APPROVED AS TO FORM

DEPARTMENT OF LAW
BY *Harry C. Tatigian*
DATE: 11-19-71

A. D. 19 71

Signed and Sealed:

Harry C. Tatigian
Harry C. Tatigian

Mary A. Stringer
Mary A. Stringer

PYRAMID INVESTMENT COMPANY,
a Michigan Corporation

By *Murray Koorhan* (L.S.)
Murray Koorhan

Its President

And *David S. Bodzin* (L.S.)
David S. Bodzin

Its Treasurer

In the STATE OF MICHIGAN, COUNTY OF Wayne and *Charles Rosenblatt*
On this 15th day of November A. D. 19 71 before me personally
appeared Murray Koorhan and David S. Bodzin and Charles Rosenblatt

to me personally known, who being by me sworn, did (1) each for himself
say that (2) they are respectively the President and the
Treasurer, & Secretary of Pyramid Investment Company, a Michigan Corporation,
the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said
corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said

Murray Koorhan and David S. Bodzin and Charles Rosenblatt
acknowledged said instrument to be the
free act and deed of said corporation.

My commission expires December 2 A. D. 19 72

Note: If more than one officer acknowledges insert at (1) "each
for himself," and (2) "they are respectively"

Marie V. Arden
Marie V. Arden
Notary Public Wayne County, Michigan

Instrument Drafted by *Harry C. Tatigian, City Attorney* Business Address *33001 Five Mile Rd., Livonia, Michigan*

This is to certify that these taxes are paid for FIVE YEARS previous
to date of this instrument EXCEPT 271 NOT EXAMINED
No. 4499

JAN 21 1972 WAYNE COUNTY TREASURER
Clerk

STATE OF MICHIGAN REAL ESTATE
TRANSFER TAX
No. 4499
for me this 17th day of Jan

Recording Fee

U. S. Revenue Stamps

When recorded return to

Office of City Clerk, 33001 Five Mile Road
Livonia, Michigan 48154

ABSTRACTS - ESCROWS

TITLE INSURANCE - ABSTRACTS - ESCROWS

52174499 0000050 1

BURTON ABSTRACT AND TITLE COMPANY

BURTON BUILDING
350 East Congress Street

DETROIT, MICHIGAN 48226

AREA CODE 313 TELEPHONE 964-5000



NUMBER
F 802895

AMOUNT
\$ 150,000.00

OWNER'S TITLE INSURANCE POLICY

Insuring:

City of Livonia, a Michigan Municipal Corporation,

BURTON ABSTRACT AND TITLE COMPANY, a Michigan Corporation of Detroit, herein called the Company, for a valuable consideration, paid for this policy of Title Insurance, does hereby insure the party (or parties) named above, herein called the Insured, its successors, heirs, or devisees, against all loss or damage, not exceeding the amount stated above which the Insured shall sustain by reason of the failure or unmarketability of the title of party named under Schedule A, Section 1, to the real estate or interest in real estate described in Schedule A, Section 2, at the date hereof, excepting only such liens, incumbrances and other matters as are set forth in Schedule B, and subject to the conditions and stipulations, which, together with the aforesaid schedules, are hereto annexed and made a part of this policy.

IN WITNESS WHEREOF, the BURTON ABSTRACT AND TITLE COMPANY, has caused its corporate name and seal to be affixed by its duly authorized officer on October 12, 1971 at 8:30 A.M.

BURTON ABSTRACT AND TITLE COMPANY

By

A handwritten signature in dark ink, appearing to read "H. J. Peller", written over a horizontal line.

Authorized Officer

SCHEDULE A

1. The estate or interest insured.

City of Livonia, a Michigan Municipal Corporation,
OWNER IN FEE SIMPLE.

2. Description of the real estate.

Land in the City of Livonia, Wayne County, Michigan described as: West 1/2 of west 1/2 of west 1/2 of southwest 1/4 of Section 4, and east 10 acres of southeast 1/4 of Section 5, town 1 south, range 9 east, City of Livonia, Wayne County, Michigan, containing 30 acres, more or less. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

SCHEDULE B

Showing defects, liens, encumbrances, taxes, assessments and other matters against which the Company does not, by this policy, insure.

1. Standard exceptions A to E on reverse side hereof.
2. The terms and conditions of the Master Plan of the City of Livonia as recorded in liber 16192 page 256, Wayne County Records.
3. Mortgage for \$110,000.00 executed by City of Livonia, a Michigan Municipal Corporation to Arthur D. Levitt and Ruth B. Levitt, his wife; Charles A. Pizer and Mollie S. Pizer, his wife; and Lawrence R. Pizer and Ruth L. Pizer, his wife, dated August 4, 1971 and recorded August 6, 1971 in liber 17789 page 8, Wayne County Records; Register No. J 53395.

AUDIT NO. B300884

DEPARTMENT OF LAW

CITY ATTORNEY
HARRY C. TATIGIAN

ASSISTANT CITY ATTORNEYS
ROBERT M. FEINBERG
GARY L. SACKETT



EDWARD H. McNAMARA
MAYOR

APR 5 - 71 PM

33001 FIVE MILE ROAD
LIVONIA, MICHIGAN 48154
GARFIELD 1-2000

August 5, 1971

TO: ADDISON W. BACON, CITY CLERK

FROM: DEPARTMENT OF LAW

SUBJECT: DOCUMENTS IN CONNECTION WITH THE ACQUISITION
OF CITY PARK SITE DESIGNATION E-25 (Tax Item Nos.
04BB and 05K2) - Mich Project OSA-148

REF: CR-654-71

Dear Sir:

The Department of Law, pursuant to the captioned resolution, finalized the purchase of City Park Site Designation E-25 and the Warranty Deed conveying the subject property to the City has been forwarded to the City Council for acceptance. The original Mortgage Form and Mortgage Note have been retained by Mr. Lawrence R. Pizer and he has informed me that he will have both instruments recorded.

In connection with this transaction I am enclosing the following documents for your information:

1. Carbon copy of Mortgage Note;
2. Carbon copy of Mortgage;
3. Original of Settlement Statement on Sale of Property;
4. Commitment for Title Insurance (Revised) dated July 14, 1971 No. 802895 issued by Burton Abstract and Title Company;
5. Order to Issue Policy; *Order to issue policy mailed 10-6-71*
6. Copy of letter dated 8/4/71 addressed to City Treasurer requesting payment of 1970 taxes on subject property; and

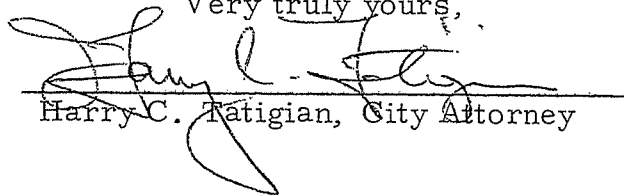
To: Addison W. Bacon, City Clerk
Re: Documents in connection with Park Site E-25
(Levitt-Pizer-Pizer)

Page 2
August 5, 1971

7. Statement from Burton in the amount of \$630.00 for the cost of the title policy when ordered. As you will note, the statement is billed to L. R. Pizer, however, the City is paying for the policy, pursuant to council resolution #654-71, and at the time of payment to Burton, Mr. Pizer's account with Burton should be credited with this amount.

Please note that in accordance with the aforesaid mortgage note and mortgage, the first payment of \$11,000.00 is due on or before July 15, 1972, plus interest; payments thereafter shall be made in a like sum annually. Accordingly, provision should be made in next year's budget for such payment.

Very truly yours,



Harry C. Tatigian, City Attorney

HCT:s encls. - as above
cc: Budget Director (no encls.)

MORTGAGE NOTEPURCHASE-MONEY MORTGAGE\$ 110,000.00Livonia, Michigan, August 419 71

For value received the undersigned promises to pay to the order of Arthur D. Levitt and Ruth B. Levitt, his wife; Charles A. Pizer and Mollie S. Pizer, his wife; and Lawrence R. Pizer and Ruth L. Pizer, his wife, the principal sum of One Hundred Ten Thousand and no/100 (\$110,000.00) Dollars with interest from date hereof at the rate of six (6) per cent per annum, while the mortgagor is not in default in making the payments herein provided, and if in default in making such payments for a period of thirty days, then at the rate of seven per cent per annum from the time of such default until all sums in default are fully paid. Said principal and interest shall be paid by the undersigned in lawful money of the United States of America as follows:

Annual payments of Eleven Thousand and no/100 Dollars (\$11,000.00) on principal, plus interest, the first payment of which shall be due on July 15, 1972, and a like sum each 12 months thereafter until fully paid within ten (10) years (July 15, 1981). One-half (1/2) of each payment shall be made payable to Arthur D. Levitt and Ruth B. Levitt, his wife; one-sixth (1/6) of each payment shall be made payable to Charles A. Pizer and Mollie S. Pizer, his wife; and one-third (1/3) shall be made payable to Lawrence R. Pizer and Ruth L. Pizer, his wife.

Both principal and interest of this note are payable at 31700 Nottingham Drive, Franklin, Michigan 48025

Should default be made in the payment of any installments of interest and/or principal due hereunder for a period of thirty days, then such default shall mature the entire indebtedness evidenced hereby, without notice, at the option of the holder thereof. Every person at any time liable for the payment of the debt evidenced hereby, waives presentment for payment, demand and notice of non-payment of this note, and consents that the holder may extend the time of payment of any part or the whole of the debt at any time at the request of any other person liable.

This note is secured by a first mortgage of even date herewith, made by the undersigned to the above payee, which mortgage covers real estate in Livonia Michigan, described as:

West 1/2 of west 1/2 of west 1/2 of southwest 1/4 of Section 4, and east 10 acres of southeast 1/4 of Section 5, town 1 south, range 9 east, City of Livonia, Wayne County, Michigan, containing 30 acres, more or less. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes. (Tax Item Nos. 04BB and 05K2)

Harry C. Tatigian
Harry C. Tatigian
Mary A. Stringer
Mary A. Stringer

CITY OF LIVONIA, a Mich. Municipal Corp.

By

Robert F. Nash
Robert F. Nash

and

Addison W. Bacon
Addison W. Bacon, City Clerk

1971

hereinafter referred to as

Witnesseth, That the Mortgagor mortgages and warrants to the Mortgagee lands situate in the City of Livonia

County of Wayne and State of Michigan

described as

West 1/2 of west 1/2 of west 1/2 of southwest 1/4 of Section 4,
and east 10 acres of southeast 1/4 of Section 5, town 1 south,
range 9 east, City of Livonia, Wayne County, Michigan, containing
30 acres, more or less.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

(Tax Item Nos. 04BB and 05K2)

together with the hereditaments and appurtenances thereunto belonging and if the said premises be improved with a building designed for occupancy as an apartment house, family hotel or for commercial or business purposes, also together with all disappearing beds, ice boxes, equipment for heating, lighting, cooking, mirrors, door and window shades, screens and awnings and such other goods, chattels and personal property as are ever furnished by a landlord in letting or operating an unfurnished building similar to the buildings erected upon the mortgaged premises and now or hereafter installed therein by the mortgagor or his assigns, which shall be deemed between the parties hereto, and all parties claiming by, through or under them, an accession to the freehold and a part of the realty and encumbered by this mortgage to secure the

performance of the covenants hereinafter contained, and the payment of the principal sum of One Hundred Ten Thousand and no/100 Dollars (\$110,000.00) - (Annual payments of Eleven Thousand and no/100 Dollars (\$11,000.00) on principal, plus interest, the first payment of which shall be due on July 15, 1972, and a like sum each 12 months thereafter until fully paid within ten (10) years (July 15, 1981). One-half (1/2) of each payment shall be made payable to Arthur D. Levitt and Ruth B. Levitt, his wife; one-sixth (1/6) of each payment shall be made payable to Charles A. Pizer and Mollie S. Pizer, his wife; and one-third (1/3) shall be made payable to Lawrence R. Pizer and Ruth L. Pizer, his wife.)

with interest from date hereof at the rate of six (6) per cent per annum while the mortgagor is not in default in making the payments herein provided, and if in default in making such payments for a period of thirty days, then at the rate of seven per cent per annum from the time of such default until all sums in default are fully paid, payable annually until the full payment of all sums owing hereon according to the terms of a promissory note of even date executed by

to the mortgagee, and will pay interest on all overdue interest from its maturity until paid at the rate of seven per cent per annum, provided, interest shall be paid at the rate herein agreed, anything in said note to the contrary notwithstanding.

And the "Mortgagor" covenants with the "Mortgagee," while this mortgage remains in force, as follows:—

1. To pay said indebtedness and the interest thereon in the time and in the manner above provided;
2. To pay all taxes and assessments levied on the land within thirty days after the same become due and payable, and deliver the official receipts therefor to the Mortgagee;

[illegible]

4. To abstain from the commission of waste on the mortgaged premises, and to keep the buildings thereon and the premises in good repair, and promptly comply with all laws and ordinances, regulations and requirements of the Municipality or other government regulations affecting the mortgaged premises.

5. That, if there be default in delivering any insurance policy or in the payment of any tax, assessment or insurance premium the Mortgagee may effect such insurance or secure such policy and pay such assessment, taxes or insurance premiums and any amount so paid shall be added to said indebtedness and hereby secured and be payable to the Mortgagee forthwith with interest at the rate of seven per cent per annum.

6. That the whole of said principal sum shall, at the option of the Mortgagee, become due and payable after default for more than 30 days, in the payment of any installment of principal or interest upon said indebtedness, or any tax, assessment or insurance premium, anything to the contrary herein or in said note notwithstanding.

7. That, in the event of the passage of any law or regulation, State, Federal or Municipal, subsequent to the date hereof in any manner changing or modifying the laws now in force governing the taxation of mortgages or debts secured by mortgages, or the manner of collecting such taxes, the entire principal secured by this mortgage and all interest accrued thereon shall become due and payable forthwith, at the option of the mortgagee.

8. That, in the event the ownership of the mortgaged premises, or any part thereof, become vested in a person other than the mortgagor, the mortgagee may deal with such successor or successors in interest with reference to this mortgage, and the debt hereby secured in the same manner as with the mortgagor, without in any manner vitiating or discharging the mortgagor's liability hereunder, or upon the debt hereby secured.

9. The power is hereby granted by the Mortgagor to the Mortgagee, if default is made in the payment of said indebtedness, interest, taxes, or insurance premiums, or any part thereof at the time and in the manner herein agreed, to grant, bargain, sell, release, and convey the premises, with the appurtenances at public auction and to execute and deliver to the Purchaser or Purchasers, at such sale, deeds of conveyance, good and sufficient at law, pursuant to the statute in such case made and provided, and out of the proceeds to retain all sums due thereon, the costs and charges of such sale, and the attorney fees provided by law, returning the surplus money, if any, to the Mortgagor or Mortgagor's heirs and assigns, and such sale or a sale pursuant to a decree in chancery for the foreclosure hereof may, at the option of the mortgagee, be made en masse.

(over)

TITLE INSURANCE - ABSTRACTS - ESCROWS

TITLE INSURANCE - ABSTRACTS - ESCROW

The covenants herein shall bind and the benefits and advantages enure to the respective heirs, assigns and successors of the parties.
Dated this 4th day of August A. D. 19 71
Signed, Sealed and Delivered in Presence of: Signed and Sealed:

CITY OF LIVONIA, a Michigan (L.S.)
Municipal Corporation

Harry C. Tatigian

Mary A. Stringer

By Robert F. Nash (L.S.)

Robert F. Nash

Mayor Pro Tem

and Addison W. Bacon (L.S.)

Addison W. Bacon

City Clerk

STATE OF MICHIGAN

COUNTY OF

ss.

A. D. 19

On this day of before me, the subscriber, a Notary Public in and for said county, personally appeared known to me to be the person described in and who executed the within Mortgage, and then acknowledged the execution thereof to be free act and deed.

My commission expires

Notary Public, County, Michigan.

STATE OF MICHIGAN

COUNTY OF

Wayne

ss.

On this 4th day of August A. D. 19 71 before me, the subscriber, a Notary Public in and for said county, personally appeared ROBERT F. NASH to me personally known, who being by me duly sworn, did say that they are the Mayor Pro Tem and City Clerk of the City of Livonia, a Mich. Municipal Corp. and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its resolution #654-71 and Robert F. Nash and Addison W. Bacon acknowledged said instrument to be the free act and deed of said corporation.

Gladys M. Hoener

My commission expires January 4, 1972

Notary Public, Wayne County, Michigan.

Instrument Harry C. Tatigian, City Attorney Business 33001 Five Mile Rd., Livonia, Michigan
Drafted by Address

MORTGAGE

Lawyers Title
Insurance Corporation

When recorded return to

SETTLEMENT STATEMENT ON SALE OF PROPERTY

SELLERS: ARTHUR D. LEVITT and RUTH B. LEVITT, his wife
8586 Huntington Road, Huntington Woods, Mich.
CHARLES A. PIZER and MOLLIE S. PIZER, his wife
Harrisville, Michigan
LAWRENCE R. PIZER and RUTH L. PIZER, his wife
31700 Nottingham Drive, Franklin, Michigan

PURCHASER: CITY OF LIVONIA, a Michigan Municipal Corporation
33001 Five Mile Road
Livonia, Michigan

PROPERTY: CITY PARK SITE DESIGNATION E-25
West 1/2 of west 1/2 of west 1/2 of southwest 1/4 of
Section 4, and east 10 acres of southeast 1/4 of
Section 5, town 1 south, range 9 east, City of Livonia,
Wayne County, Michigan, containing 30 acres, more or
less. Subject to the rights of the public and of any
governmental unit in any part thereof taken, used or
deeded for street, road or highway purposes.
(Tax Item Nos. 04BB and 05K2)

CREDITS TO SELLERS

Purchase Price	\$150,000.00	
*Pro-ratation of taxes 7-1-71 to 11-30-71)	<u>1,063.65</u>	\$151,063.65

CREDITS TO PURCHASER

Revenue Stamps on Deed	\$165.00		
1970 City and County Taxes plus interest and penalty through August 31, 1971 as to Tax Item 04BB			
Taxes	\$1,395.62	\$1,493.31	
Interest	41.87		
Penalty	<u>55.82</u>		
as to Tax Item 05K2			
Taxes	\$1,157.16		
Interest	34.71		
Penalty	<u>46.29</u>	<u>\$1,238.16</u>	<u>\$2,896.47</u>
			\$148,167.18

NEW LIEN TO BE PAID

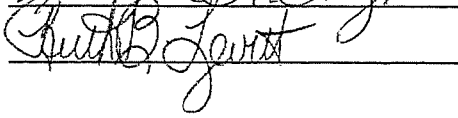
Purchase Money Mortgage	<u>\$110,000.00</u>
-------------------------	---------------------

NET CASH DUE SELLERS \$ 38,167.18

Settlement Statement on Sale of Property
(Levitt/Pizer)

SETTLEMENT ACCEPTED AS RENDERED

SELLERS:

PURCHASER:

By 
Harry C. Tatigian, City Atty.

Dated: 8-3-71

* While the taxes are unpaid, a credit to Sellers is shown for pro-rata, since the entire amount of taxes plus interest and penalty are thereafter shown as credit to Purchaser who will pay the same.

COMMITMENT FOR TITLE INSURANCE

BURTON ABSTRACT AND TITLE COMPANY

350 EAST CONGRESS STREET

MAIN OFFICE

DETROIT, MICHIGAN 48226

EFFECTIVE DATE: July 14, 1971 at 8:30 A.M.

COMMITMENT NO. 802895

BURTON ABSTRACT AND TITLE COMPANY, a Michigan Corporation, hereby agrees to issue a policy of title insurance as hereinafter set forth upon payment of the prescribed premium. THE POLICY WILL BE ISSUED SUBJECT TO EACH ENCUMBRANCE AND EXCEPTION LISTED BELOW, OR WHICH ARISES AFTER THE EFFECTIVE DATE HEREOF, UNLESS ELIMINATED TO OUR SATISFACTION.

FORM OF POLICY
TO BE ISSUED

OWNER'S POLICY

\$ 150,000.00

A.L.T.A. MORTGAGE POLICY
WITHOUT EXCEPTIONS

\$

A.L.T.A. MORTGAGE POLICY
WITH EXCEPTIONS

\$

PARTY TO BE INSURED

City of Livonia,
a Michigan Municipal Corporation

DESCRIPTION OF REAL ESTATE

Situated in City of Livonia, Wayne County, Michigan

West 1/2 of west 1/2 of west 1/2 of southwest 1/4 of Section 4, and east 10 acres of southeast 1/4 of Section 5, town 1 south, range 9 east, City of Livonia, Wayne County, Michigan, containing 30 acres, more or less.
Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

Tax Item Nos. 04 BB

05 K 2

OWNER, ENCUMBRANCES, EXCEPTIONS AND REQUIREMENTS

1. Owner: Arthur D. Levitt, as to an undivided 1/2 interest.
 $\frac{1}{6}$ - Charles A. Pizer and Lawrence R. Pizer, as joint tenants,
 as to an undivided 1/3 interest.
 Ruth L. Pizer, as to an undivided 1/6 interest.

RECORD DEED FROM ARTHUR D. LEVITT AND RUTH B. LEVITT, HIS WIFE, AND CHARLES A. PIZER AND MOLLIE S. PIZER, HIS WIFE AND LAWRENCE R. PIZER AND RUTH L. PIZER, HIS WIFE, TO CITY OF LIVONIA, A MICHIGAN MUNICIPAL CORPORATION.

2. Subject to the terms and conditions of the Master Plan of the City of Livonia as recorded in liber 16192, page 256, Wayne County Records.
3. 1970 City and County Taxes: Unpaid (\$2,552.78 Total Tax, not including penalties and interest).

~~48740~~
Livonia, Mich.

48740

31700 Nottingham
Freddy M
48025

Countersigned by

Authorized Signature

BURTON ABSTRACT AND TITLE COMPANY

If countersigned by an authorized officer or agent of the company, this commitment is valid and binding for a period of 90 days from the date hereof.

PRESIDENT

iy

NOTE: The reverse side hereof is part of this commitment.

AUDIT NUMBER C 857620

COMMITMENT FOR TITLE INSURANCE

BURTON ABSTRACT AND TITLE COMPANY

350 EAST CONGRESS STREET

MAIN OFFICE

DETROIT, MICHIGAN 48226

EFFECTIVE DATE: July 14, 1971 at 8:30 A.M.

COMMITMENT NO. 802895

BURTON ABSTRACT AND TITLE COMPANY, a Michigan Corporation, hereby agrees to issue a policy of title insurance as hereinafter set forth upon payment of the prescribed premium. THE POLICY WILL BE ISSUED SUBJECT TO EACH ENCUMBRANCE AND EXCEPTION LISTED BELOW, OR WHICH ARISES AFTER THE EFFECTIVE DATE HEREOF, UNLESS ELIMINATED TO OUR SATISFACTION.

FORM OF POLICY
TO BE ISSUED

OWNER'S POLICY
\$ 150,000.00

A.L.T.A. MORTGAGE POLICY
WITHOUT EXCEPTIONS
\$ 150,000.00

A.L.T.A. MORTGAGE POLICY
WITH EXCEPTIONS
\$ 150,000.00

PARTY TO BE INSURED

City of Livonia,
a Michigan Municipal Corporation

DESCRIPTION OF REAL ESTATE

Situated in City of Livonia, Wayne County, Michigan
West 1/2 of west 1/2 of west 1/2 of southwest 1/4 of Section 4, and east 10 acres
of southeast 1/4 of Section 5, town 1 south, range 9 east; City of Livonia,
Wayne County, Michigan, containing 30 acres, more or less.
Subject to the rights of the public and of any governmental unit in any part
thereof taken, used or deeded for street, road or highway purposes.

Tax Item Nos. 04 BB

05 K 2

OWNER, ENCUMBRANCES, EXCEPTIONS AND REQUIREMENTS

1. Owner: Arthur D. Levitt, as to an undivided 1/2 interest.
Charles A. Pizer and Lawrence R. Pizer, as joint tenants,
as to an undivided 1/3 interest.
Ruth L. Pizer, as to an undivided 1/6 interest.

RECORD DEED FROM ARTHUR D. LEVITT AND RUTH B. LEVITT, HIS WIFE,
AND CHARLES A. PIZER AND MOLLIE S. PIZER, HIS WIFE AND LAWRENCE
R. PIZER AND RUTH L. PIZER, HIS WIFE, TO CITY OF LIVONIA, A MICHIGAN
MUNICIPAL CORPORATION.

2. Subject to the terms and conditions of the Master Plan of the City of Livonia
as recorded in liber 16192, page 256, Wayne County Records.
3. 1970 City and County Taxes: Unpaid (\$2,552.78 Total Tax, not including
penalties and interest).

Countersigned by H. Mathiak
Authorized Signature

BURTON ABSTRACT AND TITLE COMPANY

John Borden Loop
PRESIDENT

If countersigned by an authorized officer or agent of the company,
this commitment is valid and binding for a period of 90 days from the date hereof.

iy

August 4, 1971

TO: CARL J. WAGENSCHUTZ, CITY TREASURER
FROM: DEPARTMENT OF LAW
SUBJECT: PAYMENT OF TAXES (Park Site E-25)

Pursuant to council resolution No. 654-71, the Department of Law on this day finalized the purchase of Tax Item Nos. 04BB and 05K2 from the owners thereof (Arthur D. Levitt and Ruth B. Levitt, his wife; Charles A. Pizer and Mollie S. Pizer, his wife; and Lawrence B. Pizer and Ruth L. Pizer, his wife). The Warranty Deed conveying the subject property to the City is being submitted to the Council for its acceptance.

The 1970 taxes have not been paid on this property and this is to request that the attached check in the sum of \$2,731.47 be forwarded to the Wayne County Treasurer as full payment of the 1970 taxes plus interest and penalty due on same.

Thank you.

Very truly yours,

Harry C. Tatigian, City Attorney

HCT:s

attachment - City of Livonia Check #4616
dated 8/3/71 payable to Louis H. Funk,
Wayne County Treasurer.

CITY OF LIVONIA

No. 4616

CITY OF LINGONIA 273 Lda's 47 cts

CHECK NUMBER	DATE	AMOUNT
4616	8-3-71	2,731.47

0709-1064-1

BANK ACCOUNT NO

[illegible]

BANK ACCOUNT NO.	ACCOUNT DESCRIPTION
	<i>Cash Withdrawal</i>
	TREASURER

CITY OF LIVONIA
LIVONIA, MICHIGAN

Lawyers Title Insurance Corporation

A Stock Company

Home Office ~ Richmond, Virginia

POLICY OF TITLE INSURANCE

SCHEDULE A

NAME OF INSURED

CASE NO. D-182369-F

DATE OF POLICY

September 27, 1971

at 8:00 A.M.

AMOUNT

\$--150,000.00--

CITY OF LIVONIA, a Michigan Municipal Corporation

1. The estate or interest in the land described herein and which is covered by this policy is:

Fee Simple.

2. The estate or interest referred to herein is at Date of Policy vested in:

City of Livonia, a Michigan Municipal Corporation.

3. The land referred to in this Policy is described as follows:

Land in the City of Livonia, County of Wayne, State of Michigan, described as:

PARCEL I: The North 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

PARCEL II: The South 10 acres of the North 20 acres of the West 1/2 of the East 3/4 of West 1/2 of Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

PARCEL III: The South 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

Countersigned:

DETROIT BRANCH OFFICE

C. Girard

Authorized Officer or Agent

Issued at: DETROIT, MICHIGAN

ORIGINAL Page 1—Sched. A—Policy No. **S** 213057

Lawyers Title Insurance Corporation

A Stock Company
Home Office ~ Richmond, Virginia

Case No. D-182369-F

SCHEDULE B

This Policy does not insure against loss or damage by reason of the following:

1. Rights or claims of parties in possession not shown of record.
2. Unrecorded water, mineral and oil rights, unrecorded easements and claims of easement, boundary line disputes not disclosed of record and any matters which would be disclosed by an accurate survey and inspection of the premises.
3. Mechanics' liens not of record.
4. The dower or homestead rights, if any, of the wife of any individual insured or of any individual shown herein to be a party in interest.
5. Building and use restrictions not appearing of record in the chain of title, but omitting those, if any, based on race, color, religion or national origin.
6. Mortgage for the sum of \$110,000.00, given by City of Livonia, a Michigan Municipal Corporation, to Dr. R. J. Mendelssohn and Pauline K. Mendelssohn, his wife, and Leonard Simons and Sarah Simons, his wife, dated August 4, 1971 and recorded August 4, 1971 in Liber 17786, on Page 722, Register No. J-52781, Wayne County Records.

10/11/71 jr

Page 1 of Sched. B—Policy No. **S 213057**

KNOW ALL MEN BY THESE PRESENTS: That DR. R. J. MENDELSSOHN and PAULINE K. MENDELSSOHN, his wife, and LEONARD SIMONS and SARAH SIMONS, his wife whose address is 8100 E. Jefferson Avenue, Suite 202, Detroit, Michigan 48214

Convey(s) and Warrant(s) to CITY OF LIVONIA, a Michigan Municipal Corporation whose address is 33001 Five Mile Road, Livonia, Michigan 48154

SEP 30 '71 AM

the following described premises situated in the City of Livonia
County of Wayne and State of Michigan, to-wit:

The North 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan. (Tax Item 04CC)

The South 10 acres of the North 20 acres of the West 1/2 of the East 3/4 of the West 1/2 of Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan. (Tax Item 04DD)

The South 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan. (Tax Item 04EE)

for the full consideration of One Hundred Fifty Thousand and no/100 Dollars (\$150,000.00)

subject to Easements and Restrictions of Record

APPROVED AS TO FORM

DEPARTMENT OF LAW

BY

DATE

19 71

Signed and Sealed:

Dated this

WAYNE
COUNTYSTATE OF
MICHIGANREAL ESTATE
TRANSFER TAX4th
day of
August

1971

Witnesses:

Harry C. Tatigian
Harry C. Tatigian
Addison W. Bacon
Addison W. Bacon

Dr. R. J. Mendelssohn (L.S.)
Dr. R. J. Mendelssohn
Pauline K. Mendelssohn (L.S.)
Pauline K. Mendelssohn
Leonard Simons (L.S.)
Leonard Simons
Sarah Simons (L.S.)
Sarah Simons

STATE OF MICHIGAN
COUNTY OF Wayne

The foregoing instrument was acknowledged before me this 4th day of August 19 71 by Dr. R. J. Mendelssohn and Pauline K. Mendelssohn, his wife, and Leonard Simons and Sarah Simons, his wife
My commission expires January 4, 1972

Harry C. Tatigian, City Atty.
Instrument Drafted by Department of Law

Notary Public Gladys M. Hoener
Address 33001 Five Mile Rd., Livonia, Mich.

County Treasurer's Certificate
This is to certify that there are no tax liens or taxes on this property and that taxes are paid for FIVE YEARS previous to date of this instrument EXCEPT
No. 009
SEP 21 1971 WAYNE COUNTY TREASURER

City Treasurer's Certificate
RECORDED SEP 22 1971 AT 8:50
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

Recording Fee

State Transfer Tax 1650

When recorded return to Office of the City Clerk
33001 Five Mile Road, Livonia, Michigan 48154

Send subsequent tax bills
to Grantee

Tax Parcel #

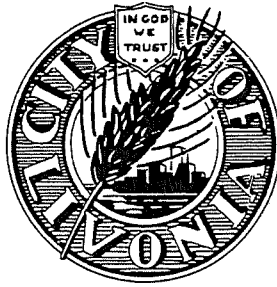
761778

SEP 21 1971 009 0000150 II

DEPARTMENT OF LAW

CITY ATTORNEY
HARRY C. TATIGIAN

ASSISTANT CITY ATTORNEYS
ROBERT M. FEINBERG
GARY L. SACKETT



EDWARD H. MCNAMARA
MAYOR

cc: J. Griffiths

33001 FIVE MILE ROAD
LIVONIA, MICHIGAN 48154
GARFIELD 1-2000

August 5, 1971

TO: ADDISON W. BACON, CITY CLERK

FROM: DEPARTMENT OF LAW

SUBJECT: DOCUMENTS CONCERNING ACQUISITION OF CITY
PARK SITE DESIGNATION E-24 (Tax Item Nos. 04CC,
04DD and 04EE) - Mich Project OSA-148

Dear Sir:

The Department of Law, pursuant to council resolution #653-71, finalized the purchase of City Park Site Designation E-24 and the Warranty Deed conveying the subject property to the City has been forwarded to the Council for acceptance by a separate letter. The original Mortgage Form and Mortgage Note have been retained by Dr. R. J. Mendelssohn and he has informed me that he will have both of these documents recorded.

In connection with this transaction I am enclosing the following documents for your information:

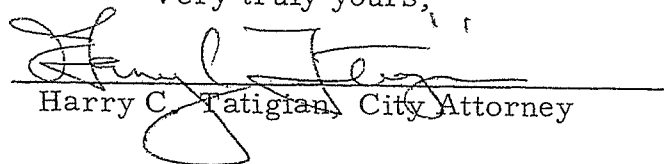
1. Photostated copy of Mortgage Note;
2. Photostated copy of Mortgage;
3. Original of Settlement Statement on Sale of Property;
4. Commitment for Title Insurance, No. D-182369-F,
dated 7/22/71;
5. Order to Issue Owner's Policy; and
6. Statement in the amount of \$530.00 to cover the cost
of the Title Policy (CR-653-71 authorizes payment
of same).

To: Addison W. Bacon, City Clerk
Re: Acceptance of Documents - Park Site E-24

Page 2
August 5, 1971

Please note that in accordance with the aforesaid mortgage note and mortgage, the first payment due with respect to this parcel is on or before January 15, 1972 in the sum of \$5500.00 plus interest; payments thereafter shall be made in a like amount every 6 months. Accordingly, provision should be made in next year's budget for these payments.

Very truly yours,


Harry C. Tatigian, City Attorney

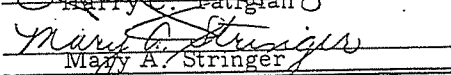
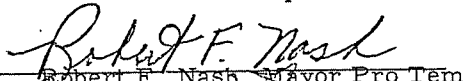
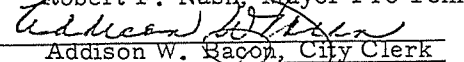
HCT:s

encs. - as noted above

cc: Budget Director (no encs.)

MORTGAGE NOTE\$ 110,000.00, Michigan, August 4 19 71For value received the undersigned promises to pay to the order of Dr. R. J. Mendelssohn
and Pauline K. Mendelssohn, his wife, and Leonard Simons and Sarah Simons, his wife,the principal sum of One Hundred Ten Thousand and no/100 (\$110,000.00) -- Dollars (being the
balance due under a Purchase-Money Mortgage)
with interest from date hereof at the rate of six (6) per cent per annum, while the mortgagor is not
in default in making the payments herein provided, and if in default in making such payments for a period
of thirty days, then at the rate of seven per cent per annum from the time of such default until all sums
in default are fully paid. Said principal and interest shall be paid by the undersigned in lawful money of
the United States of America as follows:Semi-annual payments of Five Thousand Five Hundred and
no/100 Dollars (\$5,500.00) on principal, plus interest, the
first payment of which shall be due on January 15, 1972, and
a like sum due each six (6) months thereafter until the full
amount of principal and interest due hereunder has been fully
paid.Both principal and interest of this note are payable at 8100 E. Jefferson Avenue,
Suite 202, Detroit, Michigan 48214Should default be made in the payment of any installments of interest and/or principal due hereunder for a period of
thirty days, then such default shall mature the entire indebtedness evidenced hereby, without notice, at the option of the
holder thereof. Every person at any time liable for the payment of the debt evidenced hereby, waives presentment for
payment, demand and notice of non-payment of this note, and consents that the holder may extend the time of payment of
any part or the whole of the debt at any time at the request of any other person liable.This note is secured by a first mortgage of even date herewith, made by the undersigned to the above
payee, which mortgage covers real estate in Livonia Michigan, described as:

(see description attached hereto and made a part hereof by this reference)

CITY OF LIVONIA, a Michigan Municipal
Corporation
Harry C. Tatigian

Mary A. StringerBy 
Robert F. Nash, Mayor Pro Tem
and 
Addison W. Bacon, City ClerkORIGINAL MORTGAGE NOTE GIVEN TO DR. MENDELSSOHN
ON AUGUST 4, 1971 BY HARRY C. TATIGIAN IN TATIGIAN'S
OFFICE AT THE TIME THIS MATTER WAS CLOSED.

Mendelssohn to record same.

Subscribed and sworn to before me this _____ day of _____, 1971.

Attachment to Mortgage Note dated August 4, 1971
in favor of (Mendelssohn/Simons).

PROPERTIES LOCATED IN THE CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

The North 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan (Tax Item 04CC)

and

The South 10 acres of the North 20 acres of the West 1/2 of the East 3/4 of West 1/2 of Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan (Tax Item 04DD)

The South 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan (Tax Item 04EE)

CITY OF LIVONIA, a Michigan Municipal Corporation

By _____
and _____

1971

hereinafter referred to as

herein referred to as "THE MORTGAGEE,"

CITY OF LIVONIA

and State of Michigan

Tax Item No. 04EE)

Purchase-Money

Mortgage

on principal, plus interest, the first payment of which shall be due on January 15, 1972 and a like sum due each six (6) months thereafter until the full amount of principal and interest due hereunder has been fully paid.)

owing hereon according to the terms of a promissory note of even date executed by City of Livonia, a Michigan

Municipal Corporation : Santa Rosa & East, City of Lincoln, Nebraska

to the mortgagee, and will pay interest on all overdue interest from its maturity until paid at the rate of seven per cent per annum, provided, interest shall be paid at the rate herein agreed, anything in said note to the contrary notwithstanding.

And the "Mortgagor" covenants with the "Mortgagee," while this mortgage remains in force, as follows:—

1. To pay said indebtedness and the interest thereon in the time and in the manner above provided;

2. To pay all taxes and assessments levied on the land within thirty days after the same become due and payable, and deliver the official receipts therefor to the Mortgagee;

3. Текст, содержащий сведения об использовании персональных данных, не является персональными данными.

4. To abstain from the commission of waste on the mortgaged premises, and to observe and conform to all laws, ordinances, regulations and requirements of the Municipality or other government regulations affecting and promptly comply with all laws and ordinances, regulations and requirements of the Municipality or other government regulations affecting the mortgaged premises.

5. That, if there be default in delivering any insurance policy or in the payment of any tax, assessment or insurance premium the Mortgagee may effect such insurance or secure such policy and pay such assessment, taxes or insurance premiums and any amount so paid shall be added to said indebtedness and hereby secured and be payable to the Mortgagee forthwith with interest at the rate of seven per cent per annum.

6. That the whole of said principal sum shall, at the option of the Mortgagee, become due and payable after default for more than 30 days, in the payment of any installment of principal or interest upon said indebtedness, or any tax, assessment or insurance premium, anything to the contrary herein or in said note notwithstanding.

7. That, in the event of the passage of any law or regulation, State, Federal or Municipal, subsequent to the date hereof in any manner changing or modifying the laws now in force governing the taxation of mortgages or debts secured by mortgages, or the manner of collecting such taxes, the entire principal secured by this mortgage and all interest accrued thereon shall become due and payable forthwith, at the option of the mortgagee.

8. That, in the event the ownership of the mortgaged premises, or any part thereof, become vested in a person other than the mortgagor, the mortgagee may deal with such successor or successors in interest with reference to this mortgage, and the debt hereby secured in the same manner as with the mortgagor, without in any manner vitiating or discharging the mortgagor's liability hereunder, or upon the debt hereby secured.

9. The power is hereby granted by the Mortgagor to the Mortgages, if default is made in the payment of said indebtedness, interest, taxes, or insurance premiums, or any part thereof at the time and in the manner herein agreed, to grant, bargain, sell, release, and convey the premises, with the appurtenances at public auction and to execute and deliver to the Purchaser or Purchasers, at such sale, deeds of conveyance, good and sufficient at law, pursuant to the statute in such case made and provided, and out of the proceeds to retain all sums due hereon, the costs and charges of such sale, and the attorney fees provided by law, returning the surplus money, if any, to the Mortgagor or Mortgagor's heirs and assigns, and such sale or a sale pursuant to a decree in chancery for the foreclosure hereof may, at the option of the mortgagee, be made en masse.

The covenants herein shall bind and the benefits and advantages enure to the respective heirs, assigns and successors of the parties.
Dated this 4th day of August A. D. 1971
Signed, Sealed and Delivered in Presence of: Signed and Sealed:

CITY OF LIVONIA, a Michigan (L.S.)
Municipal Corporation

By Robert F. Nash (L.S.)
Robert F. Nash

Mayor Pro Tem

and Addison W. Bacon (L.S.)
Addison W. Bacon

City Clerk

STATE OF MICHIGAN

COUNTY OF

ss.

On this day of A. D. 19
before me, the subscriber, a Notary Public in and for said county, personally appeared
known to me to be the person described in and who executed the within Mortgage, and then acknowledged the execution thereof to be
free act and deed.

My commission expires

Notary Public, County, Michigan.

STATE OF MICHIGAN

COUNTY OF

Wayne

ss.

On this 4th day of August A. D. 1971 before me, the subscriber, a Notary Public in
and for said county, personally appeared ROBERT F. NASH
and ADDISON W. BACON to me personally known, who being by me duly sworn, did
say that they are the Mayor Pro Tem and City Clerk of the City of Livonia,
a Mich. Municipal Corp. and that the seal affixed to said instrument is the corporate seal of said corporation, and that said
instrument was signed and sealed in behalf of said corporation, by authority of its resolution #653-71
Robert F. Nash and Addison W. Bacon acknowledged said instrument to be the free act and deed of said corporation.

My commission expires January 4, 1972

Gladys M. Hoener
Notary Public, Wayne County, Michigan.

Instrument Harry C. Tatigian, City Atty.
Drafted by

Business Address 33001 Five Mile Rd., Livonia, Michigan

MORTGAGE

Note: Original Mortgage given to
Dr. Mendelssohn on August 4, 1971
by Harry C. Tatigian in Tatigian's
office at the time this transaction was
closed.

Mendelssohn to record same.

Lawyers Title
Insurance Corporation

When recorded return to

This rider is attached to and made a part of Commitment bearing Case # D-182369-F

City of Livonia, Wayne County, Michigan

PARCEL I:

The North 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

PARCEL II:

The South 10 acres of the North 20 acres of the West 1/2 of the East 3/4 of West 1/2 of Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

PARCEL III:

The South 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

Tax Item No. 04CC, as to Parcel 1; 04DD, as to Parcel 2 and 04EE, as to Parcel 3

ATTACHMENT TO MORTGAGE FORM DATED AUGUST 4, 1971
 between City of Livonia and the Mendelssohns and Simons

ADP

Instrument Henry C

Lawyers Title Insurance Corporation

Fredrick A. Thomas
 SENIOR VICE PRESIDENT

COUNTERSIGNED BY

Charles Mc Graw
 AGENT OR AUTHORIZED OFFICER

SETTLEMENT STATEMENT ON SALE OF PROPERTY

SELLERS: Dr. R. J. Mendelssohn and Pauline K. Mendelssohn,
his wife;
and
Leonard and Simons and Sarah Simons, his wife
8100 E. Jefferson Avenue
Suite 202
Detroit, Michigan 48154

PURCHASER: City of Livonia, a Michigan Municipal Corporation
33001 Five Mile Road
Livonia, Michigan 48154

PROPERTY: The North 10 acres of the West 1/2 of the East 3/4 of
the West 1/2 of the Southwest 1/4 of Section 4, Town 1
South, Range 9 East, City of Livonia, Wayne County,
Michigan. (Tax Item 04CC)

The South 10 acres of the North 20 acres of the West 1/2
of the East 3/4 of West 1/2 of Southwest 1/4 of
Section 4, Town 1 South, Range 9 East, City of Livonia,
Wayne County, Michigan. (Tax Item No. 04DD)

The South 10 acres of the West 1/2 of the East 3/4
of the West 1/2 of the Southwest 1/4 of Section 4,
Town 1 South, Range 9 East, City of Livonia, Wayne
County, Michigan. (Tax Item 04EE)

CREDITS TO SELLERS

PURCHASE PRICE	\$150,000.00	
Pro-ration of taxes (7-1-71 to 11-30-71)	673.15	\$150,673.15

CREDITS TO PURCHASER

Revenue stamps on Deed	165.00	\$150,508.15
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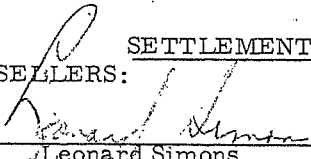
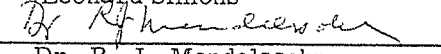
NEW LIEN TO BE PAID

Purchase Money Mortgage	\$110,000.00
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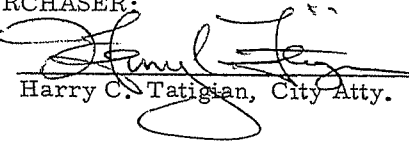
NET CASH DUE SELLERS \$40,508.15

SETTLEMENT ACCEPTED AS RENDERED

SELLERS:


Leonard Simons

Dr. R. J. Mendelssohn

PURCHASER:

By 
Harry C. Tatigian, City Atty.

Dated:

8-4-71

Lawyers Title Insurance Corporation

HOME OFFICE - RICHMOND, VIRGINIA
MICHIGAN STATE OFFICE
735 GRISWOLD STREET - DETROIT, MICHIGAN 48226

Lawyers Title Insurance Corporation, herein called the Company, hereby agrees to issue a policy of title insurance as hereinafter set forth upon satisfactory compliance with the requirements contained herein.

The reverse side hereof is part of this commitment.

FORM OF POLICY TO BE ISSUED

A.L.T.A. OWNER'S POLICY

A.L.T.A. MORTGAGE POLICY
WITHOUT EXCEPTIONS

MORTGAGE POLICY
WITH EXCEPTIONS

\$ 150,000.00

\$

\$

PARTY TO BE INSURED City of Livonia.

Location and Description of Subject Land

(SEE ATTACHED RIDER)

OWNER, ENCUMBRANCES, EXCEPTIONS TO TITLE, UNPAID TAXES OR ASSESSMENTS, AND REQUIREMENTS FOR ISSUANCE OF POLICY:

1. OWNER: Dr. R. J. Mendelssohn and Pauline K. Mendelssohn, his wife, and Leonard Simons and Sarah Simons, his wife.

REQUIREMENT: RECORD DEED FROM ABOVE OWNERS TO CITY OF LIVONIA.

2. County Tax: 1970 Paid \$328.17, as to Parcel 1
Paid \$328.17, as to Parcel 2
Paid \$693.08, as to Parcel 3

City Tax: 1970 Paid \$64.72, as to Parcel 1
Paid \$64.72, as to Parcel 2
Paid \$136.68, as to Parcel 3

FOR INFORMATION CALL: Ken Bedell

EXAMINER, PHONE 963-5810

This commitment is being furnished preliminary to the issuance of a policy of title insurance. It is not binding until countersigned by an Agent or Authorized Officer of the Company.

This commitment is valid and binding only for a period of 90 days from the effective date hereof. In witness whereof, the Company has caused this commitment to be executed pursuant to its by-laws at Detroit, Michigan, effective as of July 19, 1971 at 8:00 A.M.

Lawyers Title Insurance Corporation

COUNTERSIGNED BY

Laurence J. Douth
VICE PRESIDENT

Charles R. Crane
AGENT OR AUTHORIZED OFFICER

AUDIT NUMBER C 586324

OVER

COMMITMENT RIDER

This rider is attached to and made a part of Commitment bearing Case # D-182369-F

City of Livonia, Wayne County, Michigan

PARCEL I:

The North 10 acres of the West 1/2 of the East 3/4 of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

PARCEL II:

The South 10 acres of the North 20 acres of the West 1/2 of the East 3/4 of West 1/2 of Southwest 1/4 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan.

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Tax Item No. 04CC, as to Parcel 1; 04DD, as to Parcel 2 and 04EE, as to Parcel 3

COUNTERSIGNED BY

Lawyers Title Insurance Corporation

Fredrick A. Thomas
SENIOR VICE PRESIDENT

Daniel De Gagne
AGENT OR AUTHORIZED OFFICER

CLEMENTS CIRCLE PARK



CITY ATTORNEY
WILLIAM W. BRASHEAR

33110 FIVE MILE ROAD
LIVONIA, MICHIGAN

August 18, 1952

RECEIVED
AUG 18 1952

CITY OF LIVONIA
CITY CLERK
TO.....

Marie W. Clark
City Clerk
33110 Five Mile Road
Livonia, Michigan

RE: Purchase of land to be
used as city park.

Dear Marie:

I am herewith enclosing the following items:

(1) Warranty Deed dated June 10, 1952, from Ira Wilson II and Marybeth Wilson, his wife, Stanley L. Wilson and Elaine Wilson, his wife, Thelma Wilson Brain, Charles L. Wilson, Jr. and Diane W. Wilson, his wife, to the City of Livonia describing the following property:

The east 660 feet of the S. 1/2 of the N.W. 1/4 of Section 36, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan, excepting the south 660 feet thereof.

which was recorded July 31, 1952, in Liber 11415, page 377. ✓

(2) Title Policy issued by Burton Abstract and Title Company in the amount of \$15,000.00 dated August 1, 1952, being Number F-395892, which pertains to the above property. ✓

(3) Invoice of Burton Abstract and Title Company showing the sum of \$32.00 owing by the City of Livonia as its share of cost of title policy.

I have completed all work required by resolution of the Council.

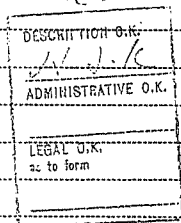
Very truly yours,

William W. Brashear
William W. Brashear, City Attorney

WWB:dlp
Enc. (3)



This Indenture, made this 10th day of June
in the year of our Lord one thousand nine hundred and fifty-two
Between Ira Wilson II and Marybeth Wilson, his wife, Stanley L. Wilson and
Elaine Wilson, his wife, Thelma Wilson Brain, Charles L. Wilson, Jr. and
Diane W. Wilson, his wife parties of the first part, and
CITY OF LIVONIA, a Michigan municipal corporation, of the City of Livonia,
Michigan party of the second part,
Witnesseth, that the said parties of the first part, for and in consideration of the sum of
One Dollar and other valuable consideration - \$ - - - - - dollars,
to them in hand paid by the said party of the second part, the receipt whereof is hereby con-
fessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm
unto the said party of the second part, and its successors
certain piece or parcel of land situate and being in the City
of Livonia County of Wayne and State of Michigan, and
described as follows, to-wit: The east 660 feet of the S 1/2 of the NW 1/4 of Section 36;
T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan, excepting the
south 660 feet thereof.



RECORDED JUL 31 1952 905 01001 AM
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY 26, MICHIGAN

This is to certify that the foregoing is a true and correct copy of the original as filed for record in the office of the Register of Deeds, Wayne County, Michigan, on the date of this instrument.
No. 888
JUL 31 1952
Wayne County, Michigan
Clerk

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To have and to hold the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors heirs and assigns Forever,
And the said Ira Wilson II and Marybeth Wilson, his wife, Stanley L. Wilson and
Elaine Wilson, his wife, Thelma Wilson Brain, Charles L. Wilson, Jr., and
Diane W. Wilson, his wife parties of the first part, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part its successors
heirs and assigns, that at the time of the enrolling and delivery of these presents they are well
seized of the above-granted premises in fee simple; that they are free from all incumbrances whatever

and that they will, and their heirs, executors, and administrators shall, warrant and defend the same against all lawful claims whatsoever

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of

Wm. B. Giles
Barbara A. Link
Barbara A. Link

Ira Wilson II L.S.
Marybeth Wilson M.S.
Stanley L. Wilson S.
Elaine Wilson L.S.
Thelma Wilson Brain S.
Charles L. Wilson, Jr. L.S.
Diane W. Wilson L.S.

STATE OF MICHIGAN,
COUNTY OF Wayne ss.

On this 10th day of June in the year one thousand nine hundred and fifty-two before me, a Notary Public

in and for said county, personally appeared
Ira Wilson II and Marybeth Wilson, his wife, Stanley L. Wilson and Elaine Wilson,
his wife, Thelma Wilson Brain, Charles L. Wilson, Jr. and Diane W. Wilson,
his wife

to me known to be the same persons described in and who executed the within instrument, who
then acknowledged the same to be their free act and deed.

Barbara A. Link
Notary Public, Wayne County, Michigan.
My commission expires June 21, 1955

WARRANTY DEED
SHORT FORM.

RECEIVED
JUN 11 AM 9 37
REGISTERED
JUN 11 AM 9 37
REGISTERED
JUN 11 AM 9 37

REGISTER'S OFFICE, ss.
This instrument was presented and received for record this
day of June 31 1952 A. D. 19
at 9:05 o'clock A. M., and
recorded in liber of deeds,
on page 11415 PA 377
date was furnished in compliance with
Section 3957, Compiled Laws of 1897.
Register of Deeds.

THE RICHMOND & BACKUS CO.
LEGAL BLANK PUBLISHERS
DETROIT MICHIGAN
WM W BRASHEAR
33110-5 MILE RD
LIVONIA

BURTON ABSTRACT AND TITLE CO.

BURTON BUILDING
350 East Congress Street
DETROIT, MICHIGAN



WOODWARD 2-9800

NUMBER
F 395892

AMOUNT
\$ 15,000.00

OWNER'S TITLE INSURANCE POLICY

Insuring:

City of Livonia, a Michigan Municipal Corporation,

BURTON ABSTRACT AND TITLE CO., a Corporation of Detroit, Michigan, herein called the Company, for a valuable consideration, paid for this policy of Title Insurance, does hereby insure the party (or parties) named above, herein called the Insured, its successors, ~~heirs and assigns~~, against all loss or damage, not exceeding the amount stated above which the Insured shall sustain by reason of the failure or unmarketability of the title of party named under Schedule A, Section 1, to the real estate or interest in real estate described in Schedule A, Section 2, at the date hereof, excepting only such liens, incumbrances and other matters as are set forth in Schedule B, and subject to the conditions and stipulations, which, together with the aforesaid schedules, are hereto annexed and made a part of this policy.

IN WITNESS WHEREOF, the BURTON ABSTRACT AND TITLE CO. has caused its corporate name and seal to be affixed by its duly authorized officer on August 1, 1952 at 8:00 A.M.

BURTON ABSTRACT AND TITLE CO.

By

[Signature]
Vice-President

SCHEDULE A

1. The estate or interest insured.

City of Livonia, a Michigan Municipal Corporation; OWNER IN FEE SIMPLE.

2. Description of the real estate.

Land in the City of Livonia, Wayne County, Michigan, described as: East 660 feet of South 1/2 of Northwest 1/4, except the South 660 feet thereof, of Section 36, Town 1 South, Range 9 East, excepting any part of the above described land taken, used or deeded for street, road or highway purposes.

SCHEDULE B

Showing defects, liens, encumbrances, taxes, assessments and other matters against which the Company does not, by this policy, insure.

1. Standard exceptions A to F on reverse side hereof.

MICHAEL J. O'BRIEN, CHAIRMAN
GROSSE POINTE FARMS

JOHN P. O'HARA, VICE-CHAIRMAN
DETROIT

HARLES L. WILSON, COMMISSIONER
DETROIT

SYLVESTER A. NOETZEL, SECRETARY

Board of
County Road Commissioners
Wayne County

LEROY C. SMITH
COUNTY HIGHWAY ENGINEER

JOHN K. NORTON
ENGINEER OF HIGHWAYS

HARRY A. SHUPTRINE
ENGINEER OF BRIDGES & STRUCTURES

JOHN C. JACOBY
DIRECTOR OF LAND & LEGAL DIVISION

WOODWARD 2-7670
3800 CADILLAC TOWER
Detroit 26, Mich.

July 10, 1952

City of Livonia
Department of Parks and Recreation
33211 Seven Mile Road
Livonia, Michigan

Att: Mr. C. M. Hoffman
Re: Wayne County Water Supply System - Dept. of
Recreation Site

Gentlemen:

This is to acknowledge receipt of the sum of Five Hundred Dollars which the Department of Recreation of the City of Livonia agreed to pay to the Board of Wayne County Road Commissioners as its share of the cost of additional work involved in moving the location of the proposed Wayne County water pumping station and reservoir in order that the Department of Recreation may obtain a more suitable site for its proposed playground and recreational area.

We are enclosing herewith a certified copy of Item No. 15 of the Minutes of the Board of County Road Commissioners of June 5, 1952, relating to the above-mentioned transaction.

We are also enclosing herewith a duly executed warranty deed conveying to the City of Livonia, a Michigan municipal corporation:

"The east 660 feet of the south 1/2 of the northwest 1/4 of Sec. 36, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan, excepting the south 660 ft. thereof".

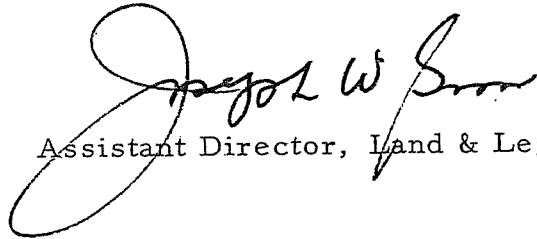
In addition to the afore-mentioned consideration of \$500.00, payable to the Board of Wayne County Road Commissioners, this is to acknowledge receipt of the sum of \$15,000, payable to Ira

Wilson, et al, as consideration for the land acquired for the playground and recreational area, together with a letter from the Department of Recreation granting to Ira Godwin the right of ingress and egress for the purpose of harvesting sod now being raised on said land under a verbal contract with the Wilsons.

A check in the amount of \$20,000 together with the aforementioned letter is being turned over to Mr. William Giles, attorney for the grantors.

Very truly yours,

BOARD OF WAYNE COUNTY ROAD COMMISSIONERS

A handwritten signature in dark ink, appearing to read "James W. Snow". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Assistant Director, Land & Legal Division

JWG/le
Enc.

PLANNING COMMISSION



GEORGE N. BENTLEY
CHAIRMAN
DALLAS HAY
VICE-CHAIRMAN
HELEN BYERS
SECRETARY

JESSE ZIEGLER
MAYOR

33110 FIVE MILE ROAD
LIVONIA, MICHIGAN

COMMISSIONERS:
EDWIN CONWAY
HAROLD BOWER
WALTER RUSSELL
ROBERT MACINTYRE
CLARENCE JAHN

June 21, 1952

Members of the City Council
Livonia, Michigan

Dear Madam and Gentlemen:

At the special meeting held June 18, 1952, the communication received from you and the Department of Parks and Recreation dated June 16, 1952, regarding purchase of certain land in the N.W. 1/4 of Section 36, was discussed thoroughly. Upon a motion duly made, seconded, and unanimously carried, it was

RESOLVED, to recommend to the City Council that the action of the Department of Parks and Recreation be approved pertaining to the purchase of ten acres more or less for a park site in Section 36.

The location chosen follows the line of thinking of the Planning Commission. We are kept informed of the Department of Parks and Recreation activities through the Joint Committee chosen over a year ago by our Chairman, Mr. Bentley. This committee consists of representatives from our school, Cooper and Clarenceville districts and the Parks and Recreation Department, who relay their progress reports to the Planning Commission for approval.

Yours truly,

PLANNING COMMISSION

Dallas Hay
Dallas Hay, Chairman
Helen E. Byers
Helen E. Byers, Secretary

Minutes of the Board of County Road Commissioners of the County of Wayne, Michigan, held at 3800 Cadillac Tower, Detroit, of their meeting at 9:00 A.M. eastern standard time, Thursday, June 5, 1952.

Present: Commissioners O'Hara, Wilson and O'Brien.
Absent : None

Item 15 - Memorandum read as follows:

MEMORANDUM TO THE BOARD:

June 4, 1952

Re: Wayne County Water Supply System

On January 17, 1952 (Item No. 8 of the Board's Minutes of that date), the Board authorized the purchase of a site on the north side of West Chicago, approximately one-half mile east of Middlebelt Road, the same to be utilized for the construction of a pumping station and to provide an area sufficient for reservoirs to be constructed in the future.

This transaction has been completed and a warranty deed for the property involved was received and placed on record March 6, 1952.

It has now been brought to our attention that the Livonia Township School District is desirous of obtaining a school site of approximately 10 acres in the same general area and the Board of Recreation of the City of Livonia is also desirous of obtaining a 10-acre parcel immediately north of the school site, the same to be used for parks and recreation purposes.

In order to accommodate the School District and the Parks and Recreation Department, it would necessitate moving the pumping station and reservoir site 660 feet west of the original site acquired. This would involve some expense to the Board as a new survey and new boring information must be acquired and an existing 8-inch water main would have to be extended a distance of approximately 200 feet.

At a joint meeting held with the representatives of the owners of the property, the Livonia Township School District and the City of Livonia Parks and Recreation Department, it has been tentatively agreed, subject to the approval of this Board, that the owners of the property will convey to this Board a similar site of the same area 660 feet west of the original site; that this Board would then convey to the Livonia School District the site originally acquired for the pumping station and reservoir and that the owners of the property would then convey additional land required by the School District and the Parks and Recreation Department. In addition to this, the Livonia Township School District and the Department of Parks and Recreation of the City of Livonia will reimburse this Board to the extent of \$1000 to defray the expense involved in moving the site.

It is our belief that this is a fair and equitable way of developing the area for public purposes and it is recommended that the transaction be approved.

Parcel: 46 142 99 0018 000 Owner's Name: CITY OF LIVONIA

Property Address: 9999 HARRISON YR BLT/SQ FT:

Cur. Class : 401 Gov. Unit: 46 CITY OF LIVONIA School: 55 District 55
Prev. Class: 401 Neighborhood: 01280 142-99

Liber/Page: Created: / / Split: / / Active

Legal Description: Mailing Address:
~~36C1D1 THE E 660 FT OF THE S 1/2 OF THE~~ 33000 CIVIC CENTER
~~NW 1/4 OF SEC 36 EXCEPT THE S 660 FT~~ LIVONIA MI 481543060
~~THEREOF AND ALSO EXC THE E 43 FT THEREOF~~
9.35 AC **POOL-PARK**

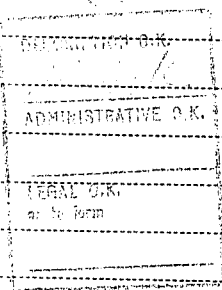
Physical Property Characteristics		
2009 S.E.V.:	Taxable:	Lot Dimen:
2008 S.E.V.:	Taxable:	Acreage: 9.35
Zoning:	Land Value:	Frontage: 660.0
PRE: 0.000%	Land Impr. Value:	Average Depth: 617.0

Clements Circle Park

from Assessor's file



This Indenture, made this 10th day of June
in the year of our Lord one thousand nine hundred and fifty-two
Between Ira Wilson II and Marybeth Wilson, his wife, Stanley L. Wilson and Elaine Wilson, his wife, Thelma Wilson Brain, Charles L. Wilson, Jr. and Diane W. Wilson, his wife part ies of the first part, and
CITY OF LIVONIA, a Michigan municipal corporation, of the City of Livonia, Michigan part.Y of the second part,
Witnesseth, that the said parties of the first part, for and in consideration of the sum of
One Dollar and other valuable consideration - - - - - dollars,
to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors ~~heirs~~ and assigns forever, all that certain piece or parcel of land situate and being in the City of Livonia County of Wayne and State of Michigan, and described as follows, to-wit: The east 660 feet of the S 1/2 of the NW 1/4 of Section 36, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan, excepting the south 660 feet thereof.



RECORDED JUL 31 1952 9:05 PM
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY 26, MICHIGAN

TH. K. to be
Proprietor of
Date of Birth

TH. K. to be
Proprietor of
Date of Birth

JUL 31 1952

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To have and to hold the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors ~~heirs~~ and assigns Forever, And the said Ira Wilson II and Marybeth Wilson, his wife, Stanley L. Wilson and Elaine Wilson, his wife, Thelma Wilson Brain, Charles L. Wilson, Jr., and Diane W. Wilson, his wife part ies of the first part, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part its successors ~~heirs~~ and assigns, that at the time of the ensembling and delivery of these presents they are well seized of the above-granted premises in fee simple; that they are free from all incumbrances whatever

111415 PA 378

and that they will, and their heirs, executors, and administrators shall, warrant and defend the same against all lawful claims whatsoever

In witness whereof, the said parties of the first part have hereunto set their hands and seal, the day and year first above written.

Signed, sealed and delivered in presence of

Wm. B. Giles

Barbara A. Link

STATE OF MICHIGAN,

COUNTY OF Wayne

ss.

On this 10th day of June in the year one thousand nine hundred and fifty-two before me, a Notary Public

in and for said county, personally appeared Ira Wilson II and Marybeth Wilson, his wife, Stanley L. Wilson and Elaine Wilson, his wife, Thelma Wilson Brain, Charles L. Wilson, Jr. and Diane W. Wilson, his wife

to me known to be the same persons described in and who executed the within instrument, who then acknowledged the same to be their free act and deed.

Barbara A. Link

Notary Public, Wayne County, Michigan.

My commission expires June 21, 1955.

WARRANTY DEED

SHORT FORM.

REGISTER'S OFFICE,

County,

This instrument was presented and received for record this

day of 31 1952 A. D. 19

at 9:05 o'clock A. M., and

recorded in liber of deeds,

on page 111415 PA 377

cate was furnished in compliance with

Section 3957, Compiled Laws of 1897.

Register of Deeds.

THE RICHMOND & BACKUS CO.

LEGAL BLANK PUBLISHERS

DETROIT MICHIGAN

WM W BRAHMEAR

33110-5MILE

EXHIBIT B
PROJECT DESCRIPTIONS

BOTSFORD PARK

DEPARTMENT OF PARKS & RECREATION

**PARKS AND RECREATION
COMMISSION**

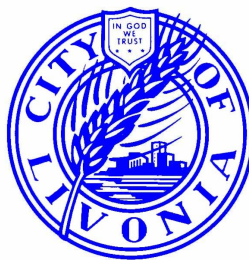
MARK JOHNSON
CHAIRPERSON

PAUL CONDON
KATHERINE JOLLY
CATHY KEVRA
KEVIN SUMMERS

15100 HUBBARD
LIVONIA, MICHIGAN 48154-3586
(734) 466-2410 RECREATION DIVISION
FAX: (734) 466-2679

MAUREEN MILLER BROSNAN
MAYOR

EDWARD DAVIS
SUPERINTENDENT



February 18, 2022

Ms. Alicia Bradford
Director, Wayne County Parks Division
33175 Ann Arbor Trail
Westland, Michigan 48185

Re: Millage Funding Request for 2021-22 Fiscal Year

Dear Ms. Bradford,

The City of Livonia is proposing an upgrade to our Botsford Pool area for District 9. The City of Livonia is aiming to continue our recent improvements to Botsford, by removing the existing fencing and mechanical enclosures. With the assistance of Wayne County millage funds, we have added and upgraded Botsford Pool with new marcite and water play features in recent years.

This new project is the complete removal and replacement of the existing fencing, and mechanical buildings for the pool. The current fencing and structures are eyesores and present a hazard to those wishing to enjoy the pool.

The goal of these projects is to create safe, dramatic, and fitting atmospheres while also increasing the safety of the facilities.

If approved, work will be completed by Fall 2022.

The total budget plan for Botsford Pool is \$150,000. With \$144,665 budgeted from 2021/22 Wayne County funds and municipal funds.

Thank you once again for your consideration of this project for Wayne County Parks Millage funding. Please let me know if you need any further information regarding this request.

Sincerely,

Edward Davis
Superintendent

Attachments

CLEMENTS CIRCLE PARK

DEPARTMENT OF PARKS & RECREATION

**PARKS AND RECREATION
COMMISSION**

MARK JOHNSON
CHAIRPERSON

PAUL CONDON
KATHERINE JOLLY
CATHY KEVRA
KEVIN SUMMERS

15100 HUBBARD
LIVONIA, MICHIGAN 48154-3586
PHONE: (734) 466-2900
FAX: (734) 466-2679



MAUREEN MILLER BROSNAN
MAYOR

EDWARD DAVIS
SUPERINTENDENT

February 18, 2022

Ms. Alicia Bradford
Director, Wayne County Parks Division
33175 Ann Arbor Trail
Westland, Michigan 48185

Re: Millage Funding Request for 2021-22 Fiscal Year

Dear Ms. Bradford,

The City of Livonia is proposing an addition to the Clements Circle Pool. This would consist of an additional security cameras and pool furniture for the enclosure.

The goal of the project is to create a more comfortable experience for pool patrons enjoying a summer day. Clements Circle continues to be one of the most popular outdoor amenities we offer to the community.

The budget plan for Clements Circle Pool is \$14,308.

The proposed Wayne County Parks Millage funds would be used to purchase additional security cameras and new pool furniture for the Clements Circle Pool.

Thank you once again for your consideration of this project for Wayne County Parks Millage funding. Please let me know if you need any further information regarding this request.

Sincerely,

Edward Davis

Superintendent

EXHIBIT C: SIGNAGE SPECIFICATIONS



WAYNE COUNTY MEMORANDUM PARKS DIVISION

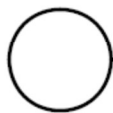
SIGN SPECIFICATIONS

Attached, please find sketch and samples of the sign layout that we are suggesting for all IGA Grant projects. The Specs are as follows:

All parks millage signs must include language that states, made possible through the Wayne County Parks millage in cooperation with (*place your municipality name here*)

- Sign size 48' x 30' $\frac{3}{4}$ ' marine grade plywood
- Sign is to be one sided, two sides is optional
- To be cut with "carriage" style top i.e. arched (optional)
- Color options are determined by the municipality
- Font should be traditional styles in Helveticas, Arial, Times New Roman
- Include County Logo, County Executive and County Commissioners
- We suggest using 3M Reflective Adhesive water proof vinyl. Painting is optional
- Vertical post shall be 4x6 weather proof timbers routed on 4' side to accommodate the sign, staining of posts optional
- Bury post a minimum of 42' into ground and backfill with dirt and compost, concrete footing is optional
- Bottom of sign shall be 2ft. minimum above grade
- Sign will be secured to post with flat head Galvanized wood screws (approx. # 10) 2 per post (min.)
- Proof to be provided of final design prior to fabrication and installation

We are flexible on fabrication and colors as long as it resembles the example attached. Any request to deviate from the signage should be directed to the Parks Director.



SCALE $3/4" = 1'-0"$

BURGUNDY	YELLOW TEXT
C=25%	C=14%
M=100%	M=11%
Y=100%	Y=88%
K=26%	K=0%
OR #95191D	OR #E9D735

Exhibit D: INSURANCE COVERAGES

City, at its expense, or any contractors, subcontractors, consultants or agents retained by City (each a “Contractor”), at their own expense, shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the services by the Contractor, its agents, representatives or employees. Contractor shall maintain at least the following minimum coverage:

Commercial General Liability (CGL)

Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this Contract or the general aggregate limit shall be twice the required occurrence limit.

Umbrella or Excess Liability

Policy in an amount not less than \$1,000,000. Umbrella or excess policy wording shall be at least as broad as the primary or underlying policy(ies) and shall apply both to the Contractor’s general liability and to its automobile liability insurance and shall be written on an occurrence basis. The County, officials, employees and others as may be specified in any “Special Conditions” shall be named as an additional insured under this policy.

Automobile Liability

Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Contractor has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000 per accident for bodily injury and property damage.

Workers’ Compensation

Insurance as required by the State of Michigan, with Statutory limits, and employer’s liability insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease.

Professional Liability (if Design/Build)

Insurance appropriate to the Contractor’s profession, with limits no less than \$3,000,000 per occurrence or claim, \$3,000,000 aggregate.

Builder’s Risk (Course of Construction)

Insurance utilizing “All Risk” (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

Contractors’ Pollution Legal Liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards)

Insurance with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.

If the Contractor maintains higher limits than the minimum insurance coverage required

as stated above in this Exhibit, the Contractor shall maintain the coverage for the higher insurance limits for the duration of this Agreement.

Additional Insured Status

The County, its officers, officials, employees, volunteers, and others as may be specified in any "Special Conditions" shall be additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to this Agreement, the Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy shall state that coverage shall not be canceled, except with notice to the County.

Waiver of Subrogation

Contractor grants to the County a waiver of any right to subrogation which any insurer of the Contractor may acquire against the County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the County has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. The County may require the Contractor to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

All insurance must be effected under valid and enforceable policies, issued by recognized, responsible insurers qualified to conduct business in Michigan which are well-rated by national rating organizations. All companies providing the coverage required shall be licensed or approved by the Insurance Bureau of the State of Michigan and shall have a policyholder's service rating no lower than A:VII as listed in A.M. Best's Key Rating guide, current edition or interim report.

Claims-made Policies

If any of the required policies provide coverage on a claims-made basis:

1. The retroactive date must be shown and must be before the date of this Agreement or the date the Contractor starts to perform the services.

2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of this Agreement.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to this Agreement's effective date, the Contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of Agreement work.

Verification of Coverage

Contractor shall furnish the County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this Exhibit. The County shall receive and approve all certificates and endorsements before the Contractor begins providing services. Failure to obtain the required documents prior to commencement of services shall not waive the Contractor's obligation to provide them. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by this Exhibit, at any time.

Subcontractors

Contractor shall require and verify that all subcontractors maintain insurance satisfying all the stated requirements, and Contractor shall ensure that the County is an additional insured on insurance required from subcontractors.

Special Risks or Circumstances

The County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

➤ The Contractor must submit certificates evidencing the insurance to the County Risk Management Division at the time the Contractor executes an agreement with the City, and at least fifteen (15) days prior to the expiration dates of expiring policies.

Surety Bonds

The Contractor shall provide the following surety bonds: 1) bid bond; 2) performance bond; 3) payment bond; 4) maintenance bond. The payment bond and the performance bond shall be in a sum equal to the contract price. If the performance bond provides for a one year warranty a separate maintenance bond is not necessary. If the warranty period specified in the contract is for longer than one year a maintenance bond equal to 10% of the contract price is required. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of Michigan and secured through an authorized agent with an office in Michigan.

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MARCH 23, 2022**

Meeting was called to order at 8:43 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and Kathleen McIntyre. Absent: None

Elected and appointed officials present: Deputy City Clerk, Lori Miller, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, Paul Bernier; City Attorney, Jeannine Laible, Human Resources Director, Doug Moore, Assistant Director of Public Works, Ted Davis; Superintendent of Parks and Recreation.

Councilmember Scott Bahr wanted to note that he noticed the low amount of people at the Rec Center. He pointed out that it is ok to come back. He loves to see when it is vibrant there and would like to see more people come out to play basketball in the mornings.

5. AWARD OF CONTRACT: Department of Public Works, re: for the 2022-2025 Municipal Park Mowing Program, which involves approximately 136 acres of parks, cemetery, and fire station property, from budgeted funds.

Doug Moore, Assistant Director of Public Works, presented the request to Council.

Councilmember Scott Bahr offered an approving resolution on the Consent agenda.

President Jolly asked to clarify the procedure of the department to oversee that the mowing is being done. Doug Moore responded there are two foremen, a supervisor and himself. Once they receive the mowing schedule from the company, they check almost daily, to make sure it is getting done.

DIRECTION:

APPROVAL

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

5.

DPW

March 3, 2022

MEETING DATE

Study Meeting of
March 23, 2022

PREPARED BY

Jill Russell, Secretary III

AGENDA ITEM

AWARD OF CONTRACT: Department of Public Works, re: for the 2022-2025 Municipal Park Mowing Program, which involves approximately 136 acres of parks, cemetery and fire station property, from budgeted funds.

BACKGROUND

The Public Works Division has taken bids for a four-year parks mowing contract to provide the mowing of approximately 136 acres of parks, cemetery, and Fire Station property in accordance with the requirements of the Finance Ordinance, and the 2022 approved budget for the Parks Maintenance Fund (Account No. 101-524-818-015). Specifications were prepared by the Public Works Division, and an advertisement to bid was placed on the Michigan Inter-governmental Trade Network (MITN). Four bids were received, and opened in the presence of the Bid Committee at 2:00 p.m. on February 22, 2022. The bid tab is attached.

RECOMMENDATION

It is our recommendation that Council award the four year (2022-2025) parks mowing contract to the lowest bidder, Scooby's Lawn Care LLC, 2018 Helen, Garden City, MI in the amount of \$37,114.00 annually for completing all work required in connection with the City's 2022-2025 Municipal Mowing Program with monies budgeted in the Parks Maintenance department (Account #101-524-818-015). In addition, accept the bid of the next lowest bidder, United Lawnscape, 12240 Merriman, Livonia, MI 48150 to mow the parks, cemetery and fire station for \$109,186.00 in the event the low qualified bidder is unable to mow the properties.

FISCAL CONSIDERATION

Funds provided in the Parks Maintenance fund: 101-524-818-015 in the amount of \$37,114.00 annually.

ATTACHMENTS

1. Scooby_s Lawn Care LLC Pricing
2. Scoobys lawn care
3. 2022-2025 Parks mowing BID TAB

APPROVED BY



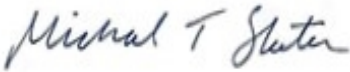
Date: March 07, 2022

Douglas L. Moore, MSA, Assistant Director of Public Works



Date: March 07, 2022

Don Rohraff, Director of Public Works



Date: March 08, 2022

Michael Slater, Finance Director



Date: March 10, 2022

Maureen Miller Brosnan, Mayor

CITY OF LIVONIA PARK MOWING PROPOSAL FORM**PLEASE SUBMIT IN TRIPLICATE**

Honorable Members of the Council
 33000 Civic Center Drive
 Livonia, MI. 48154

Scooby's Lawn Care L.L.C.

Bid Submitted by (Company)

Dear Council Members:

The undersigned, by the submission of this proposal, represents that they are familiar with and have determined for themselves the nature, and extent of the proposed work, and the conditions under which it must be performed, and completed, and agrees that they will contract with the City of Livonia furnish at, and for the following monies all materials, labor, equipment, permits, insurance, supervision, and all other things necessary, or incidental to complete the entire work in accordance with the appended specifications, general conditions, and related contract documents. By the submission of this bid, the undersigned represents that they are familiar with, and understand all of the above referenced contract documents.

Park	Section	Acreage	One mowing	X-Per Season	Season Cost*
Hillcrest	2	10	\$ 190.00	14	\$ 2,660.00
Seven Mile-Jaycee Park Sidewalk	3	0.7	\$ 13.30	14	\$ 186.20
Prides Court	7	2	\$ 38.00	14	\$ 532.00
Nottingham West	8	5.3	\$ 100.70	14	\$ 1,409.80
Denmar	8	0.8	\$ 15.20	14	\$ 212.80
Hellman	9	0.6	\$ 11.40	14	\$ 159.60
Seven Mile-Rotary Park Sidewalk	10	0.8	\$ 15.20	14	\$ 212.80
Meadows Park	12	5.4	\$ 104.50	14	\$ 1,463.00
Seven Mile-Goff Nature Preserve	12	1.6	\$ 30.40	14	\$ 425.60
Broadmore	13	2.5	\$ 47.50	14	\$ 665.00
6 Mile Rd. Islands	7-8-17-18	2.5	\$ 47.50	14	\$ 665.00
6 & Wayne (Both sides of Six)	16	3.4	\$ 64.60	14	\$ 904.40
Fairway	17	5.2	\$ 98.80	14	\$ 1,383.20
Quakertown	18	0.9	\$ 17.10	14	\$ 239.40
Laurel South	18	10.2	\$ 193.80	14	\$ 2,713.20
Bluegrass	18	1.8	\$ 34.20	14	\$ 478.80
Greenwood	18	7.6	\$ 144.40	14	\$ 2,021.60
Chatham	19	0.8	\$ 15.20	14	\$ 212.80
Bien	19	14.9	\$ 283.10	14	\$ 3,963.40
Grennada	19	5.2	\$ 98.80	14	\$ 1,383.20
Madonna	20	1.8	\$ 34.20	14	\$ 478.80
Reynolds Ravine	20	1.4	\$ 26.60	14	\$ 372.40
Greenbrier	21	8.2	\$ 155.80	14	\$ 2,181.20
Harry Wolfe Tot Lot	22	0.4	\$ 7.60	14	\$ 106.40
Gaylord Tot Lot	23	1.1	\$ 20.90	14	\$ 292.60
Bai - Lyn	23	2.6	\$ 49.40	14	\$ 691.60
Elm	25	5.8	\$ 110.20	14	\$ 1,542.80
Newburgh Underpass	30	2.3	\$ 43.70	14	\$ 611.80
Dover	31	5	\$ 95.00	14	\$ 1,330.00
Lindenwood	32	1.4	\$ 26.60	14	\$ 372.40
Hugh Tot Lot	35	0.4	\$ 7.60	14	\$ 106.40
Elliott Tot Lot	36	0.4	\$ 7.60	14	\$ 106.40
Sesquicentennial Park	36	0.9	\$ 17.10	14	\$ 239.40
SUB-TOTAL FOR PARKS MOWING (ONE SEASON)					\$ 30,324.00

CITY OF LIVONIA PARK MOWING PROPOSAL FORM

PLEASE SUBMIT IN TRIPLICATE

Park	Section	Acreage	One mowing	X-Per Season	Season Cost*
Fire Station #4 12300 Middlebelt	25	0.5	\$ 10.00	14	\$ 140.00
Fire Station #5 18910 Middlebelt	12	0.75	\$ 15.00	14	\$ 210.00
Fire Station #6 37876 Plymouth	30	2	\$ 40.00	14	\$ 560.00
Newburgh Cemetery	32	2.4	\$ 125.00	14	\$ 1,750.00
Clarenceville Cemetery	1	2.3	\$ 120.00	14	\$ 1,680.00
Livonia Cemetery	21	3.5	\$ 175.00	14	\$ 2,450.00
SUB-TOTAL FOR CEMETERY MOWING (ONE SEASON)					\$ 6,790.00

(*) ="Season Cost" is based on two (2) maintenance services/month from approximately April 1 - Oct. 31

% of Increase from previous year					
Summary	Season 1	Season 2	Season 3	Season 4	TOTALS:
Parks mowing	\$ 30,324.00	\$ 30,324.00	\$ 30,324.00	\$ 30,324.00	\$ 121,296.00
cemetary mowing	\$ 6,790.00	\$ 6,790.00	\$ 6,790.00	\$ 6,790.00	\$ 27,160.00
total	\$ 37,114.00	\$ 37,114.00	\$ 37,114.00	\$ 37,114.00	\$ 148,456.00
Bid Bond required	\$ 1,855.70				

The undersigned agrees that, if the proposed made herein is accepted, they will satisfactorily perform, and complete all of the work, and meet all of the requirements, and obligations imposed him by the contract including the plans, specifications, and general conditions by April 30th, 2022.

Also, the undersigned agrees that, if the above proposal is accepted, they will execute the contract, and furnish acceptable bonds, and insurance within fifteen (15) calendar days from such acceptance.

To guarantee their fulfillment of the foregoing covenants, the bidder attaches hereto his certified check, or bid bond in the amount of (5% of proposal)	\$ 1,855.70
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and agrees that same shall be forfeited to the City of Livonia in the event of their failure to execute the contract or furnish acceptable bonds, not as a penalty, but as actual liquidated damages. The City shall not be required to provide or show such liquidated damages.

No bid shall be withdrawn for at least sixty (60) days after the scheduled closing time for receiving bids.

The undersigned agrees that the City of Livonia may increase, or decrease the quantity of work as described in the specifications, and in accordance with the "Schedules of Prices" included in this proposal.

The undersigned represents that they acknowledge that the City reserves the right to accept, or reject any bid, or all bids, and to waive irregularities in bids.

734-796-0287

Telephone Number

N/A

Fax Number:

scoobyslawncare@yahoo.com

Email Address

2/21/2022

Date:

Scooby's Lawn Care L.L.C.

Firm Name

2018 Helen St.

Firm Address

Garden City, MI. 48135

City / State / Zip

Signature

Edward M. Wood

Name

Owner

Title

Scooby's Lawn Care L.L.C.

Equipment

Each bidder must include with his/her bid a list describing the number and type of equipment available including make, model and year of the equipment (attach additional pages if needed):

Description	Make	Model	Year	Count
<i>Mower, SAMPLE</i>	<i>J DEERE</i>	<i>XLT51</i>	<i>2017</i>	<i>2</i>
Mower, SAMPLE	Dixie Chopper	blackhawk HP	2018	2
Mower	Ferris	2100Z	2020	1
Mower	Gravely	Pro Turn 260	2021	1
Mower	Gravely	1464	2015	1
whips	Stihl	FS94	2020	3
Whips	Husqvarna	525LST	2019	3
Blowers	Husqvarna	180 BT	2018	3
Truck	Ford	F-150	2009	1
Truck	Ford	F-250	2000	1
Trailer	Interstate	16ft	2020	1



CITY OF LIVONIA – REQUEST FOR BID
PARKS MOWING – 2022-2025

The City of Livonia Michigan will receive sealed bids via the MITN WEBSITE ONLY (www.mitn.info) for **PARKS MOWING 2022-2025** according to the specifications herein. Sealed bids will be received until 2:00 p.m., on FEBRUARY 22, 2022. No faxed bids will be accepted. No late bids will be accepted. No physical bids will be accepted. All bid responses must be submitted in Adobe Acrobat PDF format via the MITN website. **BIDS MUST BE SUBMITTED ON CITY OF LIVONIA FORMS.**

Bids received via the MITN website by the specified due date and time will be publicly opened at the due date and time via Zoom. Vendors may attend the bid opening virtually by using the following credentials:

By Computer:

<https://us02web.zoom.us/j/82294127641>

By Phone:

Phone (312) 626-6799
Webinar ID: 822 9412 7641

The City reserves the right to reject in or in part any and all bids received, to waive any irregularities or informalities or both; as it is determined to be in the best interests of the City of Livonia to do so.

The City of Livonia officially distributes bid documents through the Michigan Intergovernmental Trade Network (BidNet). **Bid documents obtained from any other source are not considered official copies.** The City of Livonia cannot guarantee the accuracy of any information not obtained from the MITN website and is not responsible for any errors contained by any information received from alternate sources. Only those firms who obtain the RFB documents from the MITN system are guaranteed access to receive addendum information, if such information is issued. If you obtained this document from a source other than the source indicated, it is recommended that you register on the MITN site, www.mitn.info and obtain an official copy.

A MANDATORY pre-bid meeting to explain the project and answer any questions will be held on **WEDNESDAY, FEBRUARY 16, 2022** at 10:00 A.M. Prospective bidders should meet in the Conference Room of the Public Works Department, 12973 Farmington Road. For additional information contact Enna A. Bachelor, Purchasing Manager at ebachelor@livonia.gov.

Advertisement - Parks Mowing 2022-2025

Each proposal shall be accompanied by a bid security in form of bond the amount of five percent (5%) of the proposal as security for the acceptance of the contract. A Bid Bond in the Michigan standard form issued by an approved surety company must be submitted.

No bidder may withdraw his proposal within sixty (60) days after the date set for the opening thereof. All work must be completed by Nov. 15th of each year of the contract, unless extended by the City. The City reserves the right to reject or accept any or all proposals in whole or in part and waive any irregularities therein.

QUESTIONS:

Questions regarding the Request for Bid must be submitted **in writing** to the attention of Enna A. Bachelor, Purchasing Manager, via email at: ebachelor@livonia.gov. All questions received by FEBRUARY 18, 2022. will be responded to in writing in the form of an addendum which will be posted on the MITN website. No phone calls will be accepted. All inquiries regarding this solicitation shall be submitted to the Purchasing Manager.

CITY OF LIVONIA
DEPARTMENT OF PUBLIC WORKS
PUBLIC SERVICE DIVISION

2020-2023 MUNICIPAL PARK MOWING PROGRAM

TABLE OF CONTENTS

CONTRACT DOCUMENTS

1. Advertisement for Bids	AB-1
2. Instructions to Bidders	IB-1 thru IB-2
3. Proposal Form	PF-1 and PF-3
4. General Conditions.....	GC-1 thru GC-14
5. Proof of Insurance	INS-1 thru INS-6
6. Specifications for Park Mowing Program	S-1 thru S-6
7. Performance Bond.....	PB-1
8. Labor and Materials Bond.....	LMB-1
9. Contractor's Declaration	CD-1
10. Contractor's Affidavit	CA-1
11. Contract.....	C-1 and C-2

CITY OF LIVONIA
DEPARTMENT OF PUBLIC WORKS
PUBLIC SERVICE DIVISION
INSTRUCTIONS TO BIDDERS

1. **PROPOSALS**

- a. Sealed proposals will be received as per the Advertisement for Bids.
- b. Proposals shall be submitted in triplicate only on forms provided by the Director of Public Works and shall be a unit price bid for all items of the contract.
- c. Proposals shall be submitted in Adobe Acrobat PDF format via the MITN website. Physical bid submission will not be accepted. Pricing shall be provided on the Excel spreadsheet provided with the bid documents. Firms must use the excel spreadsheet to offer pricing without exception.
- d. If any figure already entered on the bid form by the bidder is to be altered, it shall be crossed out with ink and the new unit price entered above it or below it and initialed by the bidder.
- e. The City of Livonia reserves the right to reject any and all bids, to waive any informalities or deficiency in the bids received, and to accept any bid proposal which it deems most favorable to the interest of the City regardless of whether such bid is the lowest received.
- f. The bid of any City-based firm may be deemed a better bid than the bid of any competing firm which is not City-based, whenever the bid of such competing firm shall be less than three percent lower than the bid of the City- based firm. (Section 3.04.140.E. of the Livonia Code of Ordinances, as amended).

2. **NAME AND STATUS OF BIDDER**

- a. The name and legal status of the bidder, that is, as a corporation, partnership or individual, shall be stated in the proposal.
- b. The name and legal status of the bidder, that is, as a corporation, partnership or individual, shall be stated in the proposal.
- c. Anyone signing a proposal as an agent of another or others must submit, with the proposal, legal evidence of his authority to do so.
- d. The place of residence of each bidder, or the office address in the case of a firm or company, must be given after his signature.

3. **EXPERIENCE AND FINANCIAL STATEMENT**

It is the intention of the City to award this contract to a contractor fully capable, both financially and in regard to experience, to perform and complete the work in a satisfactory manner. If required by the City, each bidder under consideration may be required to submit a statement of his experience and financial status.

4. EXPLANATION TO BIDDERS BY BULLETINS

- a. Neither the Owner nor the Director will give verbal answers to inquiries, regarding the meaning of the drawings or specifications, or give verbal instructions, previous to the award of the contract. Any verbal statements regarding the same by any person, previous to the award, shall be non-authoritative.
- b. Explanations desired by bidders shall be requested of the Director, in writing; and, if explanations are necessary, a reply will be made in the form of a bulletin, a copy of which will be forwarded to each bidder whose work is affected.
- c. Bulletins issued to bidders prior to date of receipt of proposals shall become a part of the specifications, and all proposals shall include the work described in the bulletins.
- d. No inquiry received within four (4) days of the date fixed for the opening of the bids will be given consideration.
- e. Failure of the Director to send, or the bidder to receive, any such interpretations shall not relieve the bidder from obligation under his bid as submitted.

5. NOTICE OF AWARD

The contract shall be deemed as having been awarded when formal written notice of acceptance of the proposal has been duly served upon the intended awardee by the City of Livonia.

6. TIME OF COMPLETION

The work shall consist of furnishing all necessary equipment, tools and labor in connection with the mowing of parks at various locations throughout the City of Livonia for the maintenance seasons of April 1, 2022 through October 31, 2022, April 1, 2023 through October 31, 2023, April 1, 2024 through October 31, 2024, and April 1, 2025 through October 31, 2025.

7. MAINTENANCE AND GUARANTEE BOND

The Maintenance and Guarantee Bond requirement (page GC-8, paragraph 30) is deleted from this contract.

CONTACT PERSON TO WHOM QUESTIONS REGARDING PROPOSAL RESPONSE SHOULD BE DIRECTED:

NAME: Edward Wood **TITLE:** Owner

PHONE: 734-796-0287

EMAIL: scoobyslawncare2012@yahoo.com

To be considered for this project, the following forms must be delivered by 2:00 PM on February 22, 2022, via the MITN website only www.mitn.info:

- ☐ Bid Bond
- ☐ Form of Proposal Pricing Pages (Uploaded in Excel format provided)
- ☐ References
- ☐ Statement of Qualifications
- ☐ List of available equipment

**2022-2025 PARKS MOWING
REFERENCE FORM**

COMPANY NAME: Scooby's Lawn Care L.L.C.

Reference Company Name: City of Wayne DPW	
City/State: Wayne, MI.	
Summary of Work Performed: Mow and trim all parks and ballfields.	
Dates of Work: May 2018 - Present	
Company Contact Person: Ed Queen	Title: Assistant Director
Phone Number: 734-721-8600	Email: equeen@cityofwayne.com

Reference Company Name: City of Wayne Building, Engineering & Ordinance.	
City/State: Wayne, MI.	
Summary of Work Performed: Ordinance cuts of all residential and commercial parcels.	
Dates of Work: April 2017 - Present	
Company Contact Person: Mike Buiten	Title: Director
Phone Number: 734-728-9100	Email: mbuiten@cityofwayne.com

Reference Company Name: City of Wayne Building, Engineering & Ordinance.	
City/State: Wayne, MI.	
Summary of Work Performed: Ordinance snow removal at all residential and Commercial parcels.	
Dates of Work: November 2018 - Present	
Company Contact Person: Mike Buiten	Title: Director
Phone Number: 734-728-9100	Email: mbuiten@cityofwayne.com

**STATEMENT OF QUALIFICATIONS
2022-2025 PARKS MOWING**

Respondents must answer all questions. If more space is needed to complete a question, attach a separate sheet.

Company Name: Scooby's Lawn Care L.L.C.

Address 2018 Helen St. Garden City, Mi. 48135

Contact Person: Eddie Wood Title Owner

Phone No. 734-796-0287 Email scoobyslawncares2012@yahoo.com

1. Number of years operating under you present name: 11
2. Number of years present owners have owned the company: 11
3. How many years of experience does your company have providing mowing services with an estimated value of \$250,000/annually. 6 years
4. List municipalities who the bidder has serviced in the past five (5) years to present:

Name of Municipality	Term of Service
City of Wayne DPW	May 2018 - Present
City of Wayne Building, Engineering & Ordinance	April 2017 - Present

5. General nature of work performed by your company:
Mow & trim grass at residential and commercial/municipalities.
- _____

6. Have you performed work for the City of Livonia in the last ten (10) years? If so, please specify:

Year of Service	Department Served	Description of Services Provided
None in Livonia		

7. List the members of the team who will oversee the contract and the roles they will perform.

Name	Title	Role	Years of Experience
Eddie Wood	Owner	Daily Operator	21 years

8. What challenges to you foresee?

Only challenges I see are when it rains, as usual.

9. What is included in your base price for services? What services will incur additional fees:

Mowing and trimming etc. as required in said contract is included.

10. Provide Phone Numbers for Customer contact during normal business hours. Provide phone number for 24-hour contact by City of Livonia personnel.

Company Phone No.: 734-796-0287

24-Hour Phone No.: 734-796-0287

11. Hours of Operation

DAYS	BUSINESS HOURS
Monday – Friday	24 Hours
Saturday	24 Hours
Sunday	24 Hours
Holidays	

COMPANY NAME: Scooby's Lawn Care L.L.C.

CITY OF LIVONIA
DEPARTMENT OF PUBLIC WORKS
PUBLIC SERVICE DIVISION

2020-2023 MUNICIPAL PARK MOWING PROGRAM

TABLE OF CONTENTS

CONTRACT DOCUMENTS

1. Advertisement for Bids	AB-1
2. Instructions to Bidders	IB-1 thru IB-2
3. Proposal Form	PF-1 and PF-3
4. General Conditions.....	GC-1 thru GC-14
5. Proof of Insurance	INS-1 thru INS-6
6. Specifications for Park Mowing Program	S-1 thru S-6
7. Performance Bond.....	PB-1
8. Labor and Materials Bond.....	LMB-1
9. Contractor's Declaration	CD-1
10. Contractor's Affidavit	CA-1
11. Contract.....	C-1 and C-2

<u>SECTION</u>	<u>TOPIC</u>
1.	Contract Documents
2.	Definitions
3.	Intent of the Contract Documents
4.	Contract Drawings and Specifications
5.	Shop Drawings
6.	Soil Conditions
7.	"Or Equal" Clause
8.	Patents and Infringements
9.	Superintendence
10.	Workers
11.	Subcontracting
12.	Director's Status
13.	Inspector's Status
14.	Inspection
15.	Protection of Work
16.	Accident Protection
17.	Working Space
18.	Use of the Site
19.	Order of Completion – Use of Completed Portion
20.	Permits, Surveys and Compliance With Laws
21.	Laying Out Work
22.	Survey Monuments
23.	Sanitary Regulations
24.	Report of Errors and Discrepancies
25.	Estimated Quantities
26.	Contractor's and Subcontractor's Insurance
27.	Proof of Carriage of Insurance
28.	Performance Bond
29.	Labor and Materials Bond
30.	Maintenance and Guarantee Bond
31.	Forfeiture of Contract
32.	Definition of Notice
33.	Additional or Omitted Work – Payment
34.	Deduction for Uncorrected Work
35.	Time Limit of Contract
36.	Extension of Time
37.	Estimates and Payments
38.	Fair Employment Practices Act

1. Contract Documents

The contract documents shall consist of the Notice to Bidder, Proposal, General Conditions, Specifications, Bonds, Plans, Drawings, Contract, and any additional documents which may be made a part of the contract.

2. Definitions

Certain terms, when used in the contract documents, shall be respectively defined as follows:

"City or Owner"	The City of Livonia.
"Contractor"	The person, firm or corporation to whom the within contract is awarded by the Owner and who is subject to the terms hereof.
"Subcontractor"	A person, firm or corporation, other than a Contractor, supplying labor and/or materials which contribute in any manner to performance of the within contract.
"Surety"	Any person, firm or corporation that has executed, as Surety, the Contractor's bonds securing the performance of the within contract.
"Director"	The Director of Public Works of the City of Livonia or any of his designated representatives.

3. Intent of the Contract Documents

The respective contract documents are complementary, so that requirements of any particular document shall be applicable to all. The contract price, as such term is used in the contract documents, shall include the cost of all superintendence, labor and materials, and all other expense necessary for the proper execution of the work.

The specifications, schedules, plans and drawings herein referred to shall be taken together to explain each other and to make the whole consistent. Work shown on a plan and not mentioned in the specifications, or vice versa, shall be performed as if shown by both; and, in case of conflict, the Director will determine which will govern. In case of ambiguity in the plans or specifications, the Director will decide as to the correct interpretation thereof. Where errors or omissions are encountered in the contract documents, the applicable sections of the current edition of the Wayne County's Road Commissioners General Specifications for Roads, Bridges, and Miscellaneous Construction shall prevail.

When not otherwise specifically defined in the contract documents, words therein which describe materials or work having a well-known technical or trade meaning, recognized by architects, engineers and the trade, shall be construed in accordance with such meaning.

4. Contract Drawings and Specifications

The contractor shall be held to have compared the premises with the contract drawings and specifications, prior to submitting a proposal, and to have fully informed himself as to the condition of the premises, existing structures, and any other condition affecting the carrying out of the work. No additional consideration or compensation will be allowed by reasons of obvious errors or omissions in the contract drawings or specifications.

Unless otherwise provided in the contract documents, the City will furnish the contractor, free of charge, copies of all contract drawings and specifications reasonably necessary to carry out the work.

All work shall strictly conform with the contract drawings and specifications, and the contractor shall not proceed without reference thereto.

Approved or conformed copies of the contract drawings and specifications shall be maintained at the work site by the contractor and be made available to the City at all times.

5. Shop Drawings

The contractor shall submit to the Director all shop or setting drawings and schedules required for the work, make any corrections therein required by the Director, and resubmit same without delay.

Approved or conformed copies of all shop or setting drawings shall be maintained at the work site by the contractor and be made available to the City at all times.

6. Soil Conditions

The contractor shall be held to have made his own determination of soil conditions on the premises, prior to submitting a proposal, and shall complete the work in whatever soil materials and under whatever conditions he may encounter or create, without additional cost to the owner. This shall apply whether or not borings are shown on the drawings.

7. "Or Equal" Clause

Whenever an article, material, or item of equipment is specified in any of the contract documents by describing a proprietary product, or by using the name of a manufacturer or vendor, the term "or equal," if not inserted, shall be implied.

The specified article, material, or equipment shall be understood as indicating the type, function, minimum standard of design, efficiency and quality desired and shall not be construed in such a manner as to exclude manufacturers' products of comparable quality, design and efficiency. The contractor shall comply with requirements in the contract documents relative to the City's approval of materials and equipment before they are incorporated in the work.

8. Patents and Infringements

The contractor agrees to indemnify and save the City, its servants and agents, harmless against any and all claims for royalties or infringements of patent rights in respect to tools, appliances, equipment, processes, or systems of construction and materials made, furnished or used under this contract, and to defend at his own expense any and all suits at law or in equity which may be brought against the City, its servants or agents, for such claims; provided, however, that the City, its servants or agents, gives the contractor immediate notice in writing of the institution of such suit and authorizes him to defend the same, furnishing him with such reasonable assistance and available information as will enable him to so defend. The provisions of this paragraph shall be binding upon the parties hereto, notwithstanding anything to the contrary implied or expressed elsewhere in any of the contract documents.

9. Superintendence

The contractor shall give his personal superintendence to the work or have at the site of the work at all times a competent foreman, superintendent, or other representative who is satisfactory to the City and who has authority to act for the contractor.

10. Workers

The contractor shall employ only competent, efficient workers who are skilled in the work assigned to them and shall at all times enforce strict discipline and good order among his employees. Whenever the City shall notify the contractor, in writing, that in its opinion any worker so employed is careless, incompetent, disorderly, or otherwise unsatisfactory, such worker shall be relieved from the job and shall not again be employed thereon except with the written consent of the City.

11. Subcontracting

The contractor shall not subcontract any work to be performed or any materials to be furnished in the performance of this contract without the written consent of the City. If the contractor sublets any part of this contract, he shall be as fully responsible to the City for the acts and omissions of his subcontractors, and of the persons they directly or indirectly employed, as he is for the acts and omissions of his own employees.

12. Director's Status

The Director shall have general supervision and direction of the work, and authority to stop such work whenever necessary to insure proper performance of this contract. He shall also have authority to reject all work and materials which do not conform with the contract, to direct the application of forces to any portion of the work, as in his judgment is required, and to decide questions which arise in the course of such work.

13. Inspector's Status

The City may appoint on-the-job inspectors who shall be under the direction of the Director. Such inspectors will inform the Director as to the work progress, the manner in which it is being done, and the quality of materials being used. They will call the

contractor's attention to any observed failure to follow the plans and specifications. They shall have the authority to reject materials or workmanship which are defective and to suspend the work until any questions concerning compliance with the contract can be referred to and decided by the Director; but they shall have no authority to direct the contractor's work or workers, to supervise the contractor's operations or to change the contract plans or specifications.

In no instance shall any action or omission on the part of an inspector release the contractor from his responsibility to complete the work in accordance with the plans and specifications.

14. **Inspection**

The City and its representatives shall at all times have access to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and for inspection.

The City shall have the right to reject materials and workmanship which are defective or to require their correction. Rejected workmanship shall be satisfactorily corrected, and rejected materials shall be promptly removed from the premises without charge to the City. If the contractor does not correct such condemned work and remove rejected materials within a reasonable time, fixed by written notice, the City may remove them and charge the expense to the contractor.

Should it be considered necessary or advisable by the City at any time before final acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the contractor shall, on request, promptly furnish any necessary facilities, labor and materials. If such work is found to be defective in any material respect, due to the fault of the contractor, or his subcontractors, he shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work is found to meet the requirements of the contract, the actual cost of labor and material necessarily involved in the examination and replacement, plus 15%, shall be allowed the contractor.

15. **Protection of Work**

The contractor shall continuously maintain adequate protection of all his work from damage and shall protect the City's and adjacent property from injury arising in connection with this contract.

The work under this contract shall be at the risk of the contractor in every respect until finished and accepted by the City.

The contractor shall furnish and maintain necessary passageways, guard fences, lights and such other facilities and means of protection as may be needed.

16. **Accident Prevention**

Precaution shall be observed at all times for the protection of persons including employees and property. The safety provisions of applicable laws, as well as building and construction codes, shall be observed. Machinery and equipment shall be guarded, and all hazards guarded or eliminated, in accordance with the safety provisions of the Manual

of Accident Prevention in Construction, published by the Associated General Contractors of America, to the extent that such provisions are not in contravention of applicable laws.

Substantial barricades shall be erected as deemed necessary to prevent accidents to vehicular or pedestrian traffic, and red flags by day and red lights by night shall be diligently posted by the contractor at all points of possible danger. In case detours or other traffic instructions are necessary, suitable warning or direction devices shall be installed and maintained by the contractor.

Should the contractor fail to comply with any provisions of this contract, affecting the public welfare or safety, the City may, with or without notice, cause the necessary precaution to be taken and will deduct the cost of such work from any money due or to become due the contractor under this contract; but the performance of such work by the City, or at its direction, shall not release the contractor from his general or particular liability for the safety of persons or property.

17. **Working Space**

The contractor shall confine his equipment, apparatus, materials storage and operations to limits indicated by applicable laws, permits or directions of the City and shall not unnecessarily encumber the premises with his materials.

Should the contractor require space on privately owned property, he shall obtain such space at his own expense by agreement with the owner thereof.

18. **Use of Site**

In his operations, the contractor shall interfere as little as possible with traffic and shall in no case unduly obstruct traveled ways.

The contractor shall at no time interfere with surface or underground drainage. Free access shall be provided at all times to hydrants and water and gas valves.

The contractor shall enforce the City's instructions regarding signs, advertisements, fires and smoke.

19. **Order of Completion – Use of Completion Portion**

The contractor shall cooperate with the City, when reasonably possible, to complete any portion or portions of the work in such order of time as will be beneficial to the City without prejudice to the contractor's interests.

Use of a completion portion of the work by the City shall not be deemed as acceptance of the work so used or any part thereof.

20. **Permits, Surveys and Compliance With Laws**

The contractor shall secure and pay for all permits, fees and licenses (including such fees that may be assigned to the City of Livonia as permit holder) necessary for the performance of the work unless otherwise specifically provided in the contract documents.

The City shall furnish all surveys unless otherwise provided in like manner.

The contractor shall give all notices, pay all fees, and comply with all applicable laws, as well as rules and regulations bearing on the conduct of the work.

21. **Laying Out Work**

Principal reference lines or points and bench marks shall be given by the Director when he deems necessary; or he shall be given twenty-four (24) hours advance notice if the contractor requires such information.

The Director will set suitable stakes and marks showing the locations and elevations of the various parts of the work and will furnish the contractor with cut sheets referred to the reference points. No work shall be undertaken until such stakes and marks shall have been set. The contractor shall assure that the work at all times proceeds in accordance with the stakes and marks and shall provide all labor and materials to set required batter boards and locate the work accurately with respect to the reference points.

The contractor shall carefully preserve reference points and stakes; and, in case of willful or careless destruction thereof, he will be charged with the resulting expense and shall be responsible for any errors that may be caused by their loss or disturbance.

22. **Survey Monuments**

The contractor shall protect and preserve all land survey monuments or property corners along the line of his work. Where monuments or irons are unavoidably disturbed or removed due to operations under this contract, the contractor, at his own expense, shall employ the services of a registered land surveyor to establish, reset or replace such monuments or irons.

23. **Sanitary Regulations**

Necessary sanitary conveniences for the use of laborers on the work, properly secluded from public observation, shall be constructed and maintained in sanitary condition by the contractor; and their use shall be strictly regulated.

24. **Report of Errors and Discrepancies**

If, in the course of the work, the contractor finds any discrepancies between the plans and physical conditions encountered, or any errors or omissions in the plans or layout, it shall be his duty to immediately inform the Director in writing. Any work done after such discovery, until authorized by the Director, will be at the contractor's risk.

25. **Estimated Quantities**

The quantities of the various classes of work to be done and materials to be furnished under this contract, which have been estimated as stated elsewhere herein, are approximate and only for the purpose of comparing on a uniform basis the bids offered for the work under this contract; and neither the City nor its agents are to be held responsible should any of the estimated quantities be found incorrect during the performance of the work; and the contractor shall make no claim for anticipated profit, nor for the loss of profit, because of a difference between the quantities of the various classes of work actually done or materials actually delivered, and the estimated quantities as herein stated.

26. Contractor's and Subcontractor's Insurance

The contractor shall not commence work under this contract until he has obtained the insurance required under this paragraph, nor shall the contractor permit any subcontractor to commence work on his subcontract until he has obtained the insurance herein required.

- a. Worker's Compensation Insurance. The contractor shall procure and maintain during the life of this contract, Worker's Compensation Insurance for all of his employees who engage in the work to be performed; and, in any case any such work is sublet, the contractor shall require the subcontractor to provide similar insurance for all of the latter's employees who engage in the work.
- b. Contractor's Public Liability and Property Damage Insurance. The contractor shall procure and maintain during the life of this contract, Contractor's Public Liability and Property Damage Insurance in an amount not less than \$1,000,000 for injuries, including accidental death, to each person; and, subject to the same limit for each person, in an amount not less than \$1,000,000 on account for each accident; and in an amount not less than \$1,000,000 on account for each accident for damage to property.
- c. Owner's and Contractor's Protective Public Liability and Property Damage Insurance. The contractor shall procure and maintain during the life of this contract, Owner's and Contractor's Protective Public Liability and Property Damage Insurance, in the name of the City, in an amount not less than \$1,000,000 for injuries, including accidental death, to each person; and, subject to the same limits for each person, in an amount not less than \$1,000,000 for damage to property. Such insurance shall include motor vehicle exposure and specific coverage, by endorsement, which shall be described in the following manner:

"It is understood and agreed that such insurance as if afforded shall include specific coverage for the so-called Explosion, Collapse and Underground Hazards, which covers damage to property arising directly or indirectly from explosion, damage or structural injury to buildings or adjacent structures arising from operations under this contract, including excavation or tunneling and damage sustained by wires, conduits, mains, sewers and the like, occasioned by the contractor's subsurface operations."
- d. Subcontractor's Public Liability and Property Damage Insurance. The contractor shall require each of his subcontractors to procure and maintain during the life of their subcontract, Subcontractor's Public Liability and Property Damage Insurance in an amount not less than \$1,000,000 for injuries, including accidental death, to each person; and, subject to the same limit for each person, in an amount not less than \$1,000,000 on account for each accident; and in an amount not less than \$1,000,000 on account for each accident for damage to property.
- e. Contractor's Motor Vehicle Bodily Injury and Property Damage Insurance.
 - (1) The contractor shall procure and maintain during the life of this contract, Motor Vehicle Bodily Injury Insurance (Comprehensive Form) in an amount not less than \$1,000,000 for injuries, including accidental death, to each person; and,

subject to the same limit for each person, in an amount not less than \$1,000,000 on account for each accident; and in an amount not less than \$1,000,000 on account for each accident for damage to property.

- (2) The contractor shall procure and maintain during the life of this contract, Hired and Non-Ownership Motor Vehicle Bodily Injury and Property Damage Insurance in an amount not less than \$1,000,000 for injuries, including accidental death, to each person; and, subject to the same limit for each person, in an amount not less than \$1,000,000 for each accident; and in an amount not less than \$1,000,000 on account for each accident for damage to property.

27. **Proof of Carriage of Insurance**

The contractor shall provide the City, at the time this contract is returned by him for execution, the certificates listed below. A guarantee that thirty (30) days' notice will be given to the City prior to cancellation of, or change in, any insurance coverage shall be endorsed on each certificate:

- a. Four (4) copies of Certificate of Coverage of Contractor's Worker's Compensation Insurance.
- b. Four (4) copies of Certificate of Coverage of Contractor's Public Liability and Property Damage Insurance.
- c. Four (4) copies of Certificate of Coverage of Contractor's Motor Vehicle Bodily Injury and Property Damage Insurance covering owned, hired, and non-owned vehicles.
- d. Four (4) copies of Certificate of Coverage of Contractor's Protective Public Liability and Property Damage Insurance.

28. **Performance Bond**

The contractor, within fifteen (15) days from the date of acceptance of his proposal, shall execute in favor of the City a surety bond form in an amount at least equal to 100% of the contract price, as security for the faithful performance of this contract. Should the contract price not exceed \$50,000.00, the contractor may deposit with the City Clerk cash, a certified check or irrevocable bank letter of credit, or a surety bond, whichever the contractor selects, acceptable in form and content to the City Attorney, in the full amount of the contract.

29. **Labor and Materials Bond**

The contractor, within fifteen (15) days from the date of acceptance of his proposal, shall execute in favor of the City a surety bond form in an amount at least equal to 100% of the contract price, as security for the payment of all persons performing labor and furnishing materials in connection with this contract. Should the contract price not exceed \$50,000.00, the contractor may deposit with the City Clerk cash, a certified check or irrevocable bank letter of credit, or a surety bond, whichever the contractor selects, acceptable in form and content to the City Attorney, in the full amount of the contract.

30. Maintenance and Guarantee Bond

The contractor, as a condition precedent to final payment, shall execute in favor of the City, a Maintenance and Guarantee Bond in an amount at least equal to 100% of the contract price. The guarantee shall cover all work performed and materials furnished under this contract for a period of one (1) year subsequent to the date of the final payment.

31. Forfeiture of Contract

If the work to be done under the contract shall be abandoned by the contractor, or, if at any time in the judgment of the City, the contractor shall fail to perform the work at a reasonable rate of progress, or to comply with all or any of the terms and requirements herein set forth, then the City shall have the right to take possession of the work, including contractor's plant, supplies, and materials, at any time after having notified the contractor in writing to discontinue the work under this contract for said cause or causes, and such action shall not affect the right of the City to recover damages resulting from such abandonment or failure to perform. Upon receiving such notice, the contractor shall, upon demand, immediately give the City safe and peaceable possession of the work, including the plant, and shall then cease to have control over any portion thereof or the workers employed thereon.

The City may then proceed to complete the work herein specified, by contract or otherwise, and the entire cost incurred shall be charged to the contractor and deducted from any sum or sums due or to become due under the contract; the excess cost, if any, shall be paid to the City by the contractor or his sureties.

32. Definition of Notice

Where the contract documents provide for the giving of any notice, it shall be deemed to have been given:

- a. As to the City, when written notice shall have been delivered to the Director or the City Clerk, or shall have been placed in the U. S. mail, addressed to the City Clerk at the place where the bids or proposals for the contract were opened;
- b. As to the contractor, when written notice shall have been delivered to his chief representative then present at the site of the work, or shall have been placed in the U. S. mail, addressed to the contractor at his permanent place of business, as stated in the papers prepared by him to accompany his proposal; and
- c. As to the surety on a Performance Bond or Labor and Materials Bond, when a written notice shall have been placed in the U. S. mail, addressed to the surety at his home office or to the agents who executed such Performance Bond or Labor and Materials Bond on the surety's behalf.

33. Additional or Omitted Work – Payment

The City may authorize changes in, additions to, or deductions from the work to be performed or the materials to be furnished pursuant to the provisions of this contract.

Adjustments, if any, in the amounts to be paid to the contractor by reason of any such change, addition or deduction, shall be determined by one or more of the following methods:

- a. By unit prices contained in the contractor's original bid and incorporated in the contract.
- b. By a supplemental schedule of prices contained in the contractor's original bid and incorporated in the contract.
- c. By an acceptable lump sum proposal from the contractor.

34. **Deduction for Uncorrected Work**

If the City deems it expedient to accept work which has been damaged or not done in accordance with the contract, an equitable adjustment will be made so as to deduct from the contract price the cost of repairing or properly performing such work.

35. **Time Limit of Contract**

The parties hereto distinctly understand and agree that the time specified for completion of the work is the essence of this contract, and that the contractor shall not be entitled to claim performance of this agreement unless the work is satisfactorily completed, in every respect, within the time herein specified.

36. **Extension of Time**

An extension of time may be granted by the City in the event of the work being delayed, beyond the prescribed time for completion, by carriers, the elements, general strikes, accidents or other causes not under the contractor's reasonable control. Such an extension of time shall be deemed to be in full compensation for any loss or injury sustained by the contractor by reasons of delays caused as aforesaid, and the contract shall not thereby be invalidated in any respect.

37. **Estimates and Payments**

The City shall pay to the contractor amounts bid in the proposal, or as modified by subsequent agreement, less deduction for any unsatisfactory or incomplete work, based upon measurements by the Director or as otherwise herein stipulated, and such measurements shall be final and conclusive.

The contractor shall submit to the City an application for each payment and shall submit a Contractor's Declaration stating that he has not performed any work, furnished any material, sustained any loss, damage or delay, for any reasons, including soil conditions encountered or created, or otherwise done anything for which he will ask, demand, sue for, or claim compensation from the City and, if required, shall submit receipts or other vouchers showing his payments for materials and labor, including payments to subcontractors.

Payments, based on progress estimates, will be made bi-weekly for ninety-five percent (5%) of the work completed, less any deductions or reservations which may be made in accordance with the terms of this contract, provided that the work is progressing

satisfactorily, all orders of the Director have been complied with, and the time of completion shall not have expired. No allowance will be made for materials furnished which have not been incorporated in the completed work, unless otherwise stated in the contract documents.

The City may withhold payment of any progress estimate, or portion thereof, until the contractor shall have furnished satisfactory evidence that he has paid all claims of every nature.

No payment shall be considered as acceptance of work completed, or any portion thereof, prior to completion of all work required by this contract and payment of the final estimate.

Within thirty (30) days after completion of all work required by this contract to the satisfaction of the City and the Director, in accordance with all and singular terms and stipulations herein contained, the City shall make final payment based upon a final estimate made by the Director. Before such payment is made, the contractor shall, as directed by the City, execute a Contractor's Affidavit that he has paid all claims of every nature, or secured a release from the surety or sureties approving payment. The final payment shall be considered as full approval and acceptance of the completed work herein specified.

Acceptance by the contractor of the final payment aforesaid shall operate as, and shall be, a release of the City and its agents, from all claims by and liability to the contractor for anything done, furnished for, or relating to the work, as well as any act or neglect of the City or of any person relating to or affecting the work.

38. **Fair Employment Practices Act**

- a. The contractor agrees that neither he nor his subcontractors will discriminate against any employee or applicant for employment, to be employed in the performance of this contract, with respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of his race, color, religion, national origin or ancestry.
- b. The contractor agrees that neither he nor his subcontractors will discriminate against any employee or applicant for employment to be employed in the performance of this contract, with respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of his age or sex, except where based on a bona fide occupational qualification.
- c. Breach of the covenants contained in either of the foregoing paragraphs may be regarded as material breach of this contract and may result in its cancellation, termination or suspension in whole or in part and in the contractor being declared ineligible to contract in the future with the City of Livonia.

CITY OF LIVONIA
DEPARTMENT OF PUBLIC WORKS
PUBLIC SERVICE DIVISION

SPECIFICATIONS FOR PARK MOWING PROGRAM 2022 - 2025

1. Working Days and Holiday Schedule

- a. There will be no work on Saturdays, Sundays, Memorial Day, Independence Day (Fourth of July), Labor Day, and mandated City furlough days unless authorized by the contract administrator.
- b. If the holiday falls on a Saturday, the preceding Friday shall be the designated holiday. If the holiday falls on a Sunday, the following Monday shall be the designated holiday.

2. Minimum Qualifications to Bid

- a. At least one (1) year experience providing large commercial mowing contract services worth \$250,000/annum or more.
- b. Must have all necessary equipment and facilities and adequate personnel to meet the City's mowing schedule.

3. Length of Contract

Four (4) years, beginning in 2022, and ending in 2025. The maintenance season will begin on approximately April 1st and be completed on approximately October 31st, or extended at the City's discretion. The beginning / ending dates will be based on weather conditions, and mowing conditions, **BUT** is at the discretion of the City's contract administrator.

4. Contracted Services to Provide

- a. Contract is to maintain up to 32 parks covering approximately 125 acres. An option to add three (3) City-maintained cemeteries covering approximately 17 acres, and three (3) City Fire stations covering five (5) acres is also available at the sole discretion of the City of Livonia. The City reserves the right to change the list of parks in the contract bid list. Potential bids should include an individual bid per park and the list. Any potential bid award may not include the list but may include individual parks based on contractor bids versus budgeted funds. Billing and payments can be processed after one cycle is complete. A cycle is based on the whole list being completed.
- b. The contractor shall provide all personnel, equipment, and material to satisfactorily perform the work described herein. The contractor shall provide, without cost to the City, all incidental items required to perform the work though not specified or indicated.
- c. The contractor shall always protect the property of the City of Livonia and its residents.

- d. The contractor shall perform mowing as specified in the mowing schedule and according to the yearly totals as provided herein.

5. Mowing Schedule

- a. The contractor shall perform two (2) mowing cycles per month for the listed sites. The contractor shall notify the City when the cycle is to start, where they will begin, and how they plan to progress through the cycle. The contractor shall have ten (10) days to complete a cycle. There must be a minimum of seven (7) days between cycles, and sites. The previous cycle must be complete before the new cycle commences. The contractor shall provide daily progress reports to indicate what was completed and any issues that may have arisen. Mowing shall commence when the contract administrator has determined that the grass has reached sufficient height (3.5" to 5") to be cut in the spring, and shall end when the contract administrator has determined the grass is no longer actively growing. The possibility exists that grass may not be actively growing due to summer dormancy. The City reserves the right to reduce the service to one (1) cycle a month during summer dormancy or during periods of drought stress. The contract administrator will make this decision with as much advance notice to the contractor as possible. **There should be no more than two (2) cuts at any park in a month without express consent from the contract administrator(s).**
- b. Any work or mowing started by the contractor without prior consent and authorization of the contract administrator may result in forfeiture of payment to the contractor. The contract administrator may adjust the mowing cycle dates when unusual conditions are experienced.

First mowing	- 1 st to 15 th of the month
Second mowing	- 16 th to 30 th of the month

Mowing operations, once initiated, shall continue until all designated mowing is completed. Only adverse weather conditions shall be cause to delay completion of each mowing cycle.

- c. Where concrete curb and gutter is within the designated mowing areas, trimming shall be conducted simultaneously with the mowing during each mowing operation. Trimming may require the use of small mowing units to permit maneuvering in confined or congested work areas.

6. Examination of Specifications and Work Site

- a. The contractor shall carefully examine the specifications and work sites to satisfy himself/herself, by examination, as to all local conditions affecting the contract and as to the detailed construction requirements. The execution of this contract shall be considered prima facie evidence that the contractor has made such examination and is satisfied as to the conditions to be encountered in performing the work and as to the requirements of the Specifications, Special Provisions and contract.
- b. Where data respecting existing conditions is provided or mentioned in the contract documents, such data is provided for the convenience of the contractor and not as a guarantee of conditions.

- c. The contractor shall make his/her own determination as to soil conditions and shall assume all risk and responsibility with respect thereto and shall complete the work in whatever manner and under whatever conditions he/she may encounter or create without extra cost to the City.
- d. Any damage to utilities caused by the contractor's operations shall be the sole responsibility of the contractor.
- e. The contractor shall understand that trees exist in the areas of this contract, and that many may have low branching patterns that can make mowing difficult. The expectation is that areas under trees, where mowing cannot be done by riding machinery, is satisfactorily maintained by other means.
- f. The contractor shall understand that parks are open areas. These areas may contain ruts, low spots, impressions, tire marks, unevenness, etc., that will make the ground uneven. The contractor will need to find another mechanical means of mowing areas.

7. Special Provisions for Park Mowing

- a. The work shall consist of tractor mowing, mechanical or hand trimming around obstacles, and **litter / debris** removal on the designated sites identified as specified on the acreage list and map. Trash barrels will also be emptied in barrels not serviced by GFL Environmental Services.
- b. Grass shall be cut at a height of 3.5 inches. Mechanical or hand trimming shall be done to avoid damage to tree trunks, shrubbery, or other plant material (known as weed whip blight) and shall not "scalp" the turf. Trimming will be done around signs, plant material, play structures, recreational features, fences, landscaped areas, wet areas, and areas that cannot be reached with larger equipment. Under no circumstances will chemical treatment, such as pesticides/herbicides, be allowed to aid in lessening the amount of mechanical trimming. Chemical treatments include but are not limited to: products containing glyphosphate (trade name Roundup and its generics), total kill herbicides, herbicides used to inhibit growth, or herbicides used to inhibit the reemergence of herbaceous plants.
- c. Sites shall have **debris / litter** removed before they are to cut to avoid trash being mowed when the grass is cut. Under no circumstances will cutting of litter by mowers be allowed. If litter is not picked up, the contract administrator will stop mowing operations until the area has been satisfactorily cleaned of litter. The contractor is responsible for supplying adequate heavy-duty trash bags and equipment used to "pick" the litter. The contractor is also responsible for removing other larger debris from turf areas. This may include, but not be limited to, tree limbs, concrete, metal, glass, cardboard, wood, and other debris found in the mowing areas. Bags shall not be left after the site is complete and must be taken with the contractor. The contractor will be responsible for hauling and disposing of trash at a legal landfill at their expense. The City may be able to place a large roll-off dumpster at its Glendale waste transfer site. This decision will be made between the winning contractor and the contractor administrator to aid in the disposal of waste generated in City parks.
- d. Parks that have standing water in them or are too wet to mow shall be skipped until the next cycle. Any site not cut shall not be paid until the service is performed.

Standing water in a park shall be cut around. Under no circumstances shall a mower enter standing water, or wet areas, to cut grass. These areas can either be mechanically trimmed or skipped until the next cycle. Under no circumstances shall a wet area be skipped on two consecutive cycles without consent of the contract administrator.

- e. Excessively long grass that produces large amounts of clippings laid into windrows shall be mechanically blown by mower or blower to disperse the clippings to reduce the potential damage to the growing grass plants. Piles of clippings shall not be left on any site and will be up to the contractor to remove to an adequate organic waste facility at their expense.

8. Damage

- a. The contractor, and the contract administrator shall make a joint visual inspection of all specified mowing areas both prior to and upon completion of mowing operations. The inspection is for the purpose of documenting existing damage to turf, recreational features, landscape beds, etc., and those caused by the contractor's mowing operations. **It is suggested that the contractor visually inspect each site for damage before beginning, and share that information with the contract administrator.**
- b. The contractor shall at his/her own expense, preserve and protect from injury all property, either public or private, along and adjacent to the roadway, and he/she shall be responsible for and repair, at his/her expense, any and all damage and injury thereto, arising out of or in consequence of any act or omission of the contractor or his/her employees in the performance of the work covered by the contract prior to completion and acceptance thereof.
- c. The contractor shall immediately repair damage to park features that is damaged by them. Damage to turf areas, desirable natural growth, shrubs, and trees identified at pre-bid meeting to include among other things skinning, scraping or gouging of trees, shrubs and turf areas, ruts and deep wheel depressions and wheel slipping damage on slope areas caused by the contractor through negligence shall be repaired to the satisfaction of the contract administrator.
- d. Payment for work performed may be withheld until satisfactory repairs are made. If the City makes repairs, the actual replacement costs including all labor, equipment, materials, and fringe benefits shall be charged to the contractor.

9. Equipment

- a. **Each bidder must include with his/her bid a list describing the number and type of equipment available including make, model and year of the equipment. The contract administrator will inspect all equipment and maintenance facilities identified by the lowest responsive bidder's list prior to award of any contract(s). A bidder who is recommended for contract award will not be approved unless he/she can establish to the City's satisfaction that he/she has or will have equipment and facilities necessary to satisfactorily perform the work required under this contract.**
- b. The contractor shall make equipment readily available for the mowing operation for the duration of the contract with the City.

- c. The contractor shall furnish, operate, and maintain suitable and adequate equipment necessary to perform the mowing operation in an approved safe, competent manner without hindrance, delay, or damage to the site where he/she operated. Any equipment used shall always have in place all factory-installed safety equipment including shields, lids, ROPS, and other protection systems.
- d. The equipment must be commercially available in good repair and shall be maintained to produce a clean, sharp cut to the grass always. The equipment shall be capable of doing a neat job of mowing without misses or skips.
- e. All equipment used to transport mowing equipment to work sites must be maintained. This includes, but is not limited to, trucks, cars, trailers, self-propelled mowers, etc. Vehicles and trailers parked on City streets must have cones placed around them for safety.

10. Suggested Equipment

- Zero turn mower, or equivalent, with a 60" deck minimum with turf tires
- Out-front rotary, or equivalent, with a 60" deck minimum with turf tires
- Walk-behind, self-propelled rotary mowers without sulkies, with a mowing deck no larger than 60"
- Trim pushmower not to exceed 25" in effective cutting deck
- Blowers, either back-pack or hand-held units
- Mechanical trimming machines such as weed whips
- Vehicle(s) capable of pulling a lawn/landscape trailer carrying equipment
- Hand-held equipment such as chainsaws, hedge trimmers, etc., used for removal of woody debris
- All safety equipment (chains, binders, bungy cords) necessary to transport mowing equipment safely that is hauled on trailers
- Properly licensed vehicles and equipment with contractor information legible on the vehicle
- Spare parts, such as tires, blades, weed whip string, spark plugs, etc. to make field repairs
- Clean up tools such as brooms, rakes, and shovels
- Equipment, or chemicals to remove graffiti such as a power washer, sand blaster, portable generator, water supplies, paint, and painting tool

The City is not responsible for the care, maintenance, or upkeep of the contractor's equipment. Furthermore, the City will not be responsible for equipment that is lost or stolen while the contractor is working on City property.

11. Quality of Work

- a. The contract administrator reserves the right to determine whether the quality of work completed is acceptable. In making this determination, the following standard will be applied:
- b. Mowing operations, once initiated, shall continue until all designated mowing is completed. Only adverse weather conditions shall be cause to delay completion of each mowing cycle. The contract administrator may adjust, in the mowing cycle, dates when unusual conditions are experienced.

- c. Mowing shall begin when the average grass height has reached the minimum cutting height (3.5" to 5") and the contractor has been directed to start mowing operations by the contract administrator.
- d. All areas to be mowed shall be mowed to an average height of three and one-half inches (3.5") to avoid scalping of the turf. Removal of grass clippings from the turf areas is not required as part of this contract except as provided in paragraph 7.e. (regarding windrows of clippings). It shall be the responsibility of the contractor to minimize or eliminate, if possible, blowing or directing grass clippings towards private residents, sidewalks, streets, parking lots, walking paths, Rouge River tributaries, or other park recreational features. If blowing or directing grass clippings onto the above features cannot be avoided, the contractor must make reasonable effort to clean the area by removing as much of the clippings back onto grass areas as possible.
- e. Certain areas to be mowed may contain survey stakes, which must not be disturbed. Trimming shall be performed around these stakes if the contract administrator has permitted the contractor to mow in these zones. This shall also pertain to any utility marking that has been done.
- f. **The contractor shall submit to the contract administrator a completed "Contractor's Daily Activity Report," showing areas mowed each day.**
- g. Upon receipt of invoice and approval, payment shall be made in accordance with the contract quantities and contract unit prices.

12. Measurement and Payment

- a. The completed work as measured for site mowing will be paid for at the contract unit price for the following contract items (pay items):

<u>Pay Item</u>	<u>Pay Unit</u>
Site Mowing	Acre

- b. "Site Mowing," of the type specified will be measured by area in acres for all scheduled mowing. The contract unit price shall be payment in full for furnishing all materials, labor, and equipment necessary to complete the work as specified.

PROOF OF INSURANCE FOR CITY OF LIVONIA

Information required by the Federal specifications for Highway construction and/or Act 327, P.A. of 1945 to verify insurance.

The subscribing insurance company certifies that insurance of the types and for limits of liability covering the work under contract with City of Livonia has been obtained by the contractor named below and that the City of Livonia is an additional insured as to all General Liability/commercial General Liability coverage. Such insurance, here certified, is written in accordance with the company's regular policies and endorsements subject to the company's applicable manuals or rules and rate, except (1) the insurance shall not be subject to the usual "x" – explosion, "c" – collapse or "u" – underground property.

The insurer shall agree to provide the City of Livonia, in writing, the following:

1. A 30-day prior notice of any insurer-initiated cancellation or reduction in coverage for reasons other than nonpayment of the premium.
2. A 10-day prior notice of any cancellation or reduction in coverage for nonpayment of the premium.
3. Immediate notice of Contractor's cancellation or reduction of coverage.

The contractor shall cease operations if any insurance is cancelled or reduced, and shall not resume operations until new insurance is in force.

NAME OF INSURED			
ADDRESS		CITY	STATE ZIP CODE
TELEPHONE NO.		FAX NO.	

TYPE OF INSURANCE	POLICY NUMBER & NAME OF INSURANCE COMPANY (If more than one)	POLICY DATES		LIMITS: Each Occurrence: \$1,000,000 Aggregate: \$2,000,000 BODILY INJURY AND PROPERTY DAMAGE LIABILITY	
		EFFECTIVE	EXPIRATION		
☐ General Liability				General Aggregate	\$
				Prods. comp/ops Aggregate	\$
☐ Commercial General Liability				Personal & Advertising Inj.	\$
☐ Claims Made ☐ Occurrence				Each Occurrence	\$
☐ \$ _____ P.D. Deductible				Fire Damage (any one fire)	\$
☐ XCU Exclusion				Medical Exp. (any one person)	\$
☐ Owners/Contractors Protective					
AUTOMOTIVE LIABILITY					
☐ Any Auto				Combined Single Limit (Minimum \$2,000,000.00)	\$
☐ All Owned Autos				Bodily Injury (per person) (Minimum \$500,000.00)	\$
☐ Scheduled Autos				Bodily Injury (per accident) (Minimum \$1,000,000.00)	\$
☐ Hired Autos				Property Damage (Minimum \$1,000,000.00)	\$
☐ Non-Owned Autos					
☐ Garage Liability					
☐ Umbrella				Each Occurrence	\$
				Aggregate	\$
☐ Excess Liability Other Than Umbrella				Each Occurrence	\$
				Aggregate	\$
WORKERS COMPENSATION AND EMPLOYERS LIABILITY					
				STATUTORY	
				\$ (Each Accident)	
				\$ (Disease- Policy Limit)	
				\$ (Disease- Each Empl.)	
☐ Other					

NAME OF AGENCY		NAME OF INSURANCE COMPANY (If only one for all policies)	
ADDRESS		CITY	STATE ZIP CODE
TELEPHONE NO.		FAX NO.	

PROOF OF LIABILITY INSURANCE REQUIREMENT
CITY OF LIVONIA PROJECTS

Insurance *Carrier* letterhead
(NOT agent or agency letterhead)

SAMPLE

Date

City of Livonia
12973 Farmington Road
Livonia, MI 48150

Ref: **Name of Company (vendor)**
Carrier: **Name of Insurance Carrier**
Policy No: **number**
Policy Term: **START and END dates**

To Whom It May Concern:

Refer to attached certificate issued **(date)** and the following:

Notwithstanding the disclaimers on the referenced certificate, the coverages, coverage amounts, and expiration dates stated on the certificate are true and correct in all particulars, and the attached endorsement describes the notice the city of Livonia will receive prior to any change or cessation of coverage.

Sincerely,

Name
Title
Company

**PROOF OF LIABILITY INSURANCE REQUIREMENT
CITY OF LIVONIA PROJECTS**

THIS ENDORSEMENT CHANGES THE POLICY, PLEASE READ IT CAREFULLY

EARLIER NOTICE OF CANCELLATION PROVIDED BY US

Ref: **Name of Company (vendor)**
Carrier: **Name of Insurance Carrier**
Policy No: **number**
Policy Term: **START and END dates**

SAMPLE

Number of days' notice: **30**

For any statutorily permitted reason, the number of days required for notice of cancellation is increased to the number of days shown in the schedule above.

If this policy is cancelled by us we will send the named insured and any party listed in the following schedule, notice of cancellation based on the number of days' notice shown above.

SCHEDULE

Name of Person or Organization

The name of Person or Organization is any person or organization holding a certificate of insurance issued for you, provided the certificate:

1. Refers to this policy;
2. States that notice of:
 - a. Cancellation;
 - b. Nonrenewal, or
 - c. Material change reducing or restricting coverage;

Will be provided to that person or organization;

3. Is in effect at the time of the:
 - a. Cancellation
 - b. Nonrenewal; or
 - c. Material change reducing or restricting coverage; and
4. Is on file at your agent or broker's office for this policy.

Mailing Address

The mailing address is the address shown for that person or organization in that certificate of insurance.

Michigan Department
of Transportation
1304A (06/06)
City of Livonia

CERTIFICATE OF INSURANCE FOR CITY OF LIVONIA PROJECTS

INSTRUCTIONS: All information must be submitted on Form 1304A. Any other form is invalid.

The subscribing insurance company certifies that insurance of the types and for limits of liability covering the work under contract with City of Livonia has been obtained by the contractor named below and that the City of Livonia is an additional insured as to all General Liability/Commercial General Liability coverage. Such insurance, here certified, is written in accordance with the company's regular policies and endorsements subject to the company's applicable manuals of rules and rates, except (1) the insurance shall not be subject to the usual "x" - explosion, "c" - collapse or "u" - underground property damage exclusions.

The insurer shall agree to provide the City of Livonia, in writing, the following:

1. A 30-day prior notice of any insurer-initiated cancellation or reduction in coverage for reasons other than nonpayment of the premium.
2. A 10-day prior notice of any cancellation or reduction in coverage for nonpayment of the premium.
3. Immediate notice of Contractor's cancellation or reduction of coverage.

The contractor shall cease operations if any insurance is canceled or reduced, and shall not resume operations until new insurance is in force.

NAME OF INSURED

ADDRESS	CITY	STATE	ZIP CODE
TELEPHONE NO.	FAX NO.		

ALL WORK PERFORMED FOR THE CITY OF LIVONIA AS A PRIME OR SUBCONTRACTOR

TYPE OF INSURANCE	POLICY NUMBER & NAME OF INSURANCE COMPANY (if more than one)	POLICY DATES		LIMITS: Each Occurrence: \$1,000,000 Aggregate: \$2,000,000 BODILY INJURY AND PROPERTY DAMAGE LIABILITY	
		EFFECTIVE	EXPIRATION		
☐ General Liability				General Aggregate	\$
☐ Commercial General Liability				Prods. comp/ops Aggregate	\$
☐ Claims Made ☐ Occurrence				Personal & Advertising Inj.	\$
☐ \$_____ P.D. Deductible				Each Occurrence	\$
☐ XCU Exclusion				Fire Damage (any one fire)	\$
☐ Owners/Contractors Protective				Medical Exp. (any one person)	\$
AUTOMOTIVE LIABILITY					
☐ Any Auto				Combined Single Limit (Minimum \$2,000,000.00)	\$
☐ All Owned Autos				Bodily Injury (per person) (Minimum \$500,000.00)	\$
☐ Scheduled Autos				Bodily Injury (per accident) (Minimum \$1,000,000.00)	\$
☐ Hired Autos				Property Damage (Minimum \$1,000,000.00)	\$
☐ Non-Owned Autos					
☐ Garage Liability					
☐ Umbrella				Each Occurrence	\$
				Aggregate	\$
☐ Excess Liability Other Than Umbrella				Each Occurrence	\$
				Aggregate	\$
WORKERS COMPENSATION AND EMPLOYERS LIABILITY				STATUTORY	
				\$ (Each Accident)	
				\$ (Disease- Policy Limit)	
				\$ (Disease- Each Empl.)	
☐ Other					

NAME OF AGENCY	NAME OF INSURANCE COMPANY (if only one for all policies)		
ADDRESS	CITY	STATE	ZIP CODE
TELEPHONE NO.	FAX NO.		

CERTIFICATE OF INSURANCE FOR CITY OF LIVONIA PROJECTS

INSTRUCTIONS: All information must be submitted on Form 1304A. Any other form is invalid.

The subscribing insurance company certifies that insurance of the types and for limits of liability covering the work under contract with City of Livonia has been obtained by the contractor named below and that the City of Livonia is an additional insured as to all General Liability/Commercial General Liability coverage. Such insurance, here certified, is written in accordance with the company's regular policies and endorsements subject to the company's applicable manuals of rules and rates, except (1) the insurance shall not be subject to the usual "x" - explosion, "c" - collapse or "u" - underground property damage exclusions.

The insurer shall agree to provide the City of Livonia, in writing, the following:

1. A 30-day prior notice of any insurer-initiated cancellation or reduction in coverage for reasons other than nonpayment of the premium.

2. A 10-day prior notice of any cancellation or reduction in coverage for nonpayment of the premium.

3. Immediate notice of Contractor's cancellation or reduction of coverage.

The contractor shall cease operations if any insurance is canceled or reduced, and shall not resume operations until new insurance is in force.

NAME OF INSURED THE SMITH COMPANY			
ADDRESS 12345 AVENUE		CITY LIVONIA	STATE MI
TELEPHONE NO. (734) 123-4567		ZIP CODE 12345	
		FAX NO.	

ALL WORK PERFORMED FOR THE CITY OF LIVONIA AS A PRIME OR SUBCONTRACTOR

TYPE OF INSURANCE	POLICY NUMBER & NAME OF INSURANCE COMPANY (if more than one)	POLICY DATES		LIMITS: Each Occurrence: Aggregate: BODILY INJURY AND PROPERTY DAMAGE LIABILITY	\$1,000,000 \$2,000,000
		EFFECTIVE	EXPIRATION		
☒ General Liability				General Aggregate	\$ 2,000,000.00
☐ Commercial General Liability				Prods. compls Aggregate	\$ 2,000,000.00
☐ Claims Made ☒ Occurrence				Personal & Advertising Inj.	\$ 1,000,000.00
☐ \$ _____ P.D. Deductible				Each Occurrence	\$ 1,000,000.00
☐ XCU Exclusion				Fire Damage (any one fire)	\$
☒ Owners/Contractors Protective				Medical Exp. (any one person)	\$ 5,000.00
AUTOMOTIVE LIABILITY				Combined Single Limit (Minimum \$2,000,000.00)	\$ 2,000,000.00
☒ Any Auto				Bodily Injury (per person) (Minimum \$500,000.00)	\$ 500,000.00
☐ All Owned Autos				Bodily Injury (per accident) (Minimum \$1,000,000.00)	\$ 1,000,000.00
☐ Scheduled Autos				Property Damage (Minimum \$1,000,000.00)	\$ 1,000,000.00
☐ Hired Autos					
☐ Non-Owned Autos					
☐ Garage Liability					
☒ Umbrella				Each Occurrence	\$ 1,000,000.00
				Aggregate	\$ 1,000,000.00
☒ Excess Liability Other Than Umbrella				Each Occurrence	\$ 1,000,000.00
				Aggregate	\$ 1,000,000.00
WORKERS COMPENSATION AND EMPLOYERS LIABILITY				STATUTORY	
				\$ 500,000.00	(Each Accident)
				\$ 500,000.00	(Disease- Policy Limit)
				\$ 500,000.00	(Disease- Each Empty.)
☐ Other					

NAME OF AGENCY AMERICA'S INSURANCE COMPANY		NAME OF INSURANCE COMPANY (if only one for all policies)	
ADDRESS 54321 STREET		CITY ANY CITY	STATE MT
TELEPHONE NO. (734) 765-4321		ZIP CODE 54321	
		FAX NO.	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADVANCE NOTICE OF CANCELLATION,
NONRENEWAL OR COVERAGE REDUCTION OR
RESTRICTION PROVIDED BY US**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Person(s) or Organization(s)	Address
CITY OF LIVONIA	12973 FARMINGTON ROAD LIVONIA, MI 48150

Number of Days Notice 30

If this policy is cancelled (other than nonpayment of premium) or nonrenewed or if the coverage provided by this policy is reduced or restricted (except for any reduction in the Limits of Insurance due to claims payments), we will provide written notice to the person(s) or organization(s) listed in the Schedule.

We will provide this notice by mail 30 days in advance of any policy cancellation, nonrenewal or coverage reduction or restriction or as indicated in the Number of Days Notice in the Schedule.

All terms and conditions of this policy apply unless modified by this endorsement.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR GOVERNMENTAL AGENCY OR SUBDIVISION OR POLITICAL SUBDIVISION – PERMITS OR AUTHORIZATIONS

This endorsement modifies insurance provided under the following:

OWNERS AND CONTRACTORS PROTECTIVE LIABILITY COVERAGE PART

SCHEDULE

State Or Governmental Agency Or Subdivision Or Political Subdivision:

**CITY OF LIVONIA
12973 FARMINGTON ROAD
LIVONIA, MI 48150**

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

- a. The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

2. This insurance does not apply to:

- a. "Bodily injury" or "property damage" arising out of operations performed for the federal government, state or municipality; or
- b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

- B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

All terms and conditions apply unless modified by this endorsement.

CONTRACT

THIS CONTRACT, entered into this _____ day of _____
A.D. 2020, between the CITY OF LIVONIA, hereinafter referred to as the Owner, party
of the first part, and _____ Hereinafter referred to as the Contractor, party
of the second part.

WITNESSETH, that the said Contractor, for the consideration mentioned in the
various items set forth below, by these presents does agree that he will furnish all labor,
materials, machinery, tools and equipment and do all things necessary for and
incidental to the **2020-2023 MUNICIPAL PARK MOWING PROGRAM** together with
appurtenances thereto, as set forth in certain Instructions to Bidders, Proposal, General
Conditions, Specifications, Bonds, Plans, Drawings, and the following documents, all of
which are attached hereto and made a part of this agreement:

IN CONSIDERATION WHEREOF, said Owner does agree to pay to said
Contractor the sum of \$ _____, for a total of \$ _____ for the (four)
year contract, based upon the amounts and sum listed in the Proposal; which is subject,
however, to adjustment by reason of any change in, addition to, or deduction from the
work, as provided in the General Conditions.

For the faithful performance of all and singular terms and stipulations contained
in this agreement, said parties respectively bind themselves, their heirs, executors,
administrators, successors and assigns.

IN WITNESS WHEREOF, said parties have this day hereunto set their hands and seals, in triplicate.

Witness:

CITY OF LIVONIA, Owner

By _____
Dennis K. Wright, Mayor

Susan Nash, City Clerk

Contractor

Approved:

Donald R. Rohraff
Director of Public Works

Michael T. Slater
Director of Finance

Approved as to form:

Department of Law

Pursuant to Resolution # _____

Adopted by City Council on _____

CONTRACTOR'S DECLARATION

I hereby declare that I have not, during the period _____
to _____, A.D. 20_____, performed any work, furnished any
material, sustained any loss, damage or delay for any reason, including soil conditions
encountered or created, or otherwise done anything for which I shall ask, demand, sue
for, or claim compensation from the Plymouth Road Development Authority, the Owner,
or its agents, in addition
to the regular items set forth in the contract numbered _____, and dated
_____, A.D., 20_____,
for _____

executed between myself and the Greenmead Historical Park, and in the Change Orders
for work issued by the Greenmead Historical Park in writing as provided thereunder,
except as I hereby make

claim for additional compensation and/or extension of time, as set forth on the itemized
statement attached hereto.

There is/is not (circle one) an itemized statement attached.

The Contractor further certifies that all his indebtedness for labor and material
incorporated in the work covered by this estimate has been fully paid and/or satisfactory
arrangements with material supplies have been made.

Contractor

By _____

Title _____

Date: _____

CD

CONTRACTOR'S AFFIDAVIT

STATE OF MICHIGAN)
 ss
COUNTY OF _____)

The undersigned Contractor, _____,
hereby represents that on _____ he (it) was awarded a Contract by the
City of Livonia , Wayne County, Michigan, to
provide PARKS MOWING (2022,20223, 2024, 2025).
in accordance with the terms and conditions of Contract No. _____, and the
undersigned further represents that the subject work has now been accomplished and
the said Contract has now been completed.

The undersigned hereby warrants and certifies that all of his (its) indebtedness
arising by reason of the said Contract has been fully paid or satisfactorily secured; and
that all claims from subcontractors and others for labor and material used in
accomplishing the said project, as well as all other claims arising from the performance
of said Contract, have been fully paid or satisfactorily settled. The undersigned further
agrees that, if any such claim should hereafter arise, he (it) shall assume responsibility
from the same immediately upon request to do so by the said Plymouth Road Development
Authority.

The undersigned, for a valuable consideration, the receipt of which is hereby
acknowledged, does waive, release and relinquish any and all claims of right of lien
which he (it) now has or may hereafter acquire upon the subject premises for labor and
material used in accomplishing said project owned by the said City of Livonia – Greenmead
Historical Park.

This affidavit is freely and voluntarily given with full knowledge of the fact, on this
_____ day of _____, 20_____.

Subscribed and sworn to before me
on this _____ day of _____,
20_____.

Contractor

By: _____

Title: _____

Notary Public _____ County, MI
My Commission Expires: _____

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we, _____

as Principal, and _____
as Surety or Sureties, are held and firmly bound unto the CITY OF LIVONIA, Wayne
County, Michigan, in the sum of _____
Dollars (\$_____) for the payment of which, well and truly to be made, we
hereby jointly and severally bind ourselves, our heirs, executors, administrators,
successors and assigns.

THE CONDITION of the foregoing obligation is such that, whereas the said _____
_____ did on the
_____ day of _____, 20____, by articles of that date, enter into a
contract with the said CITY OF LIVONIA for the construction of _____

NOW, THEREFORE, if the said _____
shall well and faithfully do and perform all things agreed to be done and performed by
said contract, according to the terms thereof, then this obligation shall be void, but
otherwise it shall remain in full force and effect.

PROVIDED, that any alterations which may be made in the terms of the contract
or in the work to be done under it, or the granting by the said CITY OF LIVONIA of any
extension of time for the performance of the contract or any other forbearance on either
the part of said CITY OF LIVONIA or the Principal, to the other, shall not in any way
release the Principal and the Surety or Sureties, or either, or any of them, their heirs,
executors, administrators, successors, or assigns, from their liability thereunder, notice
to the Surety or Sureties of any such alteration, extension or forbearance being hereby
waived.

WITNESS, our hands and seals, this _____ day of _____ 20_____.

Signed, sealed and delivered
In the presence of:

_____ By _____

_____ By _____

LABOR AND MATERIALS BOND

KNOW ALL MEN BY THESE PRESENTS, that we, _____

as Principal, and _____
as Surety or Sureties, are held and firmly bound unto the CITY OF LIVONIA, Wayne
County, Michigan, in the sum of _____
Dollars (\$_____) for the payment of which, well and truly to be made, we
hereby jointly and severally bind ourselves, our heirs, executors, administrators,
successors and assigns.

THE CONDITION of the foregoing obligation is such that, whereas the said _____
_____ did on the
_____ day of _____, 20____, by articles of that date, enter into
a contract with the said CITY OF LIVONIA for PARKS MOWING (2022, 2023, 2024,
2025)

_____ and the payment for all labor and materials used therein.

NOW, THEREFORE, if the said _____
shall pay for all labor and materials used in the fulfillment of the said contract, and
shall pay all subcontractors doing work thereon, and shall indemnify and save
harmless the said CITY OF LIVONIA from and against all damages by reason of
liens for labor and materials furnished therefor, then this obligation shall be void,
but otherwise it shall remain in full force and effect.

PROVIDED, that any alterations which may be made in the terms of the
contract, or in the work to be done under it, or the granting by the said CITY OF
LIVONIA of any extension of time for the performance of the contract or any other
forbearance on either the part of said CITY OF LIVONIA or the Principal, to the
other, shall not in any way release the Principal and the Surety or Sureties, or
either, or any of them, their heirs, executors, administrators, successors, or assigns,
from their liability hereunder, notice to the Surety or Sureties of any such alteration,
extension or forbearance being hereby waived.

WITNESS, our hands and seals, this _____ day of _____, 20_____.

Signed, sealed and delivered
in the presence of:

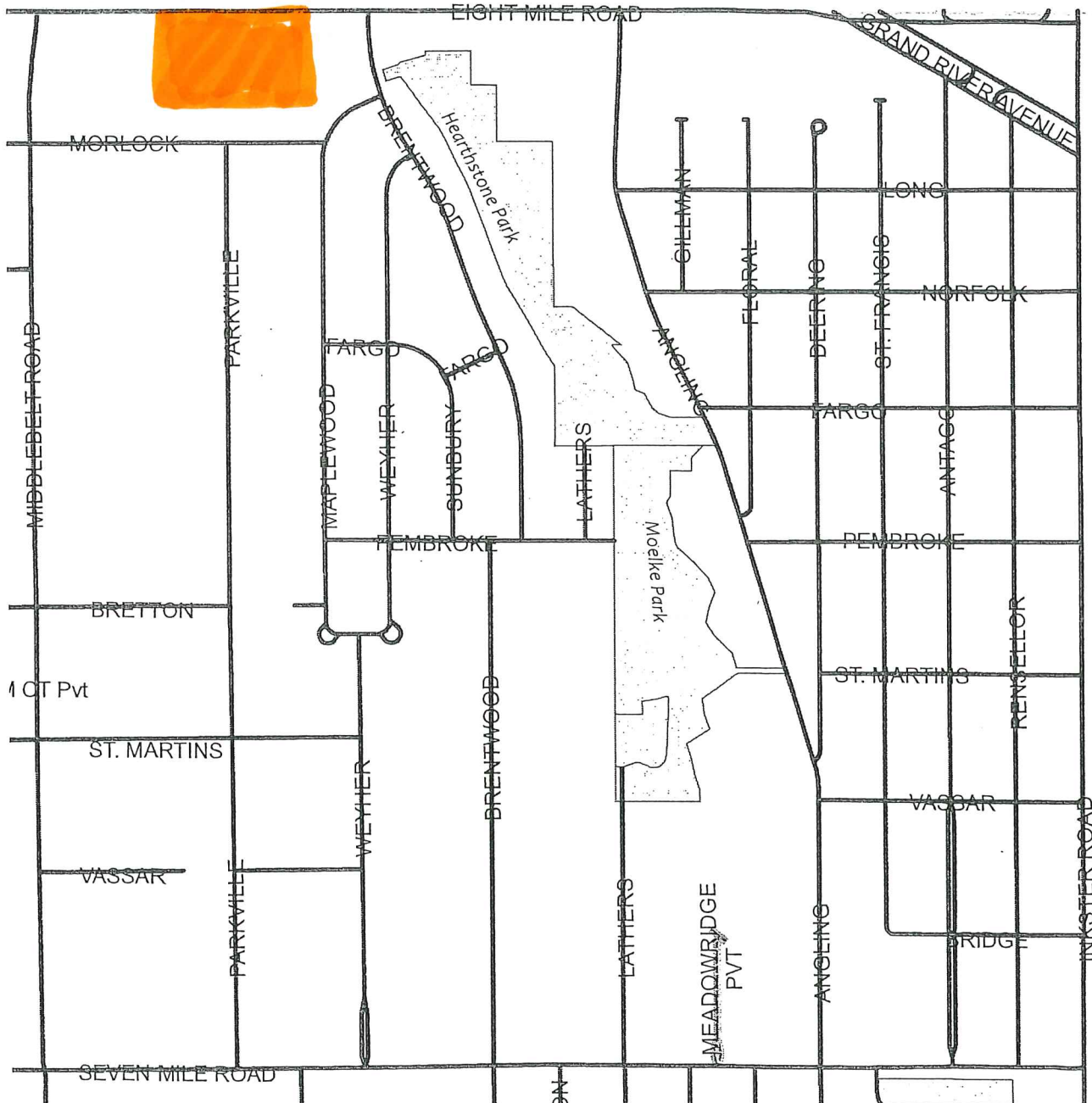
By _____

By _____



EIGHT MILE RD

MIDDLEBELT RD



INKSTER RD

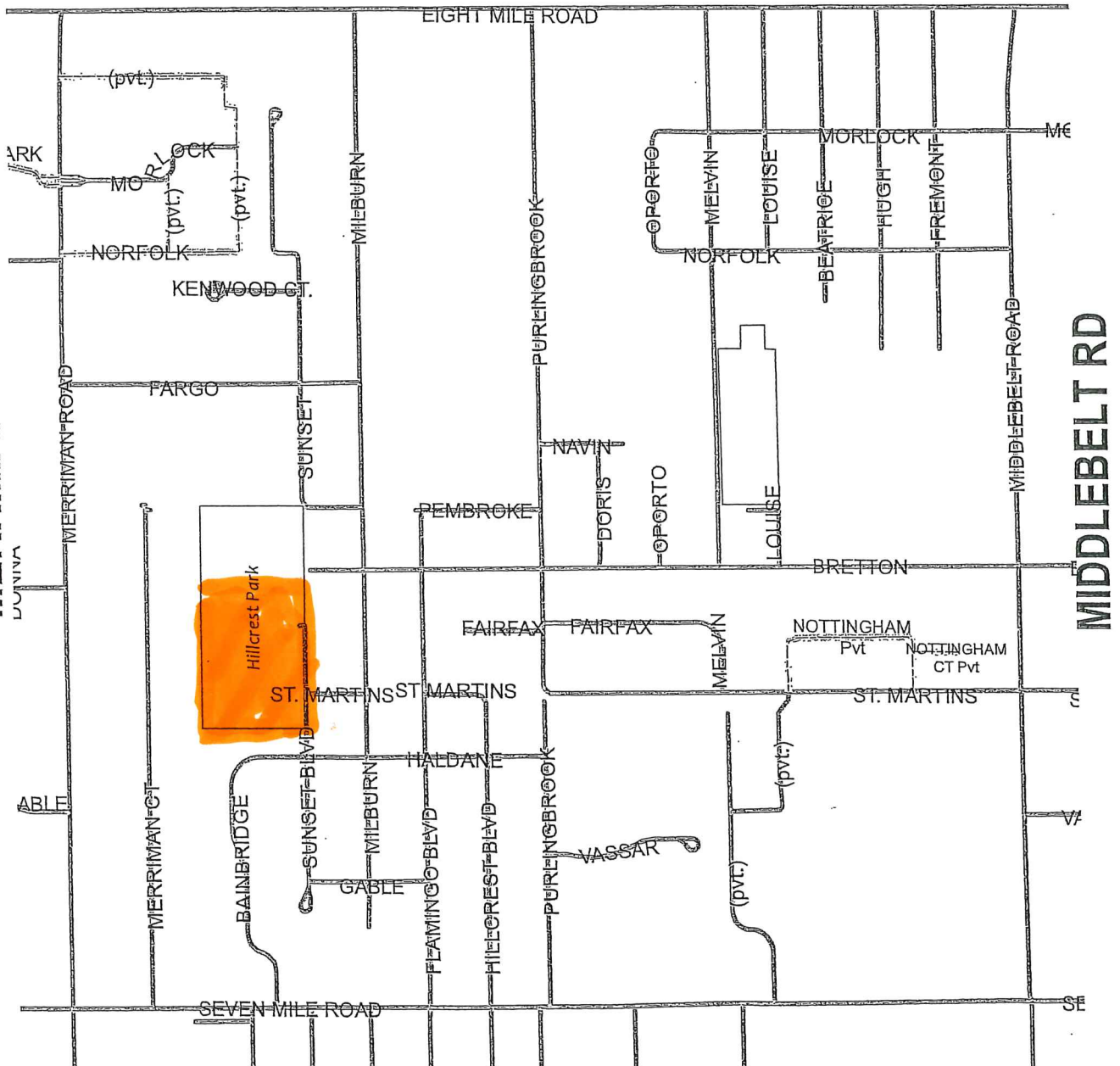
SEVEN MILE RD

SECTION 1



EIGHT MILE RD

MERRIMAN RD



MIDDLEBELT RD

SEVEN MILE RD

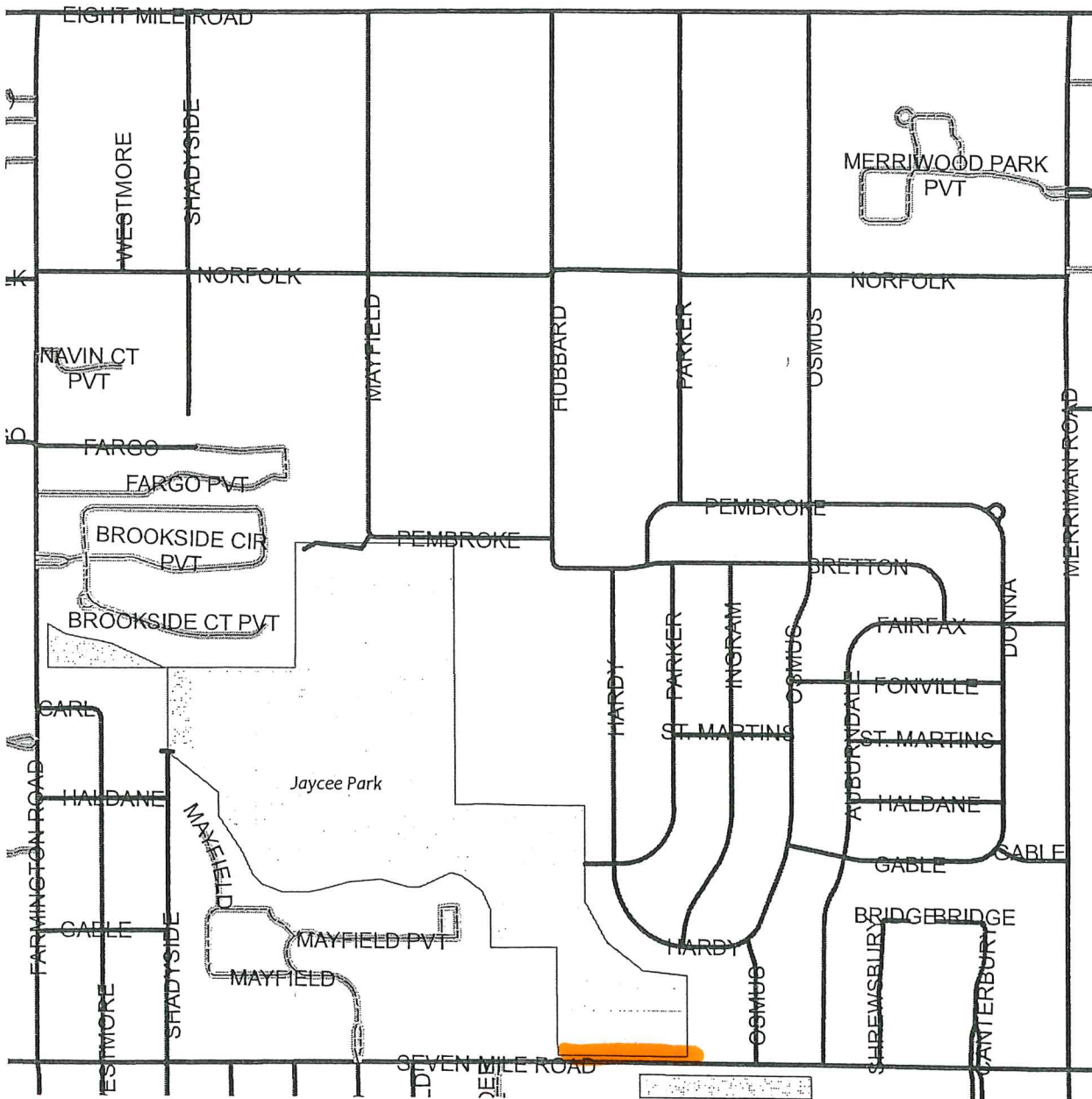
SECTION 2



EIGHT MILE RD

FARMINGTON RD

MERRIMAN RD



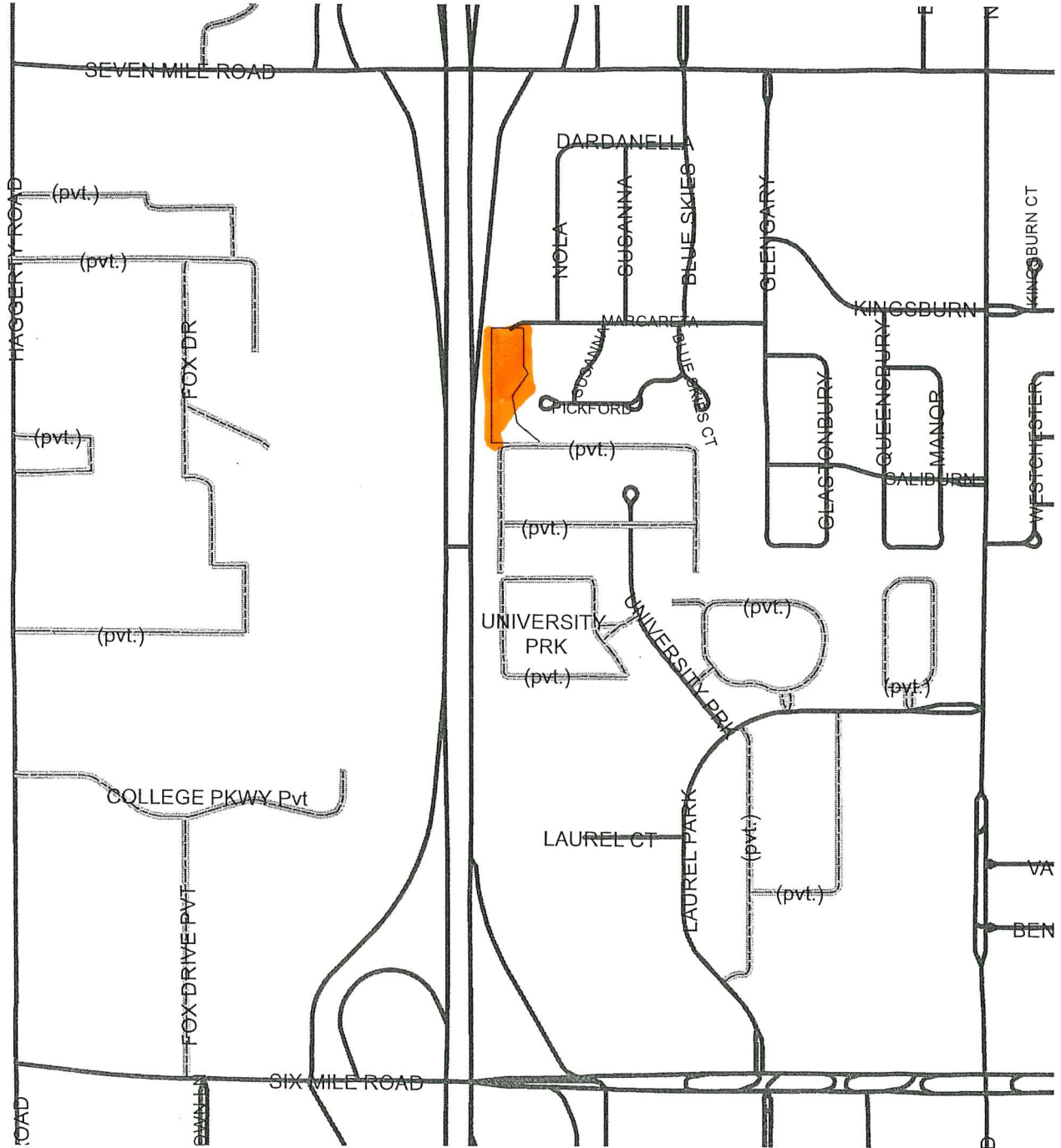
SEVEN MILE RD

SECTION 3



SEVEN MILE RD

HAGGERTY RD



NEWBURGH RD

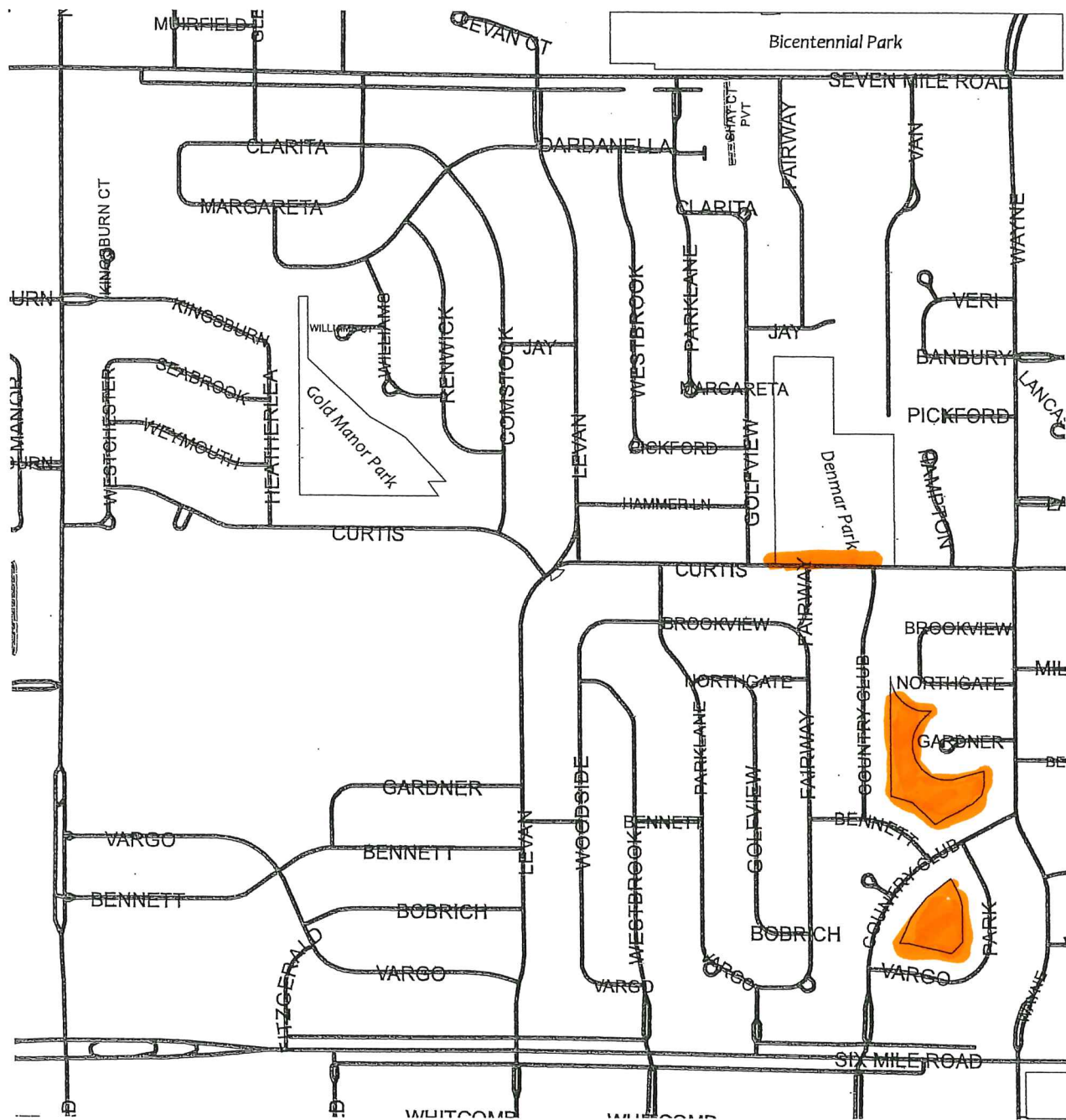
SIX MILE RD

SECTION 7



SEVEN MILE RD

NEWBURGH RD



WAYNE RD

SIX MILE RD

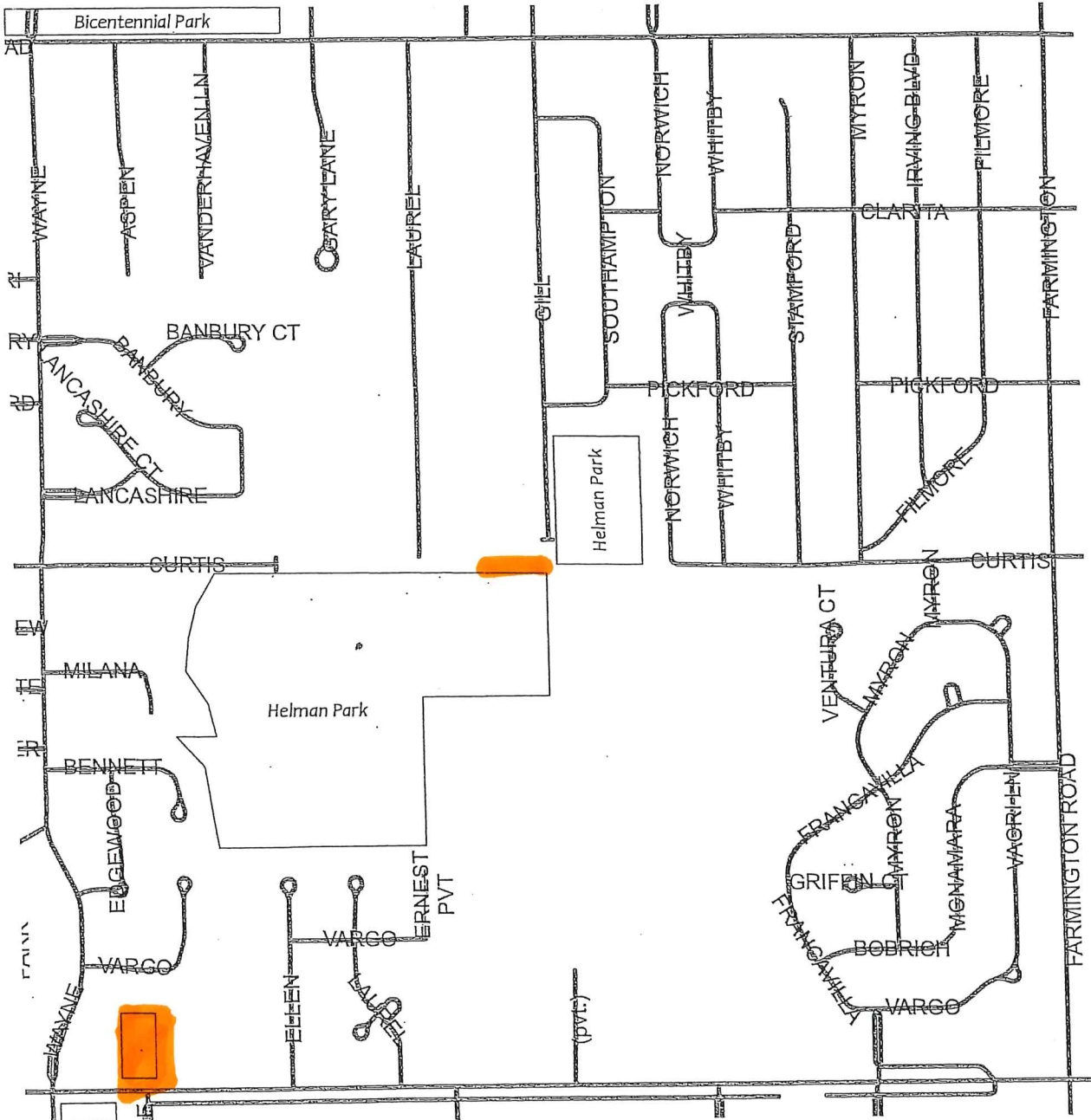
SECTION 8



SEVEN MILE RD

WAYNE RD

FARMINGTON RD



SIX MILE RD

SECTION 9



SEVEN MILE RD

FARMINGTON RD

MERRIMAN RD



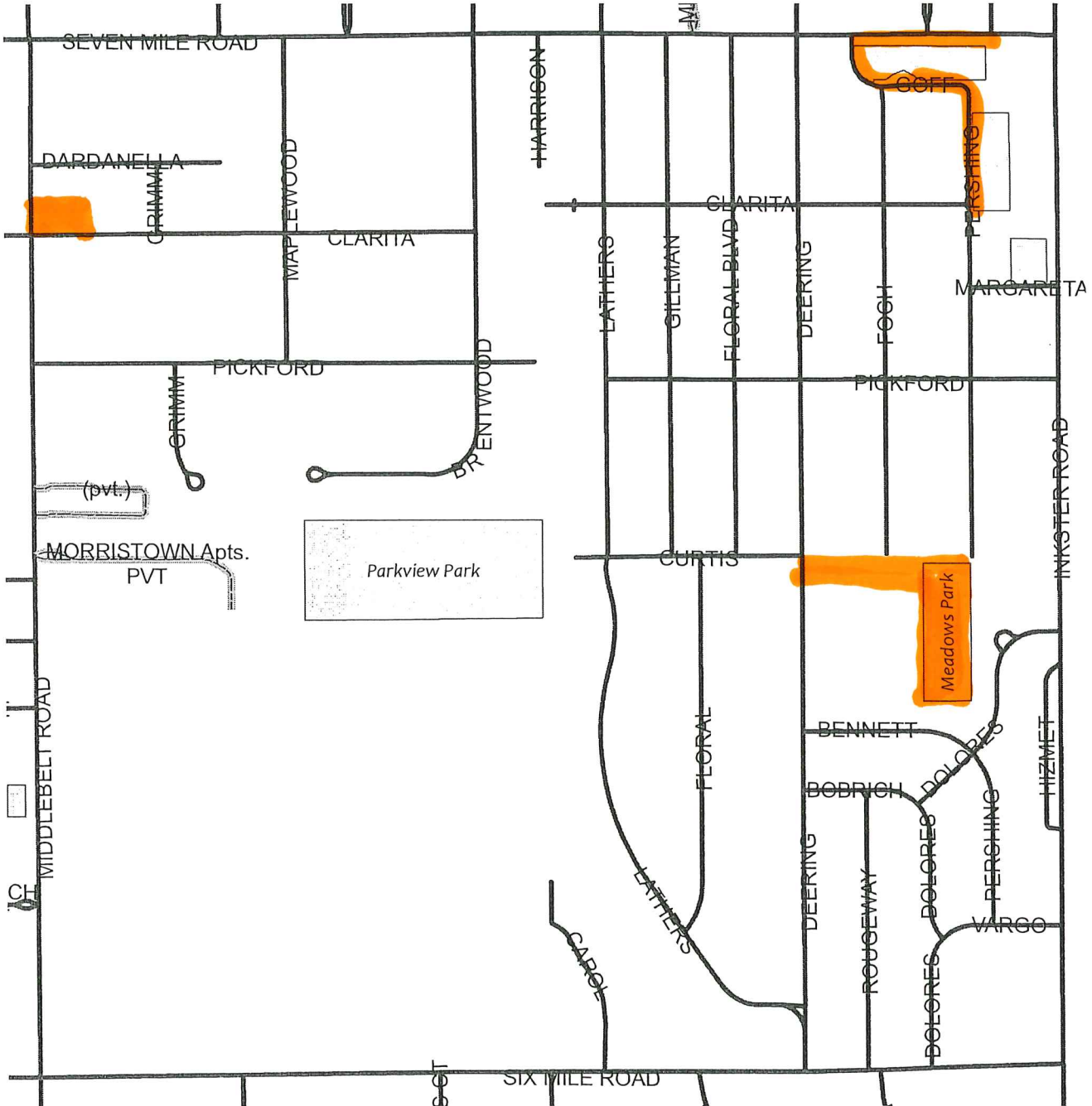
SIX MILE RD

SECTION 10



SEVEN MILE RD

MIDDLEBELT RD



INKSTER RD

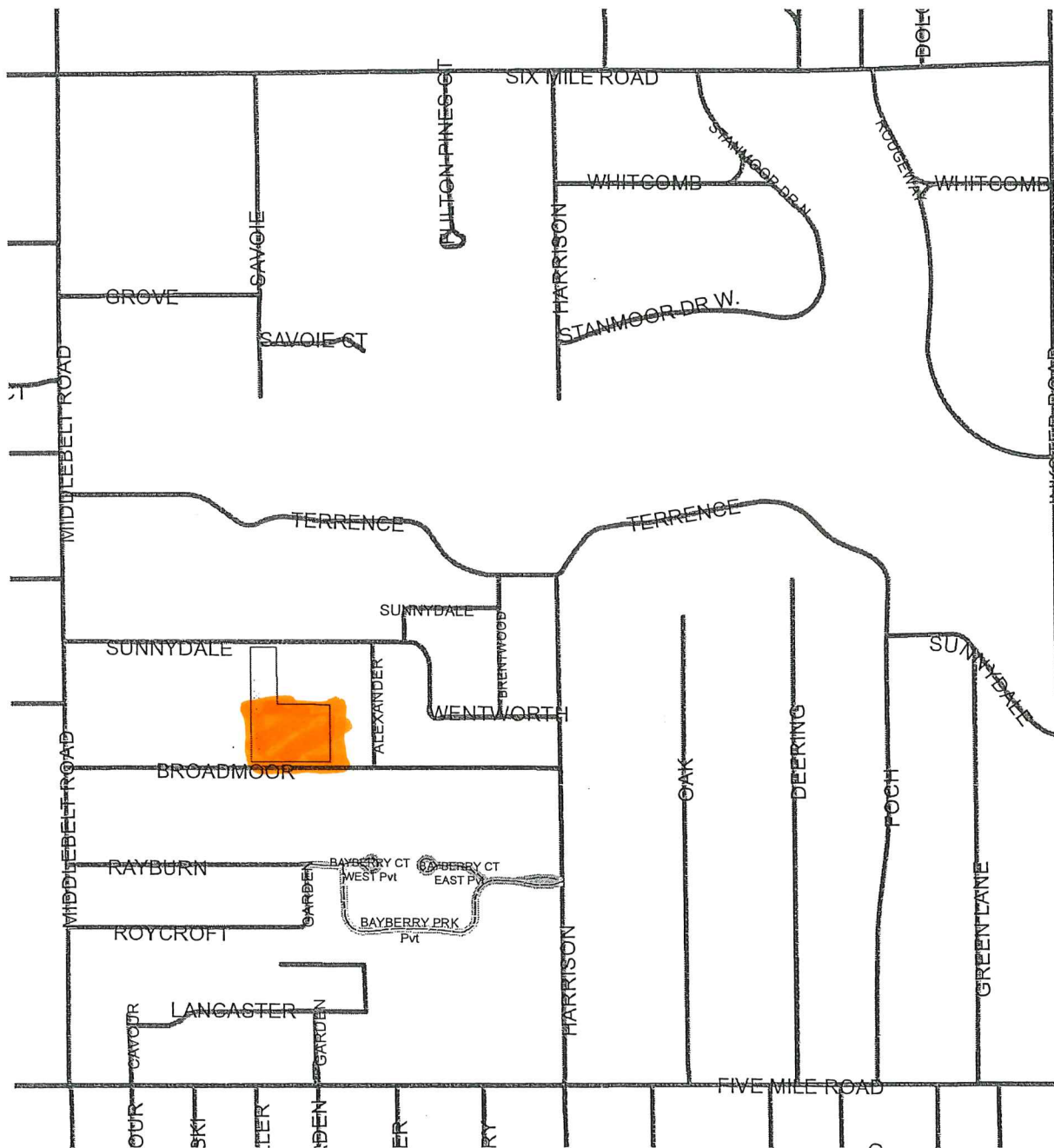
SIX MILE RD

SECTION 12



SIX MILE RD

MIDDLEBELT RD



INKSTER RD

FIVE MILE RD

SECTION 13



SIX MILE RD

NEWBURGH RD



WAYNE RD

SECTION 17



SIX MILE RD

HAGGERTY RD



NEWBURGH RD

FIVE MILE RD

SECTION 18



FIVE MILE RD

HAGGERTY RD

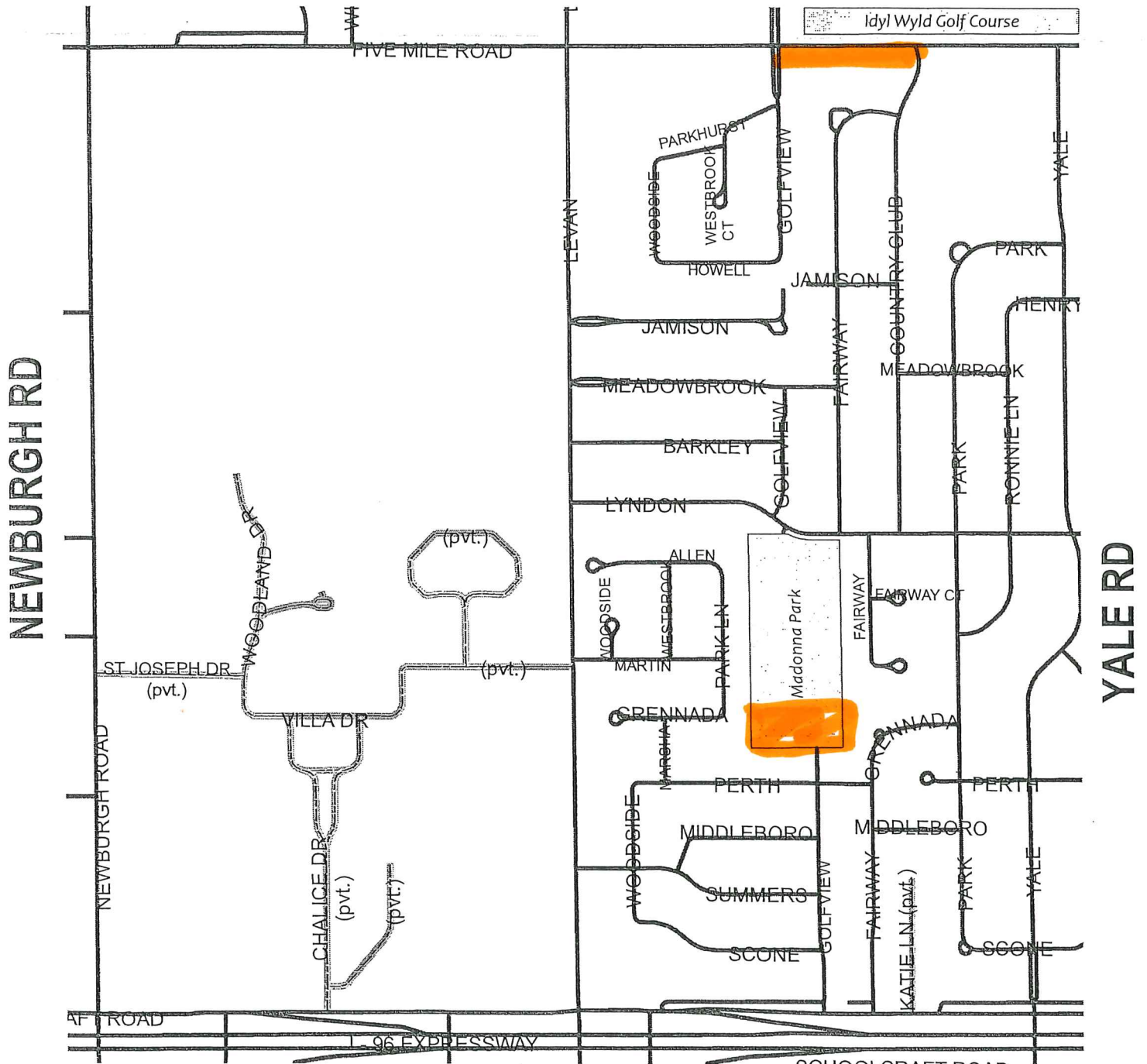
NEWBURGH RD



SCHOOLCRAFT RD

SECTION 19

FIVE MILE RD



SCHOOLCRAFT RD

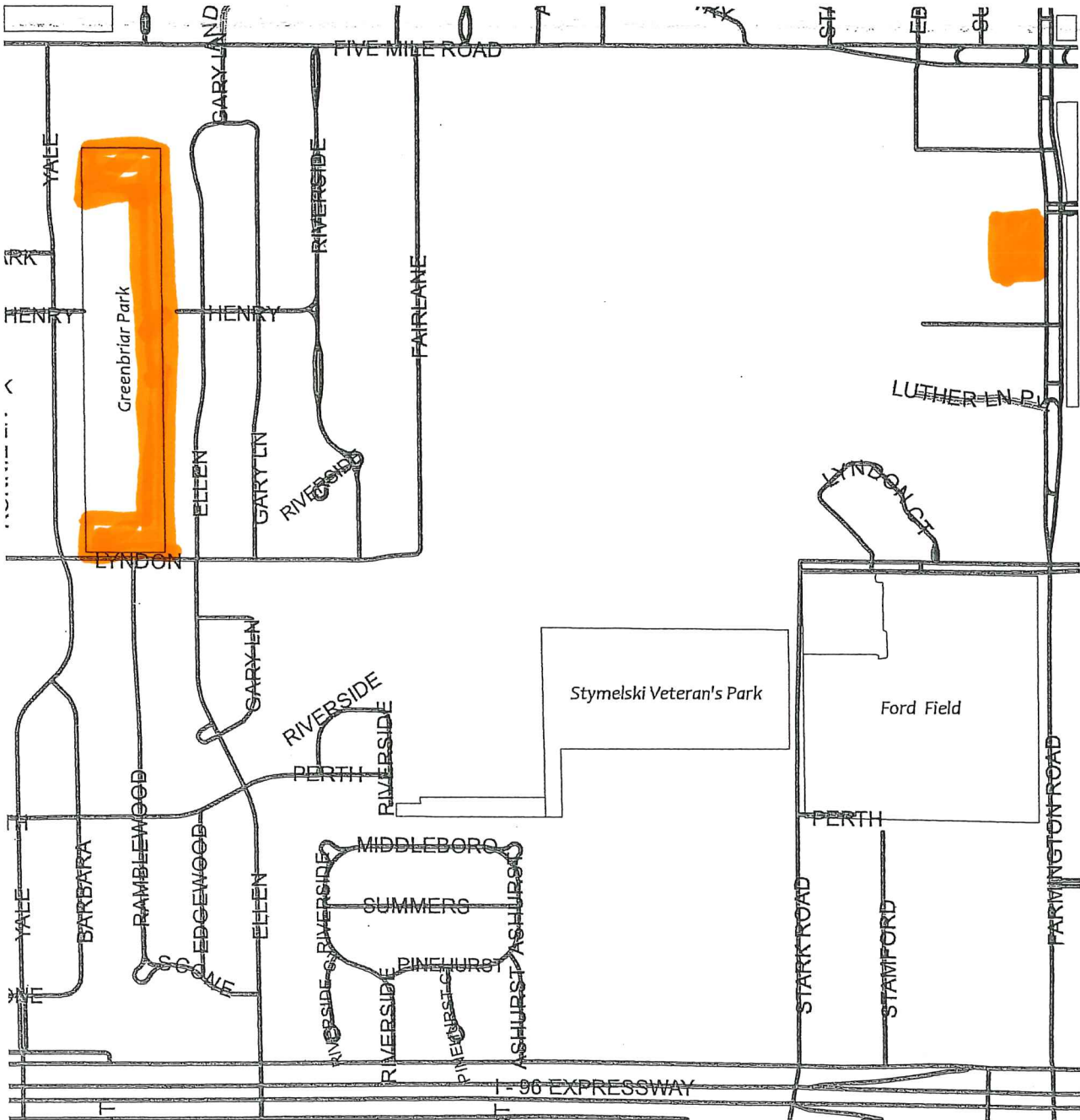
SECTION 20



FIVE MILE RD

YALE RD

FARMINGTON RD



SCHOOLCRAFT RD

SECTION 21



FIVE MILE RD

FARMINGTON RD



MERRIMAN RD

SCHOOLCRAFT RD

SECTION 22



FIVE MILE RD

MERRIMAN RD



SCHOOLCRAFT RD

SECTION 23



SCHOOLCRAFT RD

MIDDLEBELT RD

INKSTER RD



PLYMOUTH RD

SECTION 25



SCHOOLCRAFT RD

NEWBURGH RD



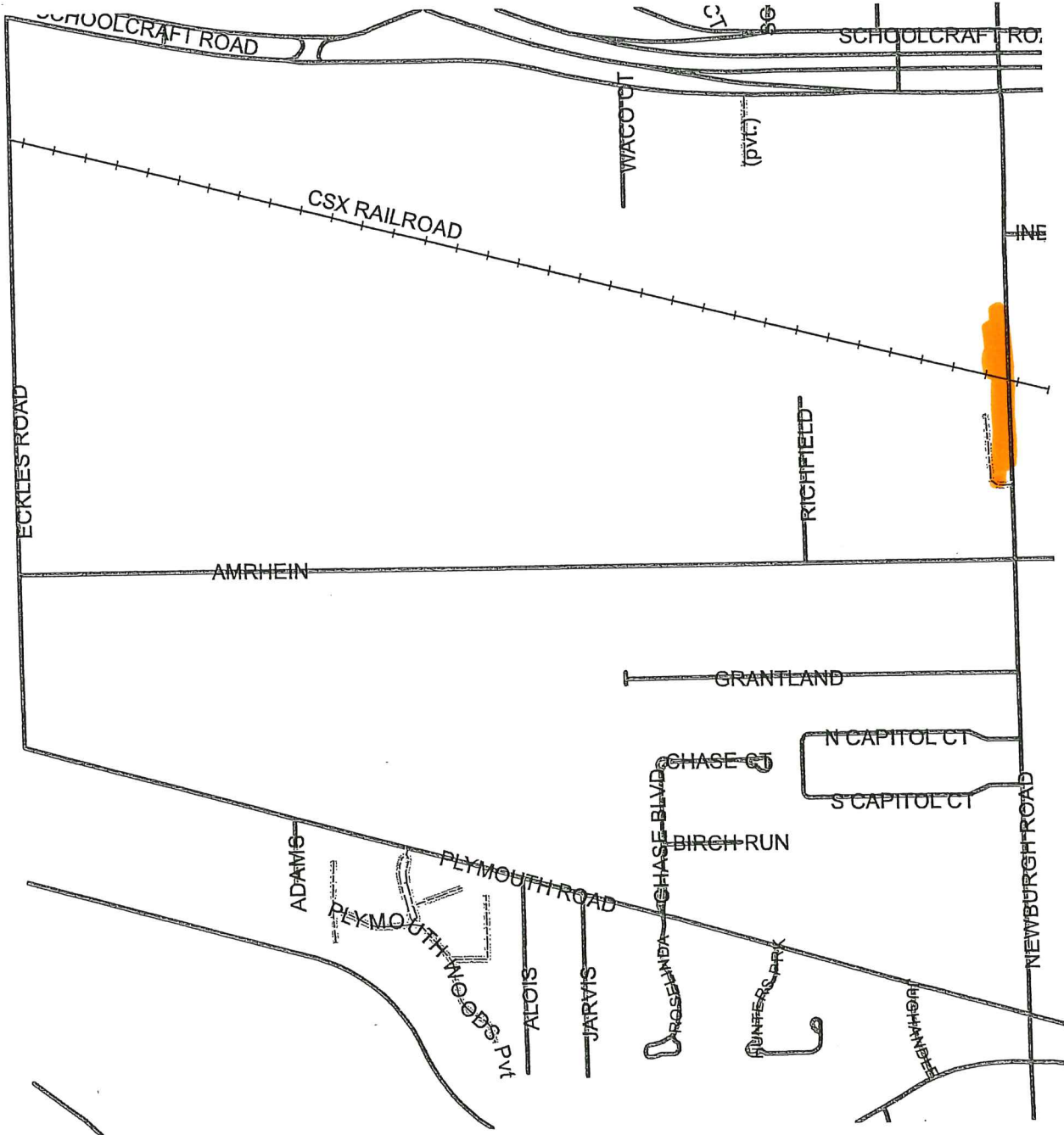
SECTION 29



SCHOOLCRAFT RD

ECKLES RD

NEWBURG RD



PLYMOUTH RD

SECTION 30



HINES DRIVE

ECKLES RD

NEWBURGH RD

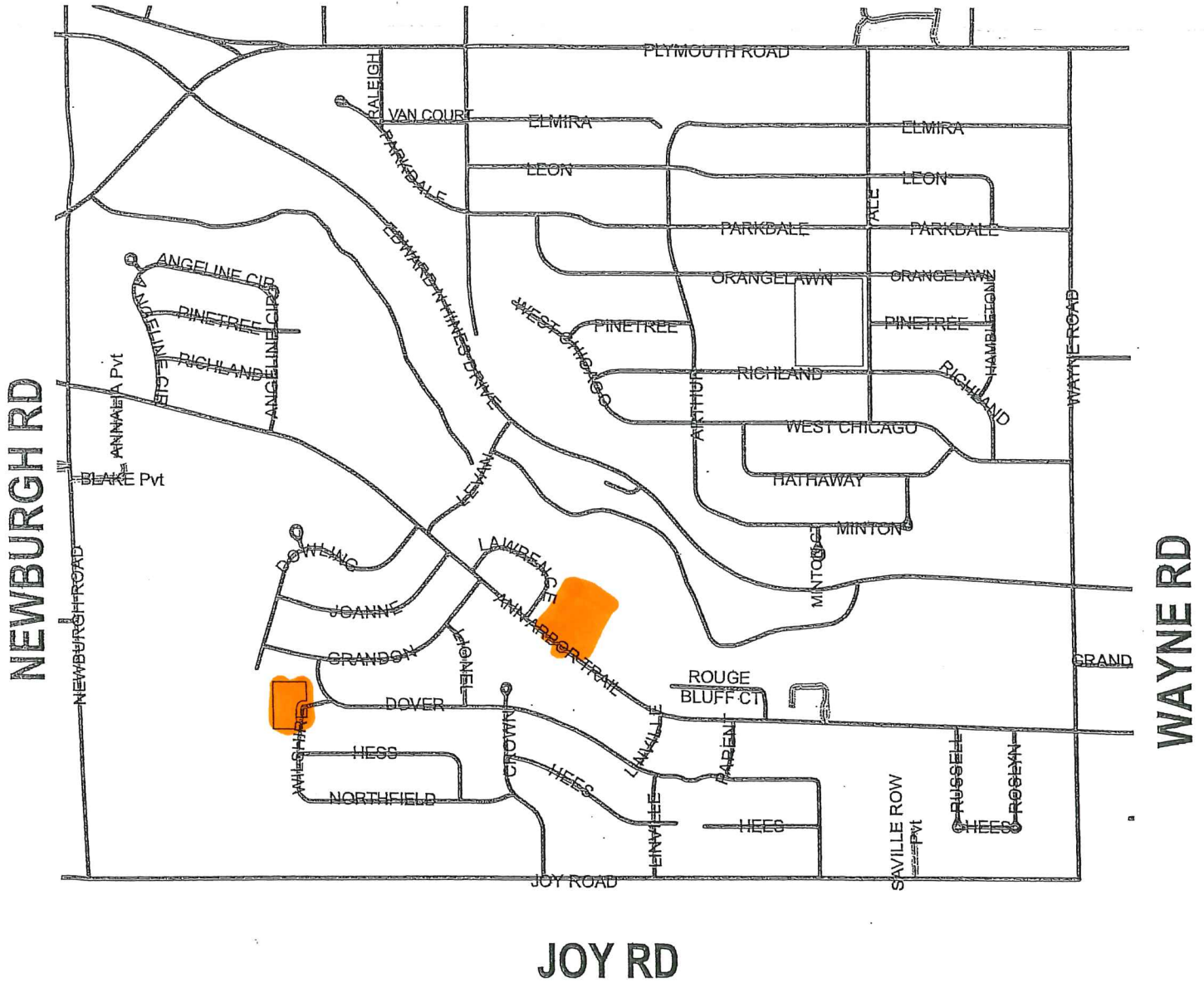


JOY RD

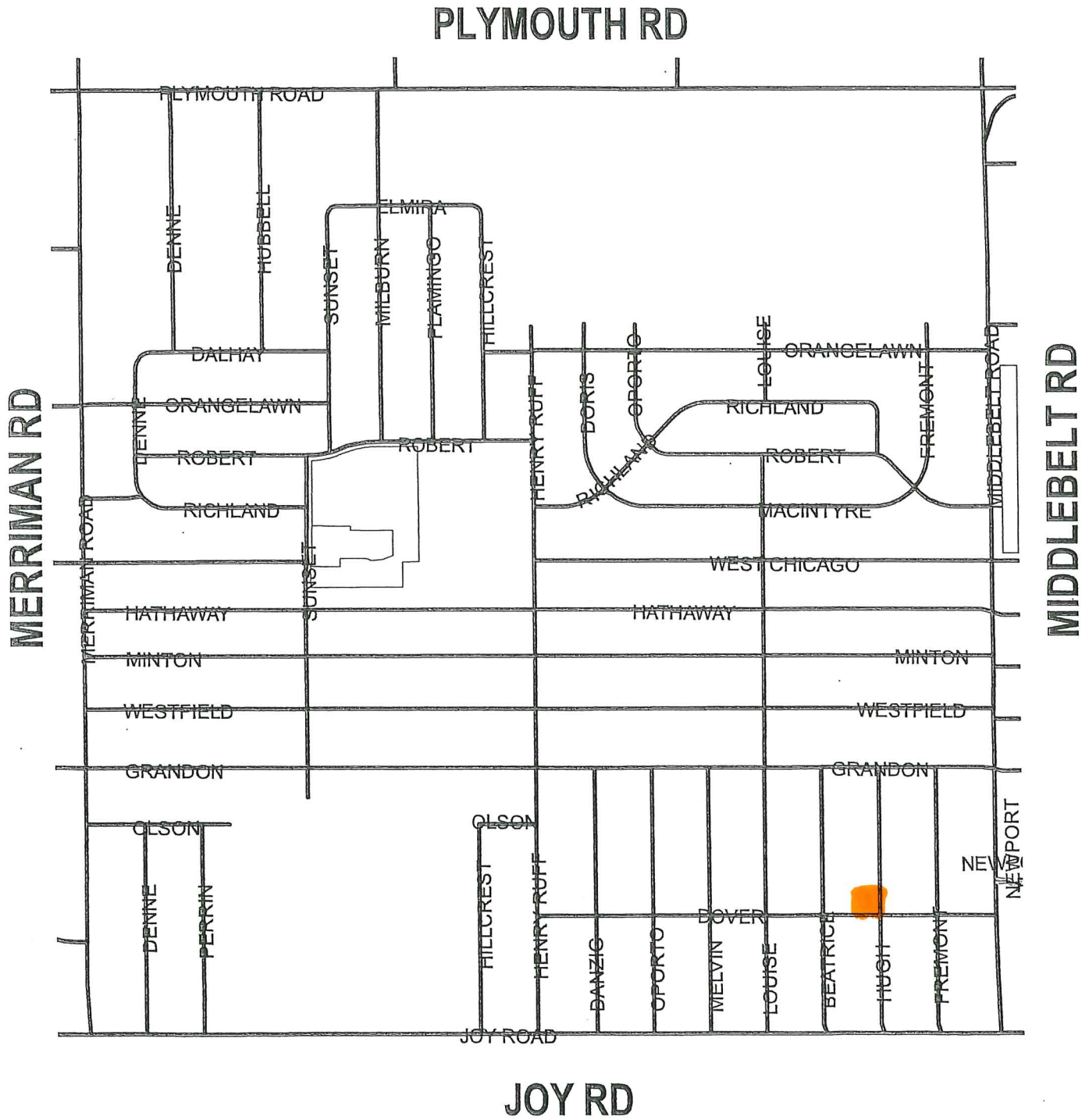
SECTION 31



PLYMOUTH RD



SECTION 32



SECTION 35



PLYMOUTH RD

MIDDLEBELT RD

INKSTER RD

JOY RD

SECTION 36



CITY OF LIVONIA - 2022-2025 PARKS MOWING PROGRAM BID TABULATION

Scooby's Lawn Care				United Lawnscape		Xpert Lawn and Snow		Premier Group Assoc.	
Park	X-Per Season	One mowing	Season Cost*	One mowing	Season Cost*	One mowing	Season Cost*	One mowing	Season Cost*
Hillcrest	14	\$190.00	\$2,660.00	\$350.00	\$4,900.00	\$ 750.00	\$ 10,500.00	\$ 910.00	\$12,740.00
Seven Mile-Jaycee Park Sidewalk	14	\$13.30	\$186.20	\$55.00	\$770.00	\$ 70.00	\$ 980.00	\$ 130.00	\$1,820.00
Prides Court	14	\$38.00	\$532.00	\$130.00	\$1,820.00	\$ 150.00	\$ 2,100.00	\$ 390.00	\$5,460.00
Nottingham West	14	\$100.70	\$1,409.80	\$250.00	\$3,500.00	\$ 400.00	\$ 5,600.00	\$ 520.00	\$7,280.00
Denmar	14	\$15.20	\$212.80	\$125.00	\$1,750.00	\$ 80.00	\$ 1,120.00	\$ 130.00	\$1,820.00
Hellman	14	\$11.40	\$159.60	\$125.00	\$1,750.00	\$ 60.00	\$ 840.00	\$ 195.00	\$2,730.00
Seven Mile-Rotary Park Sidewalk	14	\$15.20	\$212.80	\$64.00	\$896.00	\$ 80.00	\$ 1,120.00	\$ 195.00	\$2,730.00
Meadows Park	14	\$104.50	\$1,463.00	\$255.00	\$3,570.00	\$ 400.00	\$ 5,600.00	\$ 520.00	\$7,280.00
Seven Mile-Goff Nature Preserve	14	\$30.40	\$425.60	\$125.00	\$1,750.00	\$ 125.00	\$ 1,750.00	\$ 260.00	\$3,640.00
Broadmore	14	\$47.50	\$665.00	\$280.00	\$3,920.00	\$ 180.00	\$ 2,520.00	\$ 325.00	\$4,550.00
6 Mile Rd. Islands	14	\$47.50	\$665.00	\$150.00	\$2,100.00	\$ 180.00	\$ 2,520.00	\$ 520.00	\$7,280.00
6 & Wayne (Both sides of Six)	14	\$64.60	\$904.40	\$185.00	\$2,590.00	\$ 255.00	\$ 3,570.00	\$ 520.00	\$7,280.00
Fairway	14	\$98.80	\$1,383.20	\$245.00	\$3,430.00	\$ 390.00	\$ 5,460.00	\$ 520.00	\$7,280.00
Quakertown	14	\$17.10	\$239.40	\$55.00	\$770.00	\$ 90.00	\$ 1,260.00	\$ 195.00	\$2,730.00
Laurel South	14	\$193.80	\$2,713.20	\$420.00	\$5,880.00	\$ 765.00	\$10,710.00	\$ 780.00	\$10,920.00
Bluegrass	14	\$34.20	\$478.80	\$114.00	\$1,596.00	\$ 130.00	\$ 1,820.00	\$ 260.00	\$3,640.00
Greenwood	14	\$144.40	\$2,021.60	\$335.00	\$4,690.00	\$ 570.00	\$ 7,980.00	\$ 650.00	\$9,100.00
Chatham	14	\$15.20	\$212.80	\$120.00	\$1,680.00	\$ 80.00	\$ 1,120.00	\$ 195.00	\$2,730.00
Bien	14	\$283.10	\$3,963.40	\$550.00	\$7,700.00	\$ 1,100.00	\$15,400.00	\$ 1,040.00	\$14,560.00
Grennada	14	\$98.80	\$1,383.20	\$265.00	\$3,710.00	\$ 390.00	\$ 5,460.00	\$ 520.00	\$7,280.00
Madonna	14	\$34.20	\$478.80	\$114.00	\$1,596.00	\$ 130.00	\$ 1,820.00	\$ 260.00	\$3,640.00
Reynolds Ravine	14	\$26.60	\$372.40	\$82.00	\$1,148.00	\$ 105.00	\$ 1,470.00	\$ 195.00	\$2,730.00
Greenbrier	14	\$155.80	\$2,181.20	\$325.00	\$4,550.00	\$ 615.00	\$ 8,610.00	\$ 650.00	\$9,100.00
Harry Wolfe Tot Lot	14	\$7.60	\$106.40	\$50.00	\$700.00	\$ 40.00	\$ 560.00	\$ 130.00	\$1,820.00
Gaylord Tot Lot	14	\$20.90	\$292.60	\$70.00	\$980.00	\$ 75.00	\$ 1,050.00	\$ 195.00	\$2,730.00
Bai - Lyn	14	\$49.40	\$691.60	\$180.00	\$2,520.00	\$ 180.00	\$ 2,520.00	\$ 260.00	\$3,640.00
Elm	14	\$110.20	\$1,542.80	\$285.00	\$3,990.00	\$ 425.00	\$ 5,950.00	\$ 650.00	\$9,100.00
Newburgh Underpass	14	\$43.70	\$611.80	\$120.00	\$1,680.00	\$ 170.00	\$ 2,380.00	\$ 260.00	\$3,640.00
Dover	14	\$95.00	\$1,330.00	\$250.00	\$3,500.00	\$ 375.00	\$ 5,250.00	\$ 520.00	\$7,280.00
Lindenwood	14	\$26.60	\$372.40	\$110.00	\$1,540.00	\$ 105.00	\$ 1,470.00	\$ 260.00	\$3,640.00
Hugh Tot Lot	14	\$7.60	\$106.40	\$50.00	\$700.00	\$ 40.00	\$ 560.00	\$ 130.00	\$1,820.00
Elliott Tot Lot	14	\$7.60	\$106.40	\$50.00	\$700.00	\$ 40.00	\$ 560.00	\$ 130.00	\$1,820.00
Sesquicentennial Park	14	\$17.10	\$239.40	\$65.00	\$910.00	\$ 75.00	\$ 1,050.00	\$ 195.00	\$2,730.00
SUB-TOTAL FOR PARKS MOWING (ONE SEASON)			\$ 30,324.00	\$ 83,286.00		\$ 120,680.00		\$ 176,540.00	
Park	X-Per Season	One mowing	Season Cost*	One mowing	Season Cost*	One mowing	Season Cost*	One mowing	Season Cost*
Fire Station #4 12300 Middlebelt	14	\$10.00	\$ 140.00	\$65.00	\$ 910.00	\$ 50.00	\$ 700.00	\$ 195.00	\$ 2,730.00
Fire Station #5 18910 Middlebelt	14	\$15.00	\$ 210.00	\$90.00	\$ 1,260.00	\$ 60.00	\$ 840.00	\$ 195.00	\$ 2,730.00
Fire Station #6 37876 Plymouth	14	\$40.00	\$ 560.00	\$145.00	\$ 2,030.00	\$ 150.00	\$ 2,100.00	\$ 325.00	\$ 4,550.00
Newburgh Cemetery	14	\$125.00	\$ 1,750.00	\$440.00	\$ 6,160.00	\$ 240.00	\$ 3,360.00	\$ 520.00	\$ 7,280.00
Clarenceville Cemetery	14	\$120.00	\$ 1,680.00	\$450.00	\$ 6,300.00	\$ 230.00	\$ 3,220.00	\$ 520.00	\$ 7,280.00
Livonia Cemetery	14	\$175.00	\$ 2,450.00	\$660.00	\$ 9,240.00	\$ 350.00	\$ 4,900.00	\$ 780.00	\$10,920.00
SUB-TOTAL FOR CEMETERY MOWING (ONE SEASON)			\$ 6,790.00	\$ 25,900.00		\$ 15,120.00		\$ 35,490.00	
ANNUAL TOTAL			\$ 37,114.00	\$ 109,186.00		\$ 135,800.00		\$ 212,030.00	
125.35 Acres \$ per acre		\$ 296.08	\$ 871.05		\$ 1,083.37		\$ 1,691.50		
% of Increase from previous year			Incr	Incr	Incr	Incr	Incr	Incr	
Year 1		\$ 37,114.00	\$ 109,186.00		\$ 135,800.00		\$ 212,030.00		
Year 2		0%	\$ 37,114.00	5%	\$ 114,645.30	0%	\$ 135,800.00	4%	\$ 220,511.20
Year 3		0%	\$ 37,114.00	4%	\$ 119,231.11	0%	\$ 135,800.00	4%	\$ 229,331.65
(Opt) Year 4		0%	\$ 37,114.00	3%	\$ 122,808.05	0%	\$ 135,800.00	4%	\$ 238,504.91
			\$ 148,456.00	\$ 465,870.46	\$ 543,200.00	\$ 900,377.76			

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MARCH 23, 2022**

Meeting was called to order at 8:43 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and Kathleen McIntyre. Absent: None

Elected and appointed officials present: Deputy City Clerk, Lori Miller, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, Paul Bernier; City Attorney, Jeannine Laible, Human Resources Director, Doug Moore, Assistant Director of Public Works, Ted Davis; Superintendent of Parks and Recreation.

Councilmember Scott Bahr wanted to note that he noticed the low amount of people at the Rec Center. He pointed out that it is ok to come back. He loves to see when it is vibrant there and would like to see more people come out to play basketball in the mornings.

6. AWARD OF CONTRACT: Engineering Division, re: for the 2022 Sidewalk Replacement Program, Contract 22-G.19:07

Todd Zilincik, City Engineer, presented the request the Council.

Councilmember Rob Donovic offered an approving resolution on the Consent agenda and commended the company for the great job they do.

DIRECTION:

APPROVAL

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

6.

Engineering
March 16, 2022

MEETING DATE

Study Meeting of
March 23, 2022

PREPARED BY

Karen Worley, Secretary IV

AGENDA ITEM

AWARD OF CONTRACT: Engineering Division, re: for the 2022 Sidewalk Replacement Program, Contract 22-G.

BACKGROUND

The City Council, by Resolution Number 67-22 established the annual sidewalk repair and maintenance program.

This year the program consists of approximately 440 locations scattered throughout the City, along with four (4) small target areas in Sections 8, 17, 19 and 32. The Engineering Staff has also identified intersections in these areas where ramps need to be removed and replaced, in an effort to proactively provide quantities to construct the ramps, making them ADA compliant.

The Engineering Division finalized the plans and specifications. In response to the advertisement on Michigan Inter-Governmental Trade Network (MITN), a mandatory pre-bid meeting was held on March 9, 2022 in which six (6) contractor's attended and bids for the subject project were taken on March 15, 2022. Four (4) bids were submitted and may be summarized as follows:

NAME OF BIDDER

AMOUNT OF BID

Rotondo Construction Corporation. Livonia, MI	\$632,935.00 (60 Inspector Days)	(\$626,605.65 with Bidder's Preference)
Luigi Ferdinandi & Son Cement Co., Inc. Roseville, MI	\$681,580.50 (60 Inspector Days)	
Great Lakes Contracting Solutions, LLC Waterford, MI	\$881,553.75 (75 Inspector Days)	
JB Contractors, Inc. Detroit, MI	\$958,691.25 (75 Inspector Days)	

*Inspector Days costs are included in the bids (excludes work related to Precision Concrete Cutting).

RECOMMENDATION

The Engineering Division is recommending the low bidder, Rotondo Construction Corporation for the 2022 Sidewalk Replacement Program. Rotondo Construction Corporation has been the City of Livonia's contractor for the 2006 thru 2011, and 2013 thru 2021 Sidewalk Replacement Programs.

FISCAL CONSIDERATION

The total project cost for this year's program is \$706,228.50. This includes a 10% administrative fee (\$63,293.50) and the contract amount of \$642,935.00 (Rotondo \$632,935.00 and Precision Concrete Cutting \$10,000).

In order to proceed with this project, we respectfully recommend that the Council proceed as follows:

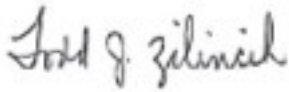
- Award a contract in the amount of \$632,935.00 to Rotondo Construction Corporation., 38807 Ann Arbor Road, Suite 2, Livonia, MI 48150. The award should be on the basis of the bid unit prices, said amount to be adjusted based upon the quantities of work actually completed.
- Authorize a payment not-to-exceed \$10,000.00 to Precision Concrete Inc., 1896 Goldeneye Drive, Holland, MI 49424 for the saw cutting portion of the contract.
- Authorize an advance of \$132,257.84 (single lot assessments portion of the program) from the Road, Sidewalk and Tree Fund with the provision that this fund be reimbursed from that portion of the project which is to be financed by special assessment at such time as funds are subsequently received for the payment of bills as assessments by affected property owners.
- Authorize an expenditure from budgeted funds of \$6,500.00 from Account No. 202-451-977-010 (Major Road - Dist. Sidewalk Cost) and \$99,270.66 from Account No. 203-451-977-010 (Local Road – Dist. Sidewalk Cost) to cover the costs related to the construction or reconstruction of handicap ramps at major and local roads.
- Authorize an expenditure of \$18,200.00 from the Unexpended Fund Balance of the Water and Sewer Fund for sidewalk work adjacent to and including water, storm and sanitary structure repairs.
- Authorize an expenditure of \$450,000.00 to repair sidewalks heaved by tree roots from budgeted funds in the Road, Sidewalk and Tree Fund (Account 204-441-977-010 Contractual Service Sidewalk).

- Authorize the City Engineer to approve minor adjustments in the work, as required.

ATTACHMENTS

1. Bid Tab - 2022 Sidewalk Repair Program #22-G

APPROVED BY



Date: March 16, 2022

Todd Zilincik, P.E., City Engineer



Date: March 16, 2022

Don Rohraff, Director of Public Works



Date: March 16, 2022

Michael Slater, Finance Director



Date: March 16, 2022

Paul Bernier, City Attorney



Date: March 16, 2022

Maureen Miller Brosnan, Mayor

**City of Livonia Engineering Division
2022 Sidewalk Program 22-G
Bid Tabulation
March 15, 2022**

Rotondo Construction Corp.
38807 Ann Arbor Rd. Ste 2
Livonia, MI 48150
248-474-0707
Contact: Joe Rotondo

Luigi Ferdinandi & Son Cement Co., Inc.
16481 Common Road
Roseville, MI 48066
586-774-1000
Contact: Luigi V. Ferdinandi

Great Lakes Contracting Solutions, LLC
2300 Edinburgh Rd.
Waterford, MI 48328
313-962-0400
Contact: Philip A. Sakalian

ITEM	DESCRIPTION	EST. QTY		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1.	Remove and Replace 4" Concrete Sidewalk	65,000	S.F.	\$6.55	\$425,750.00	\$7.00	\$455,000.00	\$8.75	\$568,750.00
2.	Remove and Replace 6" Concrete Sidewalk or Approach	9,000	S.F.	\$7.20	\$64,800.00	\$8.50	\$76,500.00	\$9.75	\$87,750.00
3.	Remove and Replace 8" Concrete Sidewalk or Approach	1,925	S.F.	\$8.20	\$15,785.00	\$9.00	\$17,325.00	\$11.00	\$21,175.00
4.	Remove and Replace 7" Plain Concrete Pavement	1850	S.F.	\$8.00	\$14,800.00	\$8.75	\$16,187.50	\$10.00	\$18,500.00
5.	Remove Concrete Curb & Gutter (at ramp locations & replace with flush curb)	550	L.F.	\$30.00	\$16,500.00	\$30.00	\$16,500.00	\$48.00	\$26,400.00
6.	Remove and Replace Concrete Curb (6" to 8")	35	L.F.	\$1.00	\$35.00	\$30.00	\$1,050.00	\$50.00	\$1,750.00
7.	Place 4" Concrete Sidewalk	500	S.F.	\$1.00	\$500.00	\$5.00	\$2,500.00	\$7.50	\$3,750.00
8.	Remove and Replace 6" Concrete Sidewalk (incl. first ADA ramp flag w/4' x 2' dome/tactile at approximately 20 locations w/30 s.f. each)	1,750	S.F.	\$12.00	\$21,000.00	\$11.00	\$19,250.00	\$12.50	\$21,875.00
9	Place 6" Concrete Sidewalk (incl. first ADA ramp flag w/5' x 2' dome/tactile at approximately 6 locations w/30 s.f. each)	300	S.F.	\$12.00	\$3,600.00	\$14.00	\$4,200.00	\$12.65	\$3,795.00
10	Place 8" Concrete Sidewalk	200	S.F.	\$1.00	\$200.00	\$8.00	\$1,600.00	\$9.50	\$1,900.00
11	Remove 4" to 6" Sidewalk or Approach	4,800	S.F.	\$0.50	\$2,400.00	\$0.91	\$4,368.00	\$3.00	\$14,400.00
12	Remove and Replace 9" Reinforced Concrete Pavement	50	S.F.	\$1.00	\$50.00	\$15.00	\$750.00	\$15.75	\$787.50
13	Remove and Replace 2" to 6" Asphalt	250	S.F.	\$0.50	\$125.00	\$18.00	\$4,500.00	\$26.50	\$6,625.00
14	Remove 1" to 3" Asphalt	250	S.F.	\$0.10	\$25.00	\$1.00	\$250.00	\$3.00	\$750.00
15	Remove +3" to 6" Asphalt	200	S.F.	\$0.10	\$20.00	\$1.00	\$200.00	\$3.50	\$700.00
16	Special Saw-Cutting	200	L.F.	\$2.00	\$400.00	\$4.00	\$800.00	\$5.00	\$1,000.00

**City of Livonia Engineering Division
2022 Sidewalk Program 22-G
Bid Tabulation
March 15, 2022**

17	Horizontal Curb Saw-Cutting	50	L.F.	\$0.10	\$5.00	\$25.00	\$1,250.00	\$45.00	\$2,250.00
18	Adjust Sprinkler Line (ADA Ramp Locations Only)	425	L.F.	\$5.00	\$2,125.00	\$4.00	\$1,700.00	\$5.75	\$2,443.75
19	Replace In-Kind Sprinkler Head (ADA Ramp Locations Only)	100	EA.	\$27.00	\$2,700.00	\$16.00	\$1,600.00	\$75.00	\$7,500.00
20	Place 4" to 6" Concrete Sidewalk w/Integral Curb (Ramp Locations Only)	2,000	S.F.	\$7.50	\$15,000.00	\$6.00	\$12,000.00	\$10.00	\$20,000.00
21	Adjust Strucure (top 1')	20	EA.	\$275.00	\$5,500.00	\$200.00	\$4,000.00	\$500.00	\$10,000.00
22	Adjust Structure (each additonal 1')	5	EA.	\$50.00	\$250.00	\$100.00	\$500.00	\$300.00	\$1,500.00
23	Adjust Sanitary Structure - Top 30" (incl. adjustment and encapsulation)	10	EA.	\$725.00	\$7,250.00	\$300.00	\$3,000.00	\$850.00	\$8,500.00
24	Excavation	10	C.Y.	\$1.00	\$10.00	\$75.00	\$750.00	\$38.00	\$380.00
25	Class II Sand (C.I.P.)	5	C.Y.	\$1.00	\$5.00	\$40.00	\$200.00	\$44.50	\$222.50
26	3" Topsoil, Seed, Mulch and Fertilizer	150	S.Y.	\$1.00	\$150.00	\$1.00	\$150.00	\$25.00	\$3,750.00
27	Sod	150	S.Y.	\$1.00	\$150.00	\$3.00	\$450.00	\$20.00	\$3,000.00
28	Stone 21AA Limestone	20	C.Y.	\$15.00	\$300.00	\$75.00	\$1,500.00	\$55.00	\$1,100.00
29	Wayne County Permit Fees	1	EA.	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
30	Inspector Days (Min. 60 Days)	60	Days	\$500.00	\$30,000.00	\$500.00	\$30,000.00	\$500.00	\$37500 (75 Days)

Total Bid					\$632,935.00		\$681,580.50		\$881,553.75
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Bids Advertised:
MITN, February 28, 2022
Bid Opening Date: March 15, 2022

Additional Bidders:
JB Contractors, Inc.
(75 Inspector Days) \$958,691.25

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MARCH 23, 2022**

Meeting was called to order at 8:43 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and Kathleen McIntyre. Absent: None

Elected and appointed officials present: Deputy City Clerk, Lori Miller, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, Paul Bernier; City Attorney, Jeannine Laible, Human Resources Director, Doug Moore, Assistant Director of Public Works, Ted Davis; Superintendent of Parks and Recreation.

Councilmember Scott Bahr wanted to note that he noticed the low amount of people at the Rec Center. He pointed out that it is ok to come back. He loves to see when it is vibrant there and would like to see more people come out to play basketball in the mornings.

7. AWARD OF CONTRACT: Engineering Division, re: for the 2022 Lane Line Marking Program, Contract 22-H.

Todd Zilincik, City Engineer, presented the request the Council.

Council Vice President Laura Toy offered an approving resolution on the Consent agenda.

DIRECTION:

APPROVAL

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

6.

Engineering
March 24, 2022

MEETING DATE

Study Meeting of March
23, 2022

PREPARED BY

Lori Miller, Deputy City Clerk,

AGENDA ITEM

AWARD OF CONTRACT: Engineering Division, re: for the 2022 Lane Line Marking Program, Contract 22-H.

BACKGROUND

Several major roads, which are under the jurisdiction of the City are in need of new lane line markings along with pavement legends and symbols. The Engineering Division prepared specifications and arranged for the taking of bids on March 8, 2022 for the 2022 Lane Line Marking Program. In response to the advertisement on the Michigan Intergovernmental Trade Network (MITN), two bids were submitted. The bids may be summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
P.K. Contracting, LLC Troy, MI	\$93,367.50
JV Contracting, Inc. Goodrich, MI	\$107,200.00

This bid is good until July 6, 2022.

RECOMMENDATION

Please refer to the Fiscal Consideration section below and the attachments for additional information.

FISCAL CONSIDERATION

This office has reviewed the bids and has checked the references for the low bidder, P.K. Contracting, LLC and finds this company qualified to perform the work required under this contract. It is, therefore, recommended that the Council proceed as follows:

- Award a contract in the amount of \$93,367.50 to P.K. Contracting, LLC, 1965 Barrett Dr., Troy, Michigan 48084. The award should be on the basis of the bid unit prices, said amount to be adjusted based

upon quantities of work actually completed.

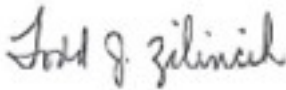
- Authorize an expenditure in the amount of \$93,367.50 for the 2022 Lane Line Marking Program from budgeted funds in Account No. 202-463-818-118

- Authorize the City Engineer to approve minor adjustments in the work, as required.

ATTACHMENTS

1. Bid Tab - 2022 Lane Line Marking Project #22-H

APPROVED BY



Date: March 09,
2022

Todd Zilincik, P.E., City Engineer



Date: March 10,
2022

Don Rohraff, Director of Public
Works



Date: March 10,
2022

Michael Slater, Finance Director



Date: March 10,
2022

Paul Bernier, City Attorney



Date: March 11,
2022

Maureen Miller Brosnan, Mayor

**City of Livonia Engineering Division
2022 Lane Line Marking Program
Contract #22-H
Bid Tabulation
March 8, 2022**

JV Contracting, Inc.
7285 S. State Road
Goodrich, MI 48438
248-308-6165
Contact: Jim Valente

P.K. Contracting, LLC.
1965 Barrett Drive
Troy, MI 48064
248-362-2130
Contact: Nicholas C. Shea

2020 Lane Line Marking Program

ITEM	DESCRIPTION	UNITS	EST. QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1.	Sprayable Thermoplastic 4" Wide Segmented Yellow Line	Sta.	835	\$13.00	\$10,855.00	\$10.00	\$8,350.00
2.	Sprayable Thermoplastic 4" Wide Solid Yellow Line	Sta.	2,090	\$15.00	\$31,350.00	\$15.00	\$31,350.00
3.	Sprayable Thermoplastic 4" Wide Segmented White Line	Sta.	1,720	\$13.00	\$22,360.00	\$10.00	\$17,200.00
4.	Sprayable Thermoplastic 4" Wide Solid White Line	Sta.	720	\$15.00	\$10,800.00	\$15.00	\$10,800.00
5.	Sprayable Thermoplastic 12" Wide Solid White Line	Sta.	40	\$100.00	\$4,000.00	\$45.00	\$1,800.00
6.	Polyurea Pavement Marking 4" Wide Segmented Yellow Line	Sta.	11	\$100.00	\$1,100.00	\$25.00	\$275.00
7.	Polyurea Pavement Marking 4" Wide Solid Yellow Line	Sta.	34	\$125.00	\$4,250.00	\$110.00	\$3,740.00
8.	Polyurea Pavement Marking 4" Wide Segmented White Line	Sta.	45	\$100.00	\$4,500.00	\$25.00	\$1,125.00
9.	Polyurea Pavement Marking 4" Wide Solid White Line	Sta.	17	\$125.00	\$2,125.00	\$110.00	\$1,870.00
10.	Cold Plastic 12" Wide Solid Yellow Line	I.f.	135	\$5.00	\$675.00	\$5.50	\$742.50
11.	Cold Plastic 6" Wide Crosswalk Lines	I.f.	300	\$3.50	\$1,050.00	\$2.75	\$825.00
12.	Cold Plastic 24" Wide Crosswalk Lines	I.f.	200	\$11.00	\$2,200.00	\$11.00	\$2,200.00
13.	Cold Plastic Pavement Marking Legend (ONLY)	Ea.	14	\$125.00	\$1,750.00	\$150.00	\$2,100.00
14.	Cold Plastic Pavement Marking Symbol (Left Arrow)	Ea.	8	\$120.00	\$960.00	\$140.00	\$1,120.00
15.	Cold Plastic Pavement Marking Symbol (Straight and Left Arrow)	Ea.	2	\$225.00	\$450.00	\$220.00	\$440.00
16.	Cold Plastic Pavement Marking Symbol (Straight and Right Arrow)	Ea.	2	\$225.00	\$450.00	\$220.00	\$440.00
17.	Cold-Plastic Pavement Marking Symbol (Straight Arrow)	Ea.	2	\$85.00	\$170.00	\$90.00	\$180.00
18.	Cold-Plastic Pavement Marking Symbol (Right Arrow)	Ea.	5	\$120.00	\$600.00	\$140.00	\$700.00
19.	Cold-Plastic Pavement Marking Symbol (R.R. Crossing)	Ea.	1	\$400.00	\$400.00	\$400.00	\$400.00
20.	Cold-Plastic Pavement Marking Symbol (School Legend)	Ea.	1	\$225.00	\$225.00	\$300.00	\$300.00
21.	Remove 6" Wide Crosswalk Lines	I.f.	300	\$2.00	\$600.00	\$1.00	\$300.00
22.	Remove 24" Wide Stop-Bar Lines	I.f.	200	\$5.00	\$1,000.00	\$3.00	\$600.00
23.	Remove Pavement Marking Legend (ONLY)	Ea.	14	\$100.00	\$1,400.00	\$40.00	\$560.00
24.	Remove Pavement Marking Symbol (Left Arrow)	Ea.	8	\$50.00	\$400.00	\$40.00	\$320.00
25.	Remove Pavement Marking Symbol (Straight and Left Arrow)	Ea.	2	\$100.00	\$200.00	\$50.00	\$100.00
26.	Remove Pavement Marking Symbol (Straight and Right Arrow)	Ea.	2	\$100.00	\$200.00	\$50.00	\$100.00
27.	Remove Pavement Marking Symbol (Straight Arrow)	Ea.	2	\$50.00	\$100.00	\$40.00	\$80.00
28.	Remove Pavement Marking Symbol (Right Arrow)	Ea.	5	50.00	\$250.00	\$40.00	\$200.00
29.	Remove Pavement Marking Symbol (School Legend)	Ea.	1	150.00	\$150.00	\$50.00	\$50.00
30.	Remove Pavement Marking Symbol (R.R. Crossing)	Ea.	1	\$130.00	\$130.00	\$100.00	\$100.00
31.	Inspector Days (Min. 5 Days)	Days	5	\$500.00	\$2,500.00	\$500.00	\$5,000.00 * (10 Inspector Days Bid)
Total Bid:					\$107,200.00		\$93,367.50

Bids Advised:

MITN, February 28, 2020

Bid Opening Date: March 8, 2022



LETTER TO THE LIVONIA CITY COUNCIL

7.

Law
March 24, 2022

MEETING DATE

Regular Meeting of April
4, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

PROPOSED AMENDMENT TO THE LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED: Department of Law, re: Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C., to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast $\frac{1}{4}$ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

BACKGROUND

At the 1,177th Public Hearing and Regular Meeting held by the City Planning Commission on October 19, 2021, the following resolution was unanimously adopted:

#10-53-2021 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on October 19, 2021, on Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture, L.L.C, pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middle Belt Road and Milburn Avenue in the Northeast $\frac{1}{4}$ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multi-family), the Planning Commission does hereby deny Petition 2021-08-01-06 for the following reasons:

1. That the Petitioner has failed to affirmatively show that the proposed change of zoning to NM2 Multifamily Residential and the intended design and layout of the development as presented to the Planning Commission would be compatible to and in harmony with the surrounding residential neighborhoods.
2. That the design concept as presented by the Petitioner fails to achieve the goals and objectives of the Livonia Vision 21 Master Plan which seeks to create a mixed-use development in which the apartments are integrated within the surrounding commercial land uses.
3. That the plan to construct two (2) very large, three-story apartment buildings, each containing approximately 100 dwelling units, is contrary to the goals and objectives of the Livonia Vision 21 Master Plan which recommends high density residential in buildings that have a residential scale and character by creating smaller buildings close to streets and in smaller blocks to establish a walkable pedestrian environment with better connectivity to the surrounding area.
4. That development of multifamily residential on the subject site pursuant to the standards and

guidelines as set forth in Section 5.04, Form-Based Development Option in Commercial Districts, would achieve the desired outcome of creating a mixed-use development that is consistent with the Livonia Vision 21 Master Plan and that integrates multifamily housing with the existing surrounding commercial land uses.

5. That the proposed change of zoning is inconsistent with the established pattern of development in the surrounding area and would adversely alter the character of the neighborhood, and

6. That the proposed zoning and use is contrary to the purposes, goals and objectives of the Zoning Ordinance, which seek to ensure compatibility and appropriateness of uses so as to enhance property values and to create and promote a more favorable environment for neighborhood use and enjoyment.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance.

RECOMMENDATION

First Reading

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. 2020-08-01-06_3rd Revision_E-COUNCIL Pkt
2. NOTICE - REZONE - 2020-08-01-06 Middlebelt Plymouth
3. LTC PH030722
4. PH030722 New Data
5. R032322 New Data - Rezoning at Plymouth and Middlebelt
6. R032322 DIRECTION - REZONE - Middlebelt Plymouth
7. PH030722 Petition 2020-08-01-06 Minutes
8. R032322 New Data - Rezoning at Plymouth and Middlebelt
9. R032322 New Data Item 19
10. R032322 Additional New Data Item 19
11. Pet. 2020-08-01-06 - Middlebelt Plymouth Venture
12. 2020-08-01-06_1st

APPROVED BY



Date: March 24, 2022

Paul Bernier, City Attorney

Date:

Maureen Miller Brosnan, Mayor



LETTER TO THE LIVONIA CITY COUNCIL

2.

Planning
March 3, 2022

MEETING DATE

Regular Meeting of
March 23, 2022

PREPARED BY

Stephanie Reece, Program Supervisor

AGENDA ITEM

REZONING PETITION: Planning Commission, re: Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C., to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily). Public Hearing held on Monday, March 7, 2022.

BACKGROUND

RECOMMENDATION

At the 1,177th Public Hearing and Regular Meeting held by the City Planning Commission on October 19, 2021, the following resolution was unanimously adopted:

#10-53-2021 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on October 19, 2021, on Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture, L.L.C, pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middle Belt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multi-family), the Planning Commission does hereby deny Petition 2021-08-01-06 for the following reasons:

1. That the Petitioner has failed to affirmatively show that the proposed change of zoning to NM2 Multifamily Residential and the intended design and layout of the development as presented to the Planning Commission would be compatible to and in harmony with the surrounding residential neighborhoods.
2. That the design concept as presented by the Petitioner fails to achieve the goals and objectives of the Livonia Vision 21 Master Plan which seeks to create a mixed-use development in which the apartments are integrated within the surrounding commercial land uses.
3. That the plan to construct two (2) very large, three-story apartment buildings, each containing approximately 100 dwelling units, is contrary to the goals and objectives of the Livonia Vision 21 Master Plan which recommends high density residential in buildings that have a residential scale and character by creating smaller buildings close to streets and in smaller blocks to establish a walkable pedestrian environment with better connectivity to the surrounding area.

4. That development of multifamily residential on the subject site pursuant to the standards and guidelines as set forth in Section 5.04, Form-Based Development Option in Commercial Districts, would achieve the desired outcome of creating a mixed-use development that is consistent with the Livonia Vision 21 Master Plan and that integrates multifamily housing with the existing surrounding commercial land uses.
5. That the proposed change of zoning is inconsistent with the established pattern of development in the surrounding area and would adversely alter the character of the neighborhood, and
6. That the proposed zoning and use is contrary to the purposes, goals and objectives of the Zoning Ordinance, which seek to ensure compatibility and appropriateness of uses so as to enhance property values and to create and promote a more favorable environment for neighborhood use and enjoyment.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2020-08-01-06_3rd Revision_E-COUNCIL Pkt
2. NOTICE - REZONE - 2020-08-01-06 Middlebelt Plymouth
3. LTC PH030722
4. PH030722 New Data
5. R032322 New Data - Rezoning at Plymouth and Middlebelt
6. R032322 DIRECTION - REZONE - Middlebelt Plymouth
7. PH030722 Petition 2020-08-01-06 Minutes

APPROVED BY



Mark Taormina, Planning and Economic Development Director

Date: October 26, 2021



Maureen Miller Brosnan, Mayor

Date: October 29, 2021

Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

REZONING APPLICATION
CITY OF LIVONIA, MICHIGAN

All applications must be presented in quadruplicate to the City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097. Applications **must** include property owner's name, address and notarized signature. **You are invited and encouraged to review your proposal with the Planning Department staff.**

Date Filed: 8.21.2020 Petition 2020-08-31-06

Site Address: Vacant parcel-see sidwell # Sidwell Portion 137-99-0008-010 & 137-99-0004-002

Requesting To Rezone Property From General Business (C-2) To High-Rise Residential (R-8)

For the Following Reason (s) Proposed use is a non-permitted use under current zoning district.

Applicant: Stephen E. Duczynski Business/Company: Middlebelt Plymouth Venture LLC

Applicant's Address: 17800 N. Laurel Park Dr., ste 200C City: Livonia State: MI Zip Code: 48152

Applicant's Phone # (248) 357-6272 Applicant's Email duczynskis@schostak.com

Please provide the following information:

- 1) **Legal Description** of the property to be considered. Paper copy must be clearly printed.
- 2) **Fully Dimensional Map (13 copies)** drawn at an appropriate scale, with a north arrow, dated & legend key to symbols and showing:
 - The land that would be affected by the proposed amendment.
 - The dimensions, square footage & acreage of the land.
 - The existing conditions of the site, including all structures & parking layout.
 - A legal description of the land to be rezoned.
 - All public and private right-of-ways & easements bounding & intersecting the site.
 - A preliminary plan showing the proposed land use(s) of the land under consideration.
 - The zoning classification of all abutting zoning districts.
 - The structures and existing land uses on all property adjacent to the subject parcel and on other such property as may, in the City Planner's determination, be necessary to properly reflect the existing character of the surrounding neighborhood.
- 3) A copy of the Fully Dimensional Map submitted in a pdf. format either on a CD or it can be emailed to Planning@ci.livonia.mi.us

Owner of Property: Middlebelt Plymouth Venture LLC

Owner's Address: 17800 N. Laurel Park Dr. Ste 200C City: Livonia State: MI Zip Code: 48152

Owner's Phone # 248 262-1000 Owner's Email schostakjj@schostak.com

Signature of Owner: [Signature] Print Name: Jeffrey Schostak

Subscribed and sworn to before me, a Notary Public in and for the County of Oakland State of Michigan

on this 26th day of August 20 20

Signature of Notary [Signature] My commission expires 12-1-20

APPROVED AS FORM
Department of Law

By: Michael E. Grisham

Date: 8/21/2020



RECEIVED
OFFICE OF THE CITY CLERK
2020 AUG 20 PM 4:08



17800 Laurel Park Drive North, Suite 200C
Livonia, MI 48152
248.262.1000
www.schostak.com

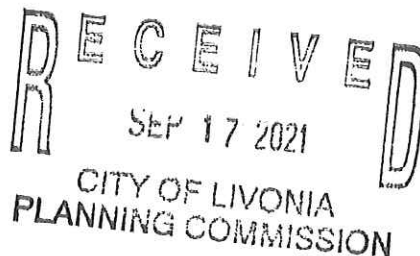
STEPHEN E. DUCZYNSKI
Vice President
Development and Construction Division

direct: 248.357.6272
duczynski@schostak.com

September 17, 2021

VIA HAND DELIVERY

Mr. Mark Taormina
Planning and Economic Development Director
City of Livonia
33000 Civic Center Drive
Livonia, MI 48154



**RE: Petition #2020-08-01-06
Rezoning Re-Submission Planning Commission Agenda
Wonderland Village – Plymouth and Middlebelt**

Dear Mr. Taormina:

At the July 27, 2021, Planning Commission Public Hearing, Middlebelt Plymouth Venture LLC requested that Petition #2020-08-01-06 be tabled to allow for additional time to further evaluate our preliminary site and building plans and further discussion with the City. Middlebelt Plymouth Venture LLC is now requesting to be placed back on the Planning Commission Agenda.

We recognize the new Livonia Vision 21 Zoning Ordinance is now in effect and therefore, we ask that our previous proposed rezoning submission to R-8 (High Rise Residential District), be revised to reflect the new NM2 (Neighborhood Multifamily District).

The required Sign Board(s) for the property will reflect the new NM2 rezoning designation.

We acknowledge the \$300.00 re-advertising fee and plan to provide payment to the Clerk's Office the day of submission of these three (3) sets of updated rezoning plans.

Should you have any questions, please feel free to reach out at your convenience.

Sincerely,

MIDDLEBELT PLYMOUTH VENTURE LLC

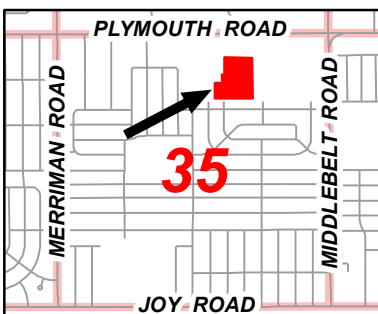
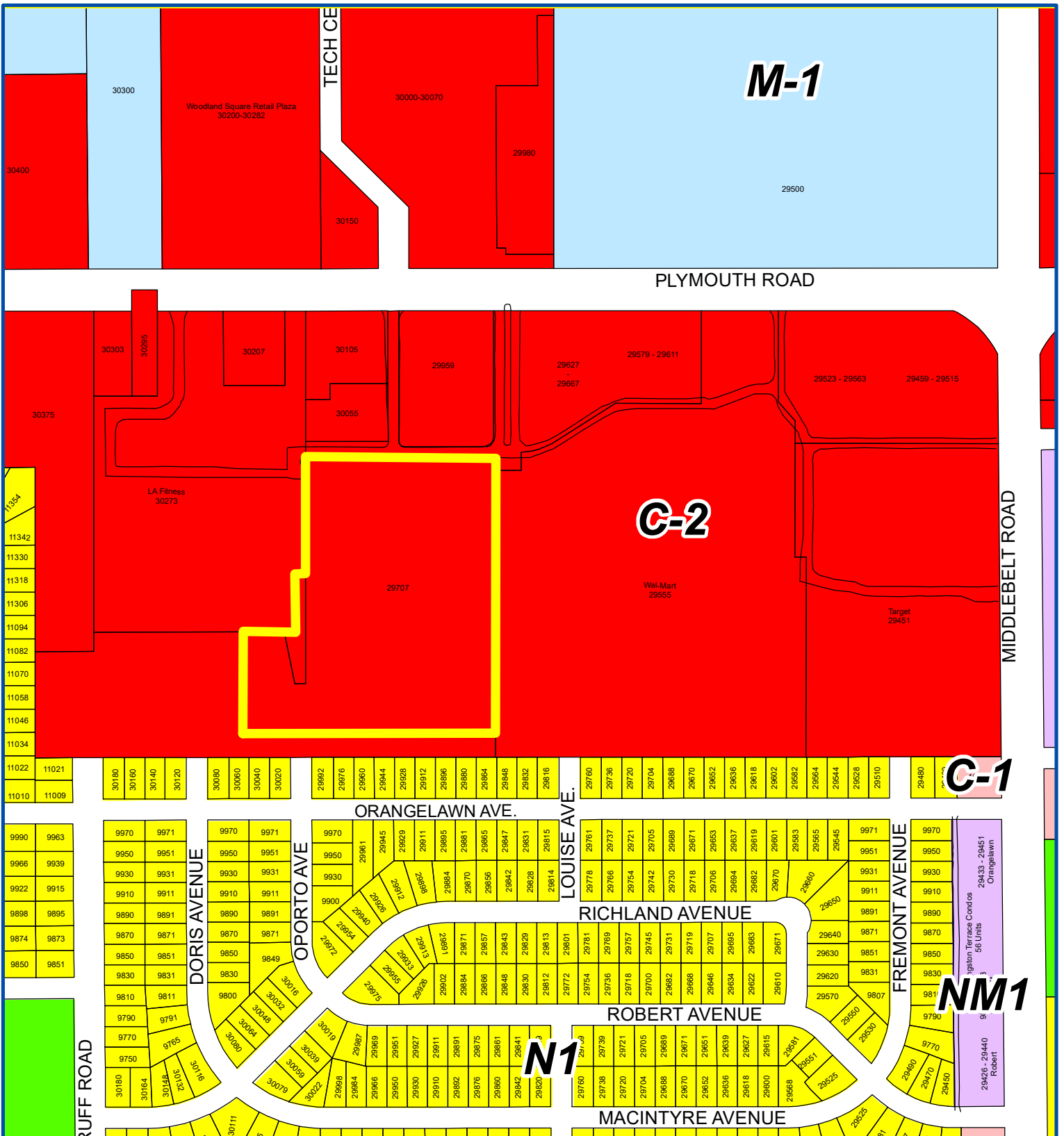
By: Schostak Brothers & Company, Inc.
Its: Authorized Agent

By: Stephen E. Duczynski
Its: Authorized Representative

SED/amg

Encls.





Address & Zoning Map

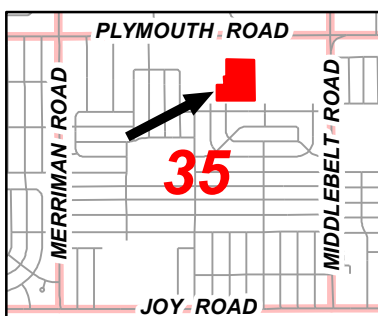
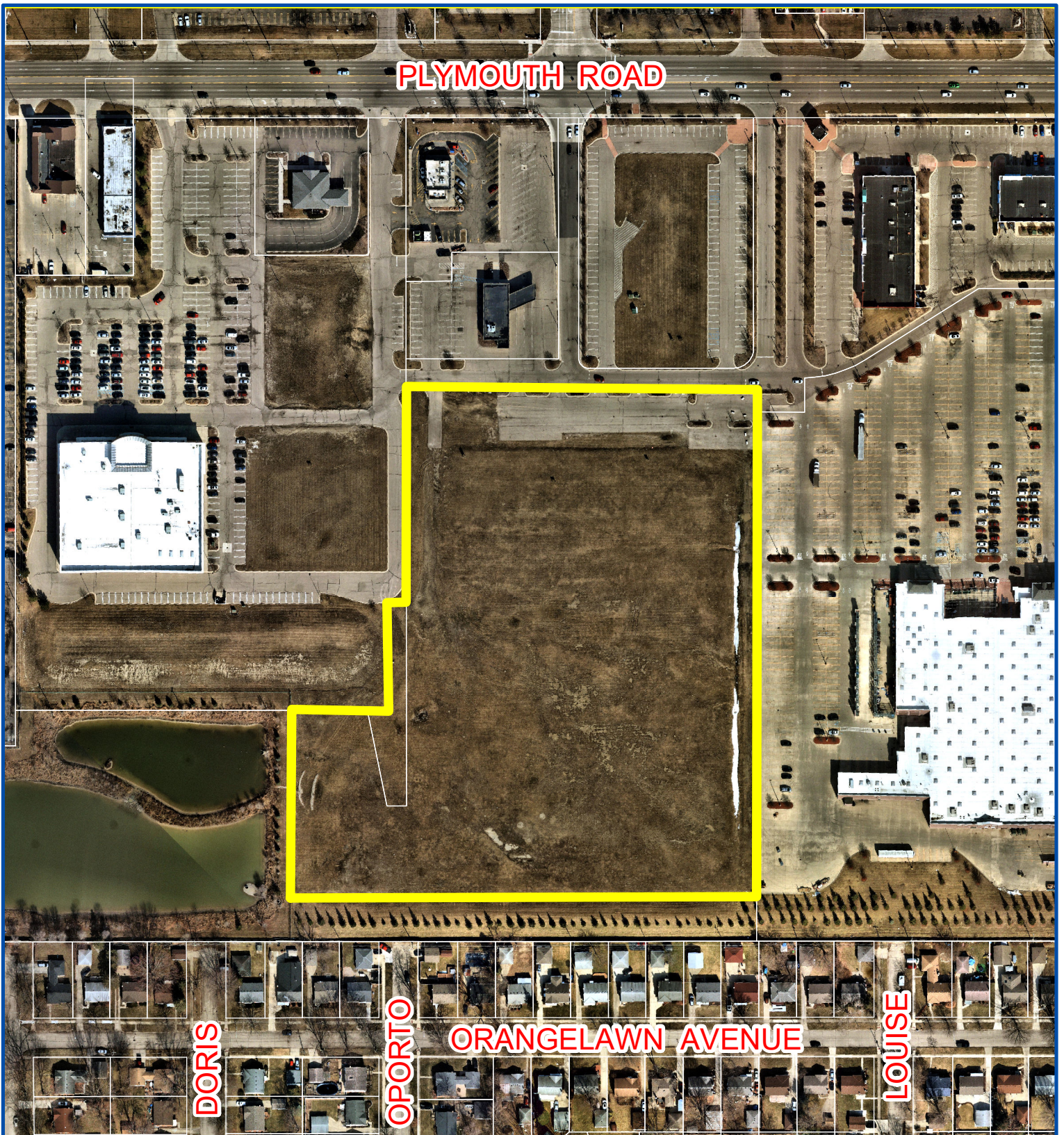
Petition 2020-08-01-06
 Middlebelt Plymouth Venture L.L.C.
 29707 & 30273 Plymouth Road
 C-2 to NM2



Not to Scale



City of Livonia
 Planning Department



Aerial Map

Petition 2020-08-01-06
Middlebelt Plymouth Venture L.L.C.
29707 & 30273 Plymouth Road
C-2 to NM2



Not to Scale



City of Livonia
Planning Department

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 1

Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast $\frac{1}{4}$ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

October 27, 2020: Study Meeting:

This petition seeks to rezone a large portion of the remaining vacant land at Wonderland Village. The change would be from commercial, C-2 (General Business), to R-8 (High Rise Multiple Family Residential). The area to be rezoned consists of approximately 10.86 acres located between the Walmart Supercenter and LA Fitness. Abutting the site to the south is an approximate 8-foot-high berm and masonry screen wall that extends along the rear of the commercial shopping complex forming a barrier between the non-residential zoning district and the adjacent single-family homes that are a part of the Bel-Aire Gardens Subdivision, zoned R-1 (One Family Residential). The distance between the wall, which runs coterminous with the property line, and southerly limit of the proposed R-8 District is 69.1 feet. As proposed, this relatively narrow strip of land between the wall and the proposed zoning boundary would remain under the C-2 zoning classification. Site access is available from both Plymouth and Middlebelt Roads via the existing commercial drive aisles located within Wonderland Village.

The purpose of the rezoning is to facilitate the future development of an apartment complex. Article XXVII of the City of Livonia Zoning Ordinance No. 543, as amended, sets forth the standards and regulations that govern land development in an R-8 zoning district. Multiple dwellings are treated as a permitted use and must be over two (2) stories in height but not exceeding four (4) stories in height. Setback, lot coverage, and density requirements are also provided, as well as other minimum development standards including a provision under Section 27.07 that requires the site of a multiple family development not be located within one thousand (1,000) feet of any other residentially zoned property as measured from any point on the respective properties. As mentioned above, the site abuts single-family to south, and therefore fails to comply with this standard.

A preliminary site plan submitted with the application shows five (5) three-story apartment buildings and a one-story clubhouse. The north half of the site includes the clubhouse along with an outdoor pool flanked on either side by apartment buildings identified on the plan as Building Type "B". Each Type "B" apartment building has overall dimensions of approximately 244 ft. x 56 ft. and would contain thirty-six (36) one- and two-bedroom units. Shown on the south half of the site are three (3) apartment buildings, two (2) of which are identified as Building Type "A" and the other identified as Building Type "C". The Type "A" building is the largest of the five (5), measuring 328 ft. x 56 ft. and containing forty-eight (48) one- and two-bedroom units. Whereas the Type "C" is the smallest with overall measurements of 170 ft. x 56 ft. with twenty-four (24) one- and two-bedroom units. Combined, the five (5) buildings would contain 192 apartments, including 89 one-bedroom units and 103 two-bedroom units.

Section 27.06 limits building ground coverage to twenty percent (20%) of the overall site. According to the data on the site plan, total building coverage would equal 15%. Minimum lot area per dwelling unit (also referred to as maximum allowed density) is based on building height (expressed in stories) and the corresponding number of bedrooms per dwelling unit. The minimum land area requirements for each one- and two-bedroom unit in a 3-story building are 2,200 square feet or 3,300 square feet, respectively. Accordingly, the minimum required site area based on a total of 89 one-bedroom units and 103 two-bedroom units is 535,700 square feet ($89 \times 2,200 + 103 \times 3,300$), or 12.3 acres. However, the total area of the site is 473,258 square feet, 10.86 acres, and is therefore deficient. The planned number of units exceeds the density allowance under Section 27.06(2) and would therefore require a variance from the Zoning Board of Appeals (ZBA). Required setbacks are also determined by building height. The minimum front yard setback for a 3-story building is seventy-five feet (75') and the minimum required rear and side yards are both fifty feet (50'). As shown, this development would meet all setback requirements.

Required off-street parking is $2\frac{1}{2}$ spaces per dwelling unit. As such, a proposed apartment complex with 192 units requires no fewer than 480 spaces. The preliminary site plan shows 385 off-street parking spaces, resulting in a deficiency of 95 spaces. The R-8 District also requires enclosed parking at a ratio of one (1) space per dwelling unit. The preliminary plan shows carports with a capacity to accommodate a total of 117 vehicles and a resulting deficiency of 75 enclosed spaces. The deficiencies in both off-street parking and enclosed parking would require variances from the ZBA.

The Livonia Vision 21 (LV21) Future Land Use map designates the entire Wonderland development, including the subject land area, as Mixed Development Center. Attached dwellings and apartments are identified in LV21 as an appropriate land use within a Mixed Development Center, subject to a maximum density of 20 dwelling units per acre. Residential options include attached and upper-story units, including townhomes, lofts, and apartments. Mixed Development Centers are intended to have higher densities and massing, be walkable and pedestrian-friendly, and integrated with and connected to surrounding areas and neighborhoods.

The Petitioner's concept plan for the apartment complex reflects an overall density of 17.67 dwelling units per acre. Zoning districts that permit multiple dwelling housing are R-C, R-7, R-8, R-8C, and R-9. Below is a comparison of the five (5) multi-family zoning districts, including the type of housing allowed, building height, and overall density based according to the current site and design parameters: parcel size (10.86 acres), building height (2 or 3 stories depending on the district's height limitation), and applying the same proportion of 1- and 2-bedroom units (46% and 54%, respectively):

- 1) R-C, Condominium Residential District
 - a. Permitted uses – condominium multiple dwellings.
 - b. Building height – 2 stories (maximum)
 - c. Density – 119 dwelling units (10.95 units/acre)

- 2) R-7, Multiple Family Residential District
 - a. Permitted uses – condominium multiple dwellings and apartments.
 - b. Building height – 2 stories (maximum)
 - c. Density – 119 dwelling units (10.95 units/acre)
- 3) R-8, High Rise Multiple Family Residential District
 - a. Permitted uses – condominium multiple dwellings and apartments.
 - b. Building height – 3 stories
 - c. Density – 176 dwelling units (16.2 units/acre)
- 4) R-8C, Condominium High Rise Multiple Family Residential District
 - a. Permitted uses – condominium multiple dwellings.
 - b. Building height – 3 stories
 - c. Density – 165 dwelling units (15.2 units/acre)
- 5) R-9, Housing for the Elderly District
 - a. Permitted uses – housing for the elderly.
 - b. Building height – 3 stories
 - c. Density – 184 dwellings units (16.9 units/acre)

November 10, 2020: Public Hearing:

At the Study Meeting, the Petitioner responded to questions regarding the size of the units, projected rental rates, building design, landscaping, and parking. It was indicated that the units would range in size from approximately 735 square feet for the smallest 1-bedroom apartment to 1,015 square feet for the largest 2-bedroom apartment. Rental rates would average approximately \$1.35 per square foot. With respect to parking, the Petitioner believes the number of spaces currently shown on the preliminary site plan is adequate. This is based on current market trends and the Developer's experience with other multi-family apartment projects. Little information is known about the architecture of the buildings. Regarding landscaping, mostly as it affects the view of the apartments from the abutting single-family homes, the Petitioner stated that additional evergreen trees would be planted on top of the existing berm that runs parallel with the southern boundary of the site.

Please note that the October 27th Staff Notes on this item have been corrected regarding the Future Land Use designation of the property. On the original report, it was erroneously stated that the site is classified as Corridor Commercial. The correct LV21 designation is Mixed Development Center which recommends a maximum residential density of 20 units/acre.

July 20, 2021: Study Meeting:

At the Petitioner's request, this item was tabled at the November 10, 2020, Public Hearing. On June 25, 2021, new revised preliminary plans were submitted with a request from the

Petitioner that this item be placed back on the Planning Commission's agenda. This item has been readvertised and is scheduled for a public hearing on July 27th.

The new design reduces the number of three-story apartment buildings from five (5) down to two (2). Both buildings are "C"-shaped, identified on the plans as Building A and Building B. Similar to the layout of the apartments at Haggerty Center, the two (2) apartment buildings would mirror one another, creating a central courtyard and common area. Building A would have a gross floor area of 101,194 square feet with 104 one and two-bedroom units. Building B is slightly larger at 101,338 square feet and would have 97 one and two-bedroom units. Combined, the two (2) apartment buildings would contain a total of 201 units on 10.86 acres, which corresponds to an overall density of 18.5 dwelling units per acre. In comparison, the original site plan had 192 units over the same land area, representing a density of 17.68 dwelling units per acre.

Section 27.06(1) of the R-8 High Rise Multiple Family Residential District regulations limits the ground coverage by principal structures to twenty percent (20%) of the site. As proposed, the ground coverage of the two (2) apartment buildings would constitute 14.27%, which is slightly less than the 15% shown on the previous preliminary plans.

Minimum lot area per dwelling unit is specified under Section 27.06(2). This provision establishes the minimum amount of land that is needed to support the number of apartment dwelling units and is calculated as a function of both building height and the number of bedrooms per unit. Based on the revised number of one- and two-bedroom units, the minimum required total land area for this project is 577,500 square feet ($78 \times 2,200 + 123 \times 3,300$), or 13.25 acres. As with the original plan, the land area of the site at 473,258 square feet, or 10.86 acres, is not sufficient for the number of proposed units. (Note: Under the current draft of the Livonia Vision 21 Zoning Ordinance, this requirement would no longer apply.)

A major advantage of the revised site plan over the original design is the placement of the buildings with respect to the adjoining residential district. The more compact arrangement allows the buildings to be moved further north on the site, away from the single-family homes. At the closest point, the rear of apartment Building B would be approximately 300 feet from the residential district. The original plan, on the other hand, showed the closest apartment building at a distance of 129.6 feet from the rear lot lines of the homes along Orangelawn Avenue. Separating the single-family district from the multi-family district is a five foot (5') high masonry screen wall, as well as an approximate nine foot (9') high berm planted with a double row of evergreen trees and a green space area. Located between the edge of the green space and Building B, the plan shows a paved lot with four (4) rows of parking spaces, including a carport along the south end.

For parking, the proposed apartment complex requires 503 total spaces ($2\frac{1}{2}$ parking spaces for each unit) of which 201 spaces (1 space per unit) are required to be contained in enclosed parking structures, such as garages or carports. The plan shows a total 436 parking spaces, 112 of which are enclosed in carports, resulting in shortages that would require variances for both the total number of available spaces as well as the number of enclosed spaces.

Access to the apartment complex would be from two (2) driveways, both of which are at the north end of the complex with connections to the main east-west drive aisle at Wonderland Village and which are located on either side of the existing signalized driveway that runs north-south and connects to Plymouth Road across from Tech Center Drive.

July 27, 2021: Public Hearing:

At the July 20, 2021, Prehearing Study Meeting, the Planning Commission asked for both approving and denying resolutions. The biggest concerns revolved around density, integration with the surrounding commercial uses to create a mixed-use development, and the appearance/design of the apartment buildings.

The following considers the various scenarios that are possible with the adoption of the LV21 Zoning Ordinance:

- 1) R-8 zoning automatically converts to NM2 which eliminates certain standards, including the minimum land area requirement (density) and the minimum 1,000-foot separation from other residential districts.
- 2) R8C zoning would also convert to NM2. Under the current zoning ordinance, the R8C district regulations allow only condominium multiple dwellings and not apartments. This would no longer be the case with the NM2 zoning district, as both forms of housing—condominiums and apartments—would be permitted. R8C zoning also has an overall lower density of roughly one (1) dwelling unit per acre. However, this too, would no longer be applicable under the LV21 Zoning Ordinance.
- 3) Both the RC and R-7 zoning districts become NM1, which would restrict the type of multi-family housing to condominiums and also limit building height to 2-½ stories. Like the NM2, the proposed NM1 district regulations do not have specific density limitations.
- 4) If this petition is rejected, then the site would remain under the C-2 zoning classification which would continue to be the case with the LV21 Zoning Ordinance. The Petitioner would then have the option of filing an application under the provisions as set forth in Section 5.02, Special Waiver Use Standards for Planned Residential Developments, which would be available in any commercial zoning district and is intended to encourage the implementation of form-based design standards.

October 12, 2021: Study Meeting:

At the Petitioner's request, for a second time, this item was tabled at the July 27, 2021, Public Hearing. On September 17, 2021, new revised preliminary plans were submitted with a request from the Petitioner that this item be placed back on the Planning Commission's agenda. This item has been readvertised and is scheduled for a public hearing on October 19th.

Since the last time this item was considered, the Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map were officially adopted thus changing the proposed zoning classification from R-8 High-Rise Multiple Family Residential to NM2 Neighborhood Multifamily. In most respects, the NM2 District regulations align with the former R-8 District; however, there are a few significant changes as noted below:

- 1) Minimum building height has been reduced from three (3) stories to one (1) story.
- 2) 20% Maximum ground coverage by principal structure was replaced with 30% Maximum useable floor area as percentage of lot area.
- 3) Minimum lot area per dwelling unit was eliminated.
- 4) The requirement that multiple family developments not be located within 1,000 feet of any other residentially zoned property was eliminated.
- 5) The requirement for covered parking spaces was eliminated.

These, along with a few other changes between Ordinance #543 and the Livonia Vision 21 Zoning Ordinance as they affect the revised plans, were identified by the Petitioner and itemized in an email correspondence as provided below. (Note: where applicable and for ease of reference, the relevant sections of the new ordinance have been provided and are highlighted in red):

SITE PLANS C-3 (black & white) & C-4 (colored up), C-5 (colored up overviewed)

On C-3, to supplement this email, we provide further detail on legend: (1) "TABLE OF LAND USE AND ZONING" and (2) "OFF STREET PARKING REQUIREMENT", to further describe the "required" vs "proposed"

Most of the changes to the site plans (C-3, 4, 5) were the result of the NM2 ordinance, now incorporated into the plans as follows:

- NM2 does not seem to suggest any covered parking requirements, however we are still proposing +/-101 carports.
- NM2 no longer requires 1,000-foot set back, we are still proposing +/- 300-foot set back from single family residence to the south.
- NM2 reduced parking spaces to 2 per unit (*Section 9.05*) (in lieu of 2.5), there are 422 proposed, whereas 402 spaces are required.
- NM2 now requires a 20-foot commercial side yard "landscape" buffer (*Section 10.03(5)*), which we've satisfied, whereas the prior ordinance did not specify landscape sets backs, but rather only 50-foot building setbacks.
 - In an effort to accommodate the 20-foot landscape buffer the driveways on east and west sides were reduce to 22 feet with 18 feet deep parking stalls, with 2 foot hang over at the perimeter outer parking stalls only. All other drive isles are 24 feet, with 20 feet deep parking stalls.
- NM2 now requires 10% of the parking areas to be designated for snow storage, which has been satisfied. (*Section 9.03(7)*)
- NM2 now requires 300 square foot landscape island every 20 spaces (*Section 10.03(2B)*), which has been satisfied.

- Waiver requirement remains for max useable floor area 30% permitted, whereas 33.5% proposed.

RENDERINGS C-6 thru C11:

In general, we incorporated more exterior façade features, provided additional perspective views, as inquired and requested by Planning Commission at the 2 previous study sessions:

- 1) Added a varying range of smaller building façade “bump outs” along the exterior façade, giving more balanced to the overall residential appearance.
- 2) Added full size balconies, and a mixture of Juliet balconies (facing single-family), for additional architectural feature.
- 3) Added a mixture of “eyebrow” decorative details above various window locations.
- 4) New mixture and arrange of material colors and textures to soften the overall reside.
- 5) Provided the additional drawing perspectives C-8, C-9, & C-11.

October 19, 2021: Regular Meeting:

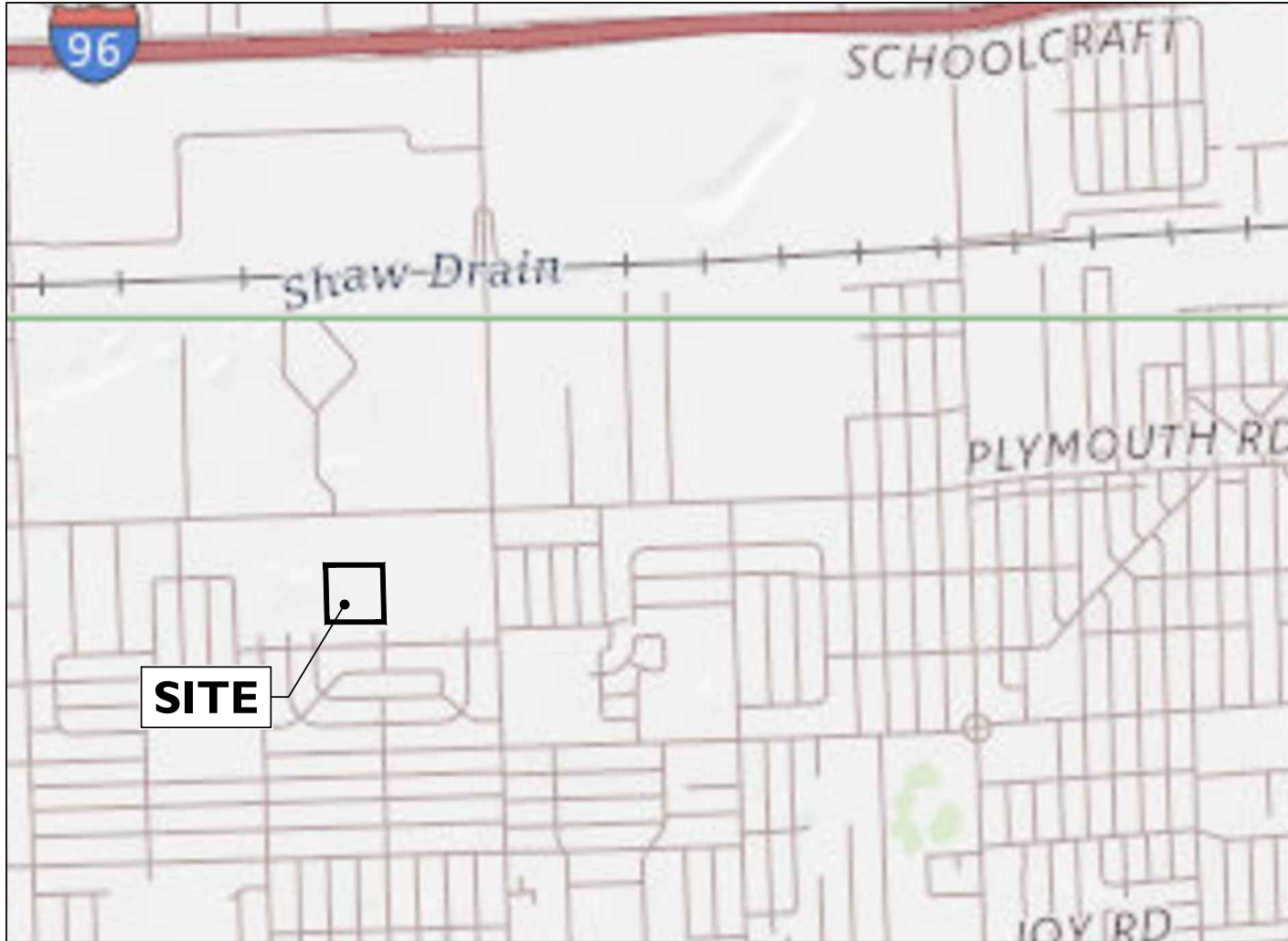
At the October 12, 2021 Study Meeting, Commissioners continued to express concerns over the preliminary site plan and building designs, suggesting that the current proposal fails to meet the goals and objectives of the Livonia Vision 21 Master Plan of creating a mixed-use development that includes multifamily residential on more of a neighborhood scale and with better integration with the surrounding commercial and single-family land uses.

Approving Resolution: That the request to rezone portions of 29707 and 30273 Plymouth Road as described in the submitted application, from C-2 (General Business) to R-8 (High Rise Multiple Family Residential) is hereby approved, subject to City Council approval, for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning will provide for the development of the subject property in a manner that is appropriate with its size and location.
4. That the proposed change of zoning will allow the development of a multi-family residential apartment complex that can be integrated within the surrounding commercial land uses, and
5. That the proposed zoning change is supported by Livonia Vision 21 and the Future Land Use Plan which shows the subject land area as Mixed Development Center which recommends a maximum residential density of twenty (20) units per acre.

Denying Reasons: That the request to rezone parts of the properties at 29707 & 30273 Plymouth Road from C-2 to R-8 is hereby denied for the following reasons:

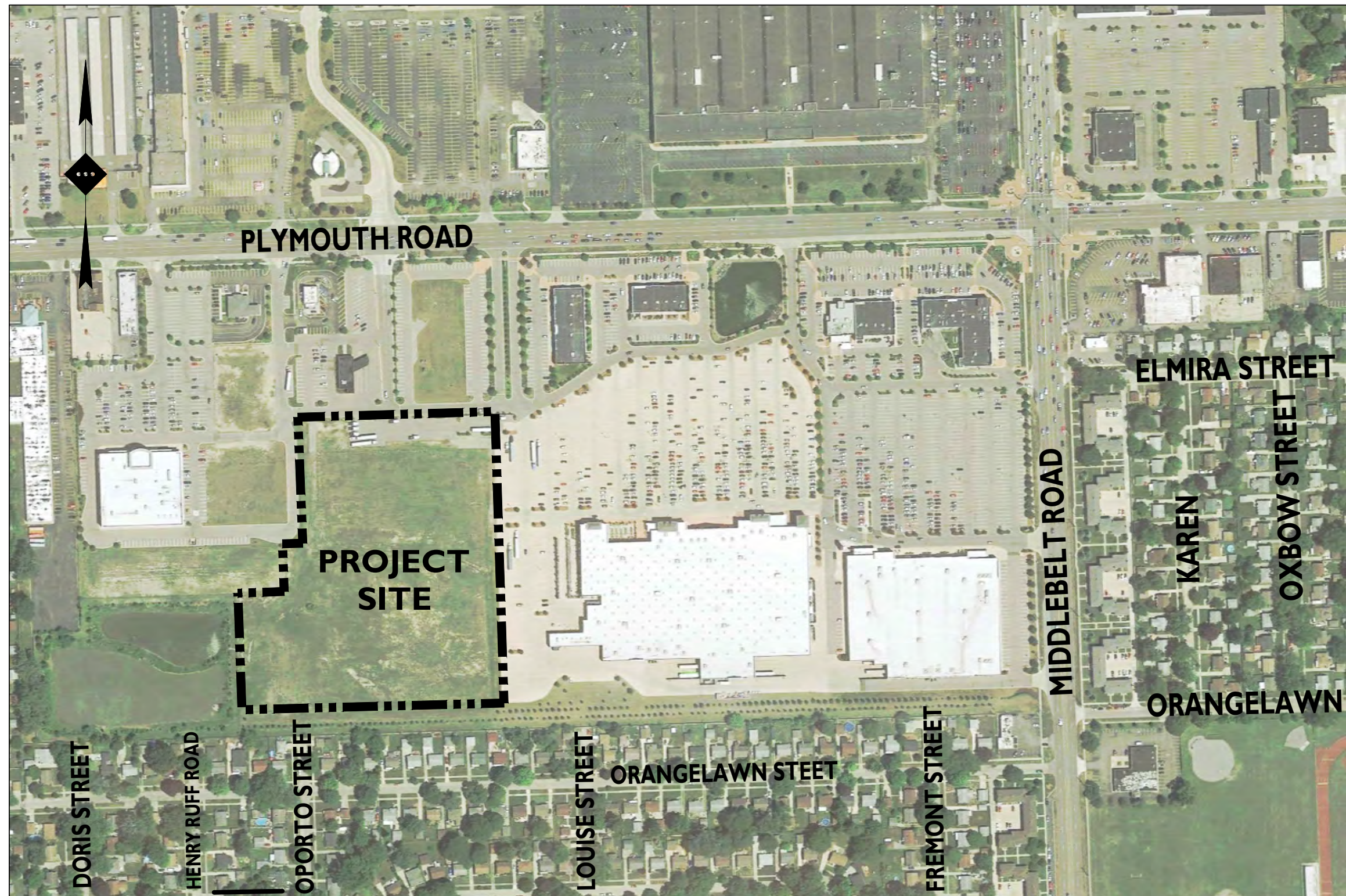
1. That the Petitioner has failed to affirmatively show that the proposed change of zoning to NM2 Multifamily Residential and the intended design and layout of the development as presented to the Planning Commission would be compatible to and in harmony with the surrounding residential neighborhoods.
2. That the design concept as presented by the Petitioner fails to achieve the goals and objectives of the Livonia Vision 21 Master Plan which seeks to create a mixed-use development in which the apartments are integrated within the surrounding commercial land uses.
3. That the plan to construct two (2) very large, three-story apartment buildings, each containing approximately 100 dwelling units, is contrary to the goals and objectives of the Livonia Vision 21 Master Plan which recommends high density residential in buildings that have a residential scale and character by creating smaller buildings close to streets and in smaller blocks to establish a walkable pedestrian environment with better connectivity to the surrounding area.
4. That development of multifamily residential on the subject site pursuant to the standards and guidelines as set forth in Section 5.04, Form-Based Development Option in Commercial Districts, would achieve the desired outcome of creating a mixed-use development that is consistent with the Livonia Vision 21 Master Plan and that integrates multifamily housing with the existing surrounding commercial land uses.
5. That the proposed change of zoning is inconsistent with the established pattern of development in the surrounding area and would adversely alter the character of the neighborhood, and
6. That the proposed zoning and use is contrary to the purposes, goals and objectives of the Zoning Ordinance, which seek to ensure compatibility and appropriateness of uses so as to enhance property values and to create and promote a more favorable environment for neighborhood use and enjoyment.



SOURCE: USGS MAPS

LOCATION MAP

SCALE: 1" = 2000'±



SOURCE: GOOGLE EARTH PRO

AERIAL MAP

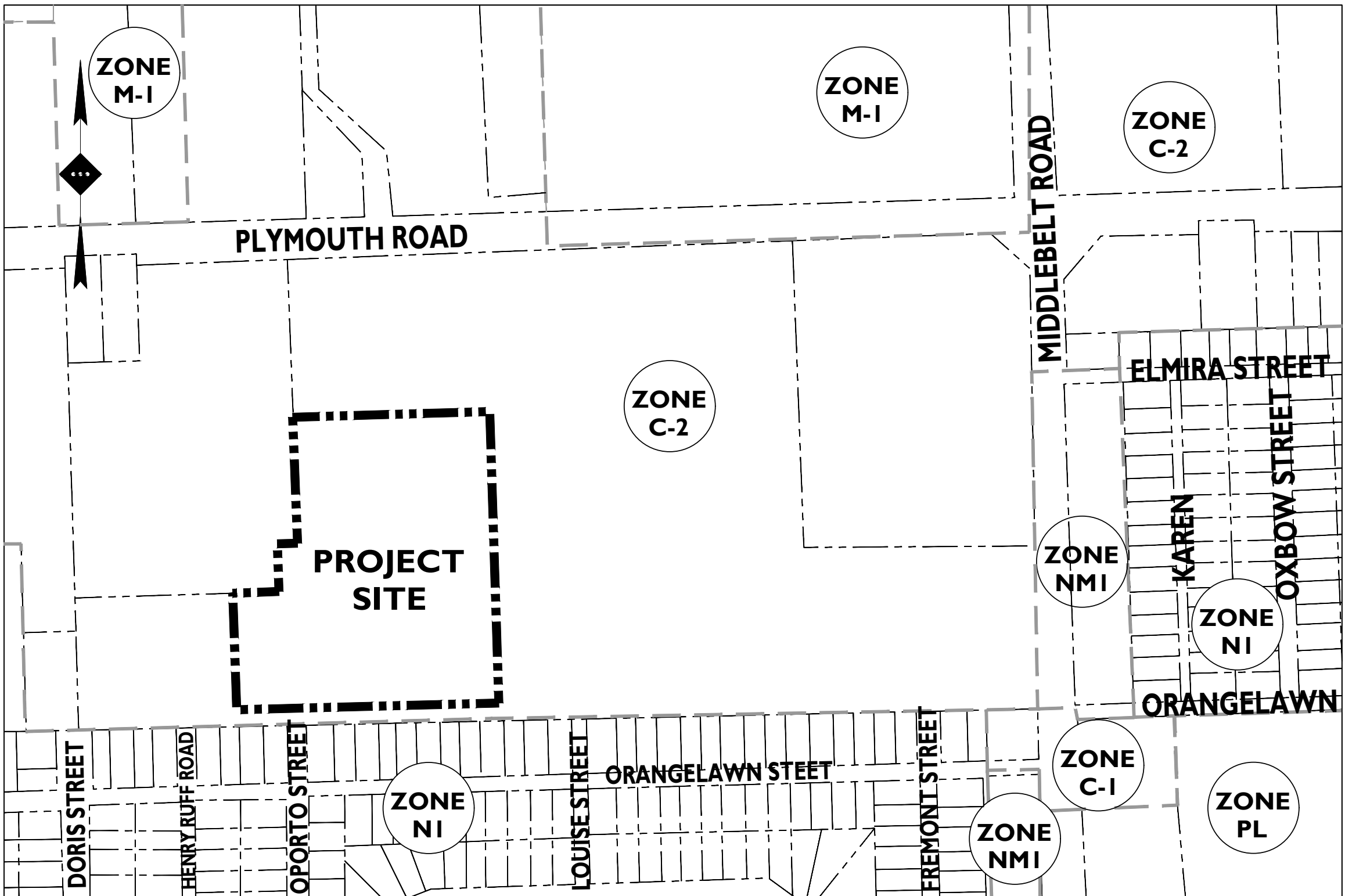
SCALE: 1" = 300'±

REZONING DOCUMENTS
FOR
Schostak
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

PARCEL IDS: 137-99-0008-010, 137-99-0004-002
CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN

APPLICANT / OWNER

STEPHEN E. DUCZYNSKI II
MIDDLEBELT PLYMOUTH VENTURE LLC
17800 NORTH LAUREL PARK DRIVE
#200C
LIVONIA, MICHIGAN



SOURCE: WAYNE COUNTY PARCEL VIEWER

TAX & ZONING MAP

SCALE: 1" = 300'±

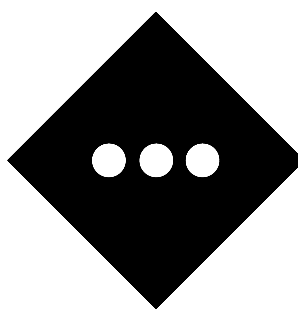
PLAN REFERENCE MATERIALS:

- THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
 - SURVEY PREPARED BY HUBBELL, ROTH & CLARK, INC DATED: JUNE 2019
 - REZONING LEGAL EXHIBITS PREPARED BY HUBBELL, ROTH & CLARK, INC, REVISED 09/15/2021
 - ARCHITECTURAL PLANS PREPARED BY SPIRE DESIGN GROUP DATED: 09/17/2021
 - GEOTECHNICAL REPORT PREPARED BY SME DATED: 06/28/2019
 - AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO
 - LOCATION MAP OBTAINED FROM USGS MAPS
- ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.



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SHEET INDEX

DRAWING TITLE	SHEET #
COVER SHEET	C-1
REZONING PLAN	C-2
PRELIMINARY SITE PLAN	C-3
PRELIMINARY SITE PLAN RENDERING	C-4
PRELIMINARY SITE PLAN RENDERING (OVERALL)	C-5
SITE PERSPECTIVE VIEWS	C-6 THRU C-11

ADDITIONAL SHEETS

DRAWING TITLE	SHEET #
WONDERLAND MALL TOPOGRAPHIC & ALTA/NSPS LAND TITLE SURVEY	1 THRU 2 OF 2
OVERALL WONDERLAND MALL ALTA/NSPS LAND TITLE SURVEY	1 THRU 2 OF 2
WONDERLAND MALL REZONING LEGAL EXHIBITS	1 THRU 4 OF 4

REZONING DOCUMENTS

Schostak
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

PARCEL IDS: 137990008008, 137990008001, & 137990004002
11320 MIDDLEBELT ROAD
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN



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SCALE: AS SHOWN PROJECT ID: M-19052

TITLE:

COVER SHEET

DRAWING:

C-1

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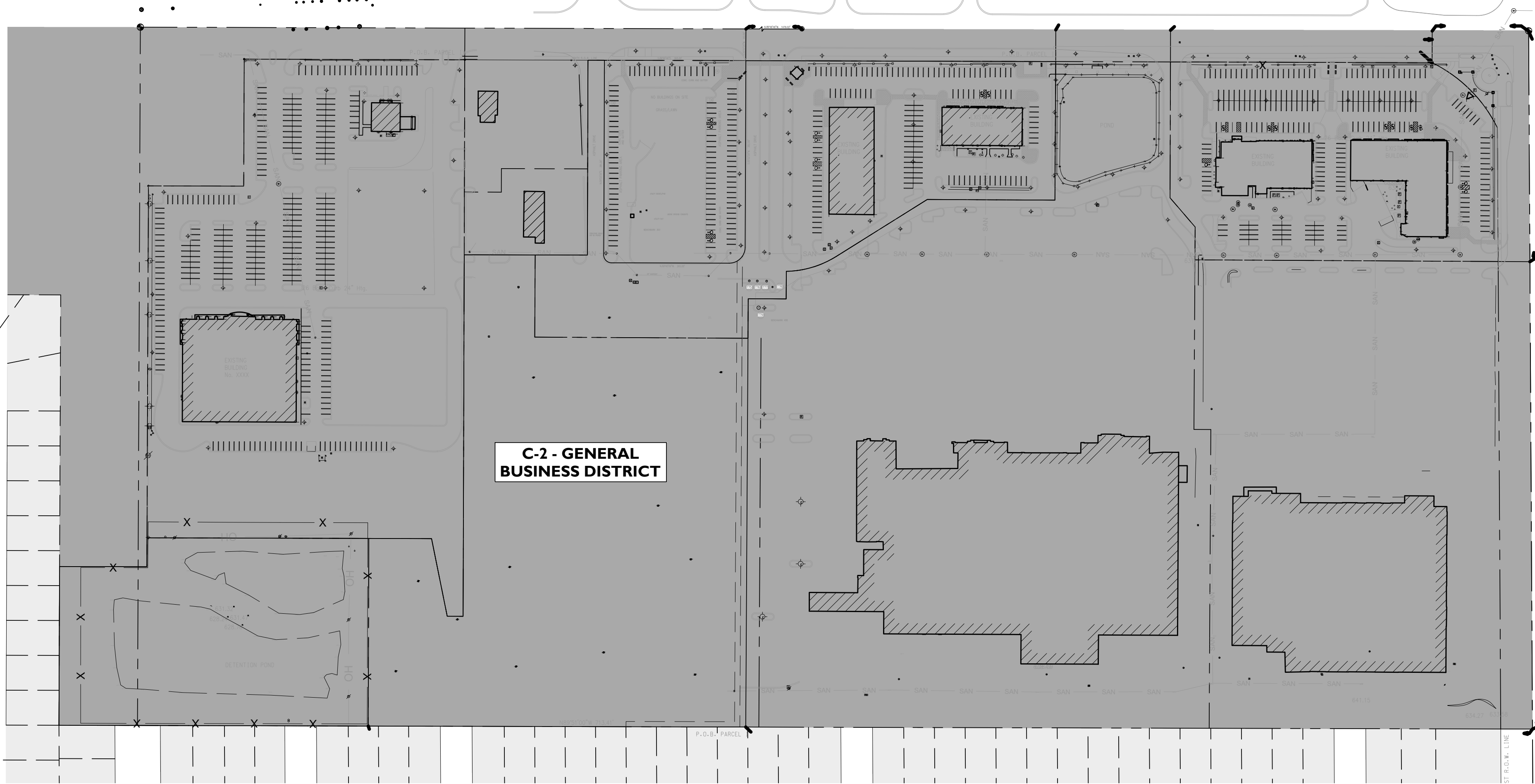
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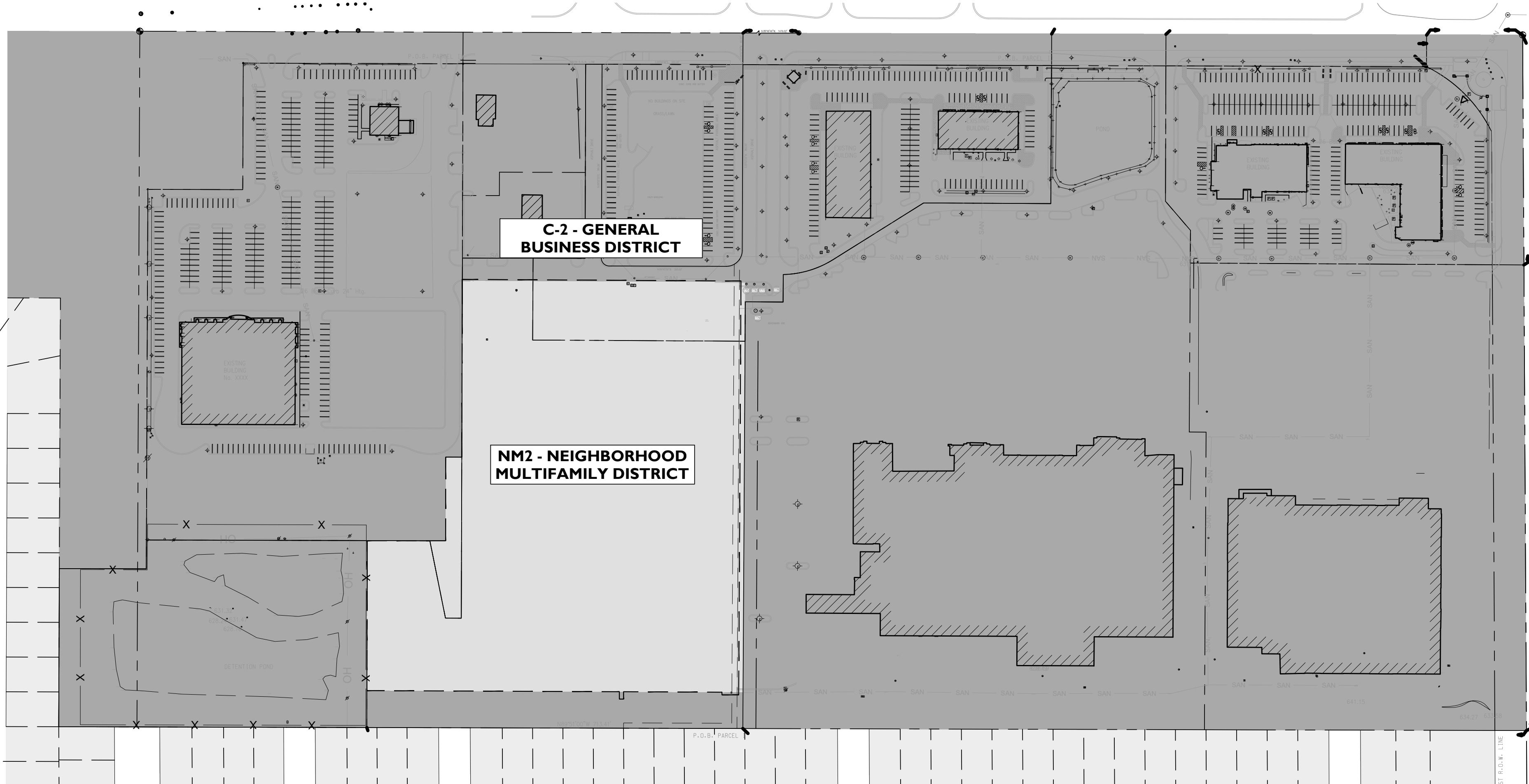
NOT APPROVED FOR CONSTRUCTION

FOR REZONING APPROVAL	DESCRIPTION
MC/NPL	BY
09/17/2021	DATE
1	ISSUE

V:\MIDWEST\190523 SCHOSTAK BROTHERS\HOLBELL ROAD AND LYNDEN ROAD, LIVONIA, MI\CDR\ZONING EXHIBIT\LOT 2D - B REZONING



CURRENT ZONING

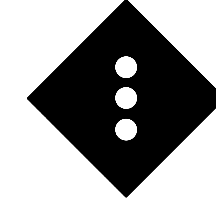


PROPOSED ZONING

SYMBOL	DESCRIPTION
	PROPERTY LINE
	NEIGHBORHOOD MULTIFAMILY DISTRICT (NM2)
	GENERAL BUSINESS DISTRICT (C-2)

ISSUE	DATE	BY	DESCRIPTION
1	09/15/2021	MC/PHL	FOR REZONING APPROVAL

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SITE DEVELOPMENT PLANS

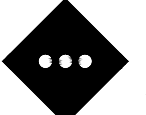
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DEVELOPMENT

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CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN



J. REID COOKSEY, P.E.
LICENSED PROFESSIONAL ENGINEER
STATE OF MICHIGAN
137990008001, 137990008008, 137990004002

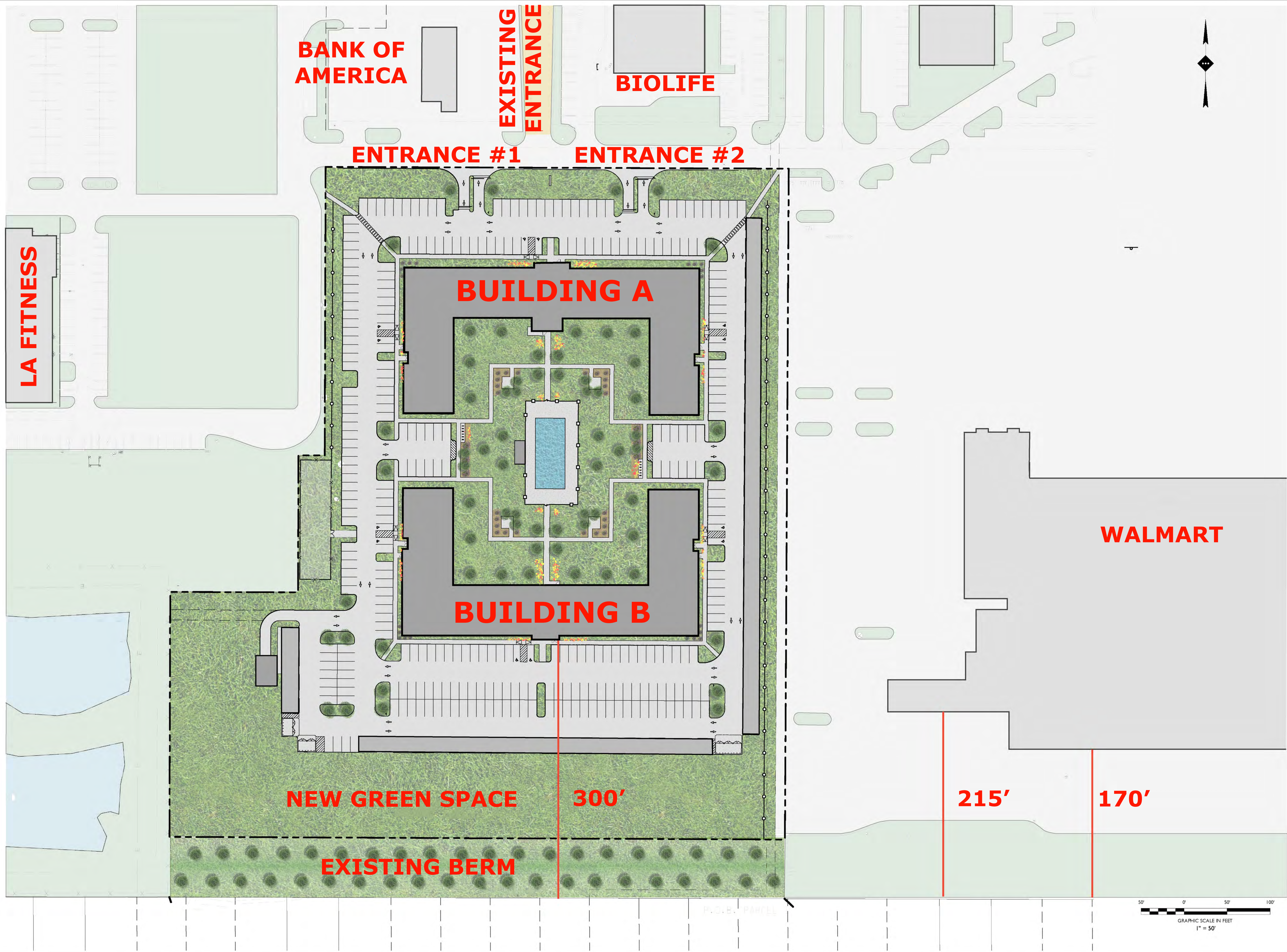
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SCALE: 1" = 150' PROJECT ID: M-19052.01

TITLE: REZONING PLAN

DRAWING: C-2

W/30' R/W - 11320 MIDDLEBELT ROAD AND LIVINGSTON ROAD, LIVINGSTON, MICHIGAN. PREPARED FOR: S.D.P. & S.T.E.L.D.I.N.G.



FOR REZONING APPROVAL		DESCRIPTION	
DATE	BY	DATE	BY
09/17/2021			
1			

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PARCEL IDS: 137990008008, 137990008001, & 137990004002
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CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN

J. REID COOKSEY, P.E.
LICENSED PROFESSIONAL ENGINEER

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SCALE: 1" = 50' PROJECT ID: M-19052.01

TITLE:
**PRELIMINARY SITE PLAN
RENDERING**

DRAWING:
C-4

C-5



C-6



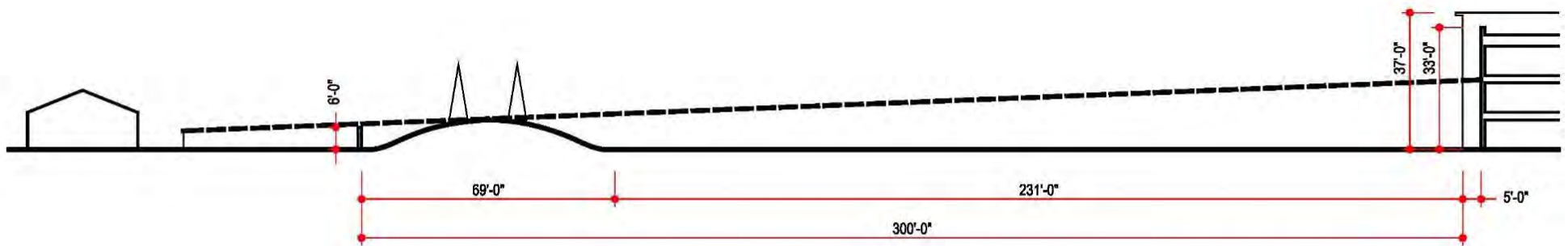
C-7



C-8



C-9



C-10



C-11

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V: 201902120190258\F\20190258_FR_APT.dwg
Piggott, Robert

FLOOD ZONE INFORMATION

SUBJECT PROPERTY FALLS IN ZONE "X",
MINIMAL FLOODING, AS SHOWN IN FEMA MAP
26163C0227E, DATED 02/02/2012.

NOTES

NO EVIDENCE OF RECENT EARTH MOVING WORK ON SITE.

I AM NOT AWARE OF ANY PROPOSED CHANGES IN STREET
RIGHT OF WAY LINES.

UTILITY STATEMENT

THE LOCATIONS AND ELEVATIONS OF EXISTING
UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING
ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER
EXPRESSED OR IMPLIED AS TO THE COMPLETENESS
OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE
EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE
EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO
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LEGEND

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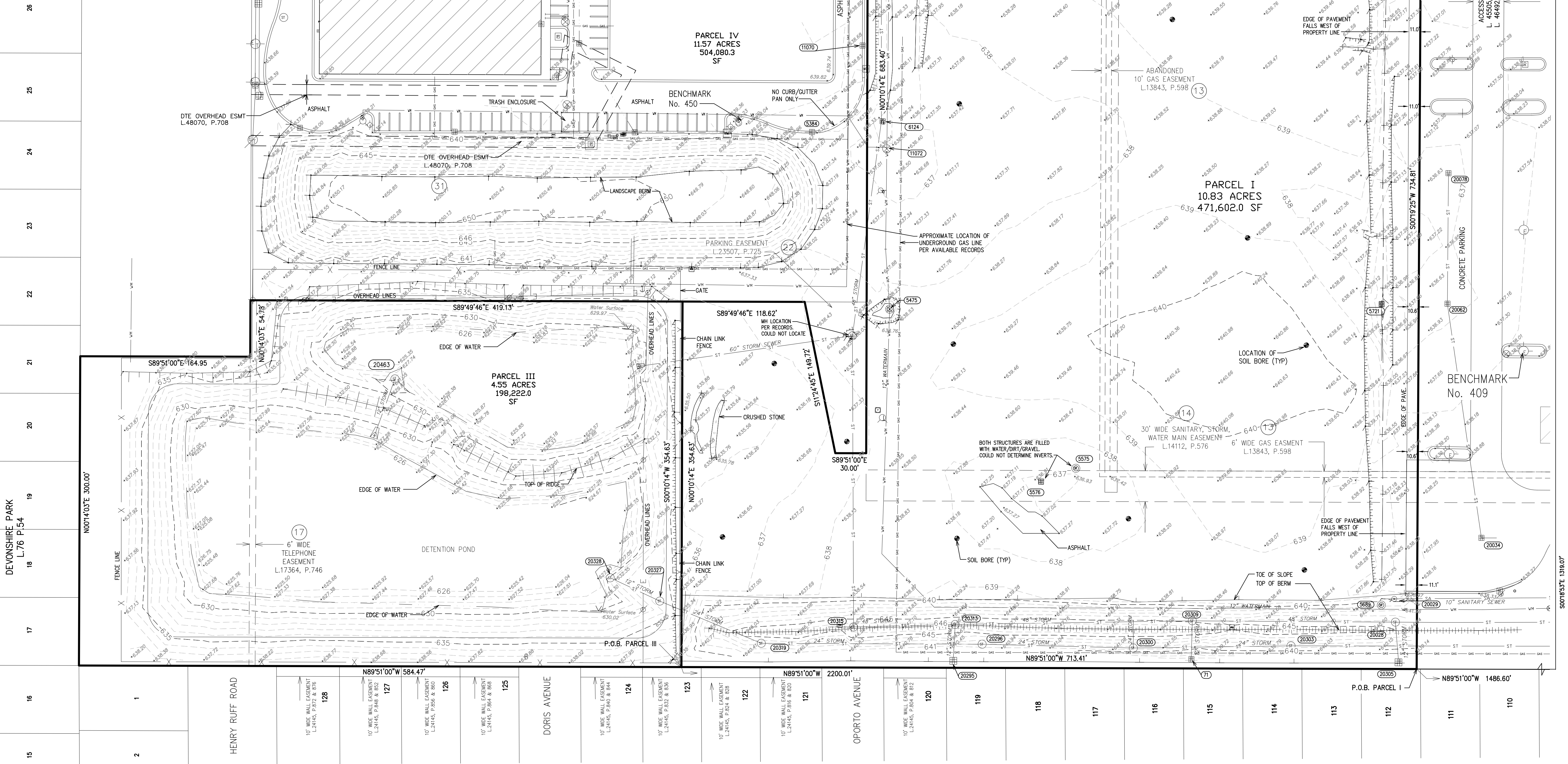
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N. END TOP LAMP POLE BASE
ELEVATION 639.62 NAVD 88 DATUM

BENCHMARK No. 409
CHISELED SQUARE W. TOP OF CONC.
LAMP POLE BASE
ELEVATION 641.24 NAVD 88 DATUM

BENCHMARK No. 415
ARROW ON FIRE HYDRANT
ELEVATION 639.59 NAVD 88 DATUM

HRC_OLW.ctb



NE CORNER OF SECTION 35,
T1S, R9E, CITY OF LIVONIA,
WAYNE COUNTY, MICHIGAN,
L. 27004, P. 587, W.C.R.

SCALE: 1" = 50'

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DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	
DRAWN	B.PIGGOTT
CHECKED	G.CHALICE
APPROVED	G.CHALICE

CITY OF LIVONIA
WONDERLAND MALL

TOPOGRAPHICAL SURVEY

HRC JOB NO. 20190258	SCALE 1"=50'
DATE June 2019	SHEET NO. 1 OF 2

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SANITARY STRUCTURE DATA	
Structure Name	Structure Details
49	RM=637.64
	INV IN=623.37 SW 12" TO FROM 10809
	INV IN=623.14 W 12" FROM INV OUT=624.4 E 18" TO 10672
5441	RM=637.46
	INV IN=625.40 NE 12" FROM
	INV OUT=624.75 E 12" TO 10816
10672	RM=637.67
	INV IN=625.08 W 18" FROM
	INV OUT=623.08 E 18" TO 4441
10809	RM=638.10
	INV IN=624.26 W 12" FROM 10956
	INV OUT=624.52 NE 12" TO 4441
10816	RM=638.27
	INV IN=624.69 W 12" FROM 5441
	INV OUT=624.65 SE 12" TO 10956
10956	RM=637.50
	INV IN=623.66 NW 12" FROM 10816
	INV OUT=623.59 E 12" TO 10809
11007	RM=637.47
20029	RM=639.69
	INV IN=629.74 W 12" FROM
	INV OUT=629.72 E 12" TO

WATER STRUCTURE DATA	
Structure Name	Structure Details
5437	RM=638.19 T/P IN=632.26 W 12" DI FROM T/P OUT=632.26 E 12" DI TO
5475	RM=636.90 T/P IN=629.89 N 12" DI FROM T/P OUT=629.90 S 12" DI TO
10810	RM=638.31 T/P IN=631.95 W 12" DI FROM T/P OUT=631.95 E 12" DI TO
11064	RM=638.76 T/P IN=630.21 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11072	RM=636.60 T/P IN=630.60 W 12" DI FROM T/P OUT=630.60 N 12" DI TO

STORM STRUCTURE DATA	
Structure Name	Structure Details
71	RM=635.73 INV OUT=631.61 N 12" RCP TO 20309
5026	RM=636.34 INV OUT=631.70 E 12" RCP TO 10871
5029	RM=636.88
5054	RM=635.87 INV OUT=632.57 SW 12" RCP TO 5020
5384	RM=637.91 INV OUT=628.22 E 24" RCP FROM INV OUT=631.51 W 24" RCP TO
5440	RM=636.01 INV IN=631.61 N 15" RCP FROM INV IN=631.44 W 12" RCP FROM INV OUT=631.36 S 15" RCP TO 10908
5575	RM=637.14 (FILLED WITH WATER & DIRT)
5576	RM=636.82 (FILLED WITH WATER & DIRT)
5689	RM=640.77 (FILLED WITH DEBRIS)
5721	RM=634.88 INV OUT=632.11 S 12"
6124	RM=634.85 INV IN=626.91 N 48" CONC FROM 11068 INV OUT=626.91 N 48" CONC TO
10692	RM=635.71 INV OUT=632.19 E 12" RCP TO 10691
10708	RM=635.67 INV IN=632.21 W 12" RCP FROM 10709 INV OUT=631.91 E 12" RCP TO 10598
10709	RM=635.59 INV OUT=632.46 E 12" RCP TO 10708
10747	RM=635.72 INV OUT=632.60 S 12" RCP TO 10770
10770	RM=637.75 INV IN=633.40 N 12" RCP FROM 10747 INV OUT=633.33 E 12" RCP TO 10598
10800	RM=638.59 INV IN=630.87 NE 36" RCP FROM INV OUT=630.74 SW 36" RCP TO 11015
10814	RM=638.42 INV IN=631.85 N 15" RCP FROM 10817 INV IN=631.66 W 48" RCP FROM INV IN=631.46 E 48" RCP FROM INV OUT=631.85 S 18" RCP TO 10952
10817	RM=638.44 INV IN=631.96 N 15" RCP FROM 10831 INV IN=632.84 W 12" RCP FROM INV OUT=631.94 S 18" RCP TO 10814
10831	RM=637.18 INV IN=631.62 N 15" RCP FROM 10850 INV IN=631.62 W 12" RCP FROM 10871 INV IN=632.63 E 12" RCP FROM INV OUT=631.41 S 18" RCP TO 10817
10850	RM=637.63 INV IN=631.47 N 15" RCP FROM 10851 INV IN=631.47 W 12" RCP FROM 10868 INV IN=632.26 E 12" RCP FROM INV OUT=631.33 S 12" RCP TO 10831
10851	RM=637.81 INV IN=631.97 W 12" RCP FROM 5020 INV IN=631.84 NE 12" RCP FROM 10861 INV OUT=631.77 S 18" RCP TO 10850
10859	RM=636.73 INV OUT=632.76 W 12" RCP TO 10861
10861	RM=637.36 INV IN=632.30 E 12" RCP FROM 10859 INV OUT=632.26 SW 12" RCP TO 10851
10868	RM=635.93 INV IN=631.97 W 12" RCP FROM 5050 INV OUT=631.71 E 12" RCP TO 10826
10871	RM=636.31 INV IN=631.82 W 12" RCP FROM 5026 INV OUT=632.01 E 12" RCP TO 10831
10908	RM=635.93 INV IN=630.79 N 15" RCP FROM 5440 INV IN=630.00 W 33" RCP FROM 10867 INV OUT=628.21 E 48" RCP TO 10908

STORM STRUCTURE DATA	
Structure Name	Structure Details
11068	RM=637.11 INV IN=632.53 S 48° RCP FROM 11070 INV OUT=628.49 S 48° RCP TO
11069	RM=637.99 INV IN=632.75 S 12° RCP FROM 11070 INV OUT=632.71 N 12° RCP TO 11067
11070	RM=638.11 INV OUT=633.11 N 12° RCP TO 11069
20028	RM=644.28 INV IN=630.73 S 12° CONC FROM 20305 INV OUT=627.73 W CONC FROM 20309 INV IN=627.63 E
20034	RM=634.73 INV IN=628.87 N 21° RCP FROM 20062 INV OUT=628.83 E 24° RCP TO
20062	RM=635.90 INV IN=631.25 N 15° RCP FROM 20078 INV OUT=631.00 S 21° RCP TO 20034
20078	RM=635.98 INV OUT=631.56 S 15° RCP TO 20062
20113	RM=635.90 INV OUT=631.72 E 12° RCP TO
20136	RM=636.26 INV OUT=630.76 NW 12° RCP TO
20295	RM=636.03 INV OUT=632.08 N 12° RCP TO
20296	RM=641.20 INV IN=622.92 W 24° RCP FROM 20319 INV OUT=622.70 E 24° RCP TO 20300
20300	RM=641.85 INV IN=622.13 W 24° RCP FROM 20296 INV OUT=622.33 N 24° RCP FROM INV OUT=622.25 E 24° RCP TO 20303
20303	RM=642.35 INV IN=621.91 N 24° RCP FROM 20300 INV OUT=621.79 E 24° RCP TO
20305	RM=635.46 INV OUT=631.26 N 12° RCP TO
20309	RM=645.02 INV IN=627.81 E 48° RCP FROM INV IN=631.10 S 12° RCP FROM 71 INV OUT=627.98 W 48° RCP TO 20313
20313	RM=646.87 INV IN=627.85 E 48° RCP FROM 20309 INV OUT=627.75 W 48° RCP TO 20315
20315	RM=647.23 INV IN=627.36 E 48° RCP FROM 20313 INV IN=627.11 W 48° RCP FROM
20319	RM=644.93 INV IN=623.50 W 24° RCP FROM 20327 INV OUT=623.43 E 24° RCP TO 20329
20327	RM=632.57 INV IN=625.15 NW 12° RCP FROM 20328 INV IN=625.73 E 24° RCP TO 20319
20328	RM=632.82 INV OUT=627.24 SE 12° RCP TO 20327
20463	RM=630.68 T/P=627.48
10924	RM=635.71 INV IN=631.41 NW 12° RCP FROM INV OUT=629.35 S 12° RCP TO 10931
10931	RM=635.77 INV IN=629.07 N 12° RCP FROM 10924 INV IN=629.01 W 48° RCP FROM 10998 INV OUT=629.01 E 48° RCP TO 10952
10952	RM=636.93 INV IN=630.17 N 18° RCP FROM 10814 INV IN=628.43 W 48° RCP FROM 10931 INV OUT=629.43 E 48° RCP TO 10986
10996	RM=636.01 INV IN=628.53 W 48° RCP FROM 10952 INV OUT=628.53 E 48° RCP TO 10915
11015	RM=637.37 INV IN=629.82 W 48° RCP FROM 10986 INV IN=630.00 NE 48° RCP FROM 18000 INV OUT=629.82 E 48° RCP TO
11067	RM=638.35 INV IN=633.73 SW 12° RCP FROM INV IN=628.74 NW 33° RCP FROM INV IN=632.54 S 12° RCP FROM 10959 INV OUT=628.75 S 33° RCP TO 10969

PROPERTY DESCRIPTION

AS PROVIDED BY CLIENT IN TITLE WORK BY FIRST AMERICAN TITLE INSURANCE COMPANY,
COMMITMENT No: 844447 AND DATED MARCH 08, 2019

Land in the City of Livonia, Wayne County, MI, described as follows:

PARCEL 1:

Part of the Northeast 1/4 of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:

Commencing at the Northeast corner of said section; thence South 00 degrees 18 minutes 53 seconds East, 1,319.07 feet along the East line of said section and the centerline of Middlebelt Road (120 foot right of way) to the extended South line of Bee-Aire Gardens[®], a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 1,486.60 feet along said extended North line to Point of Beginning; thence North 00 degrees 51 minutes 00 seconds West, 713.12 feet along said North line extended; thence North 00 degrees 10 minutes 14 seconds East, 356.63 feet; thence South 89 degrees 49 minutes 46 seconds East, 1186.2 feet; thence South 11 degrees 24 minutes 45 seconds East, 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East, 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East, 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East, 134.12 feet; thence South 00 degrees 10 minutes 25 seconds West, 155.23 feet; thence South 89 degrees 40 minutes 35 seconds East, 403.00 feet; thence South 00 degrees 19 minutes 25 seconds West, 734.81 feet to the Point of Beginning. Containing 471,602 sq and/or 10.83 acres of land.

PARCEL III:

Part, City of Livestock, Wayne County, Michigan, described as: Commencing at the
 Northern corner of said section; thence South 00 degrees 18 minutes 53
 seconds East, 419.13 feet to the intersection of section line of said Eastern
 Middlebelt Road (120 feet foot to the extended North line of "B-E Acres", a
 subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48,
 Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 2,200.01
 feet along said extended North line to the Point of Beginning; thence North 89 degrees
 51 minutes 00 seconds West, 584.47 feet; thence North 00 degrees 14 minutes 03
 seconds East, 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East,
 419.13 feet to the intersection of section line of said Eastern Middlebelt Road;
 thence South 89 degrees 49 minutes 46 seconds East, 419.13 feet; thence South 00 degrees
 14 minutes 03 seconds West, 354.63 feet to the Point of Beginning. Containing
 198,222.02 sq and/or 4.55 acres of land.

EXCEPTIONS

- 11 Water Easement in favor of Board of County Road Commissioners of the County of Wayne and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 6221, page 394, Register #0246152. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 12 Underground Right of Way of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 10350, page 682, Register #AG64496, as to Parcel IV. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 13 Agreement for Right of Way in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 13943, page 688, Register #E364905, (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 14 Terms and Conditions contained in Easement as disclosed by Instrument recorded in Liber 14112, page 672, Register #AG60956, Liber 14112, page 576, Register #E480957, and in Liber 14112, page 581, Register #AG60956. (AS SHOWN ON SURVEY)
- 15 Release of Right-of-Way in favor of County of Wayne and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 14186, page 497, Register #E506328, as to Parcels I, II and IV. (SHOWN ON SURVEY)
- 16 Terms and Conditions contained in Warranty Deed as disclosed by Instrument recorded in Liber 16639, page 70, Register #E334260, as to Parcel IV. (NOT PLOTTABLE)
- 17 Terms and Conditions contained in Easement Right of Way (SHOWN ON SURVEY) recorded in Liber 17364, page 746, Register #E60791, as to Parcel III. (SHOWN ON SURVEY)
- 18 Easement in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 19200, page 931, Register #E532769, as to Parcel II. (SHOWN ON SURVEY)
- 19 Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 21399, page 129, Register #G636436. (SHOWN ON SURVEY)
- 20 Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 21399, page 130, Register #G636436 and Modification of Right of Way recorded in Liber 21645, page 636, Register #G736037. (SHOWN ON SURVEY)
- 21 Grant of Easement in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 22456, page 91. (SHOWN ON SURVEY)
- 22 Terms and Conditions contained in Easement Agreement as disclosed by Instrument recorded in Liber 23507, page 725. (SHOWN ON SURVEY)
- 23 Terms and Conditions contained in Wails Easement Agreement as disclosed by Instrument recorded in Liber 24145, page 804, Liber 24145, page 812, Liber 24145, page 816, Liber 24145, page 820, Liber 24145, page 824, Liber 24145, page 828, Liber 24145, page 832, Liber 24145, page 836, Liber 24145, page 840, Liber 24145, page 844, Liber 24145, page 848, Liber 24145, page 852, Liber 24145, page 856, Liber 24145, page 860, Liber 24145, page 864, Liber 24145, page 868, Liber 24145, page 872, and in Liber 24145, page 876. (AS SHOWN ON SURVEY)
- 24 Highway Easement Release for signal poles in favor of Michigan Department of Transportation and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 24610, page 483, as to Parcel II. (SHOWN ON SURVEY)
- 25 Terms and Conditions contained in Beautification Easement Agreement as disclosed by Instrument recorded in Liber 34069, page 321, and in Liber 34069, page 339. (SHOWN ON SURVEY)
- 26 Terms and Conditions contained in Easement as disclosed by Instrument recorded in Liber 35211, page 153, as to Parcel IV. (SHOWN ON SURVEY)
- 27 Easements, Terms and Conditions contained in Easement as disclosed by Instrument recorded in Liber 45464, page 1201, as to Parcels I and II. (NOT PLOTTABLE)
- 28 Terms and Conditions contained in Grant of Easement as disclosed by Instrument recorded in Liber 45464, page 1201, as to Parcel I and II. (NOT PLOTTABLE)
- 29 Terms and Conditions contained in Operation and Easement Agreement as disclosed by Instrument recorded in Liber 46505, page 375, and in First Amendment to Operation and Easement Agreement as disclosed by Instrument recorded in Liber 46592, page 914. (SHOWN ON SURVEY)
- 30 Terms and Conditions contained in Dedication of Covenants, Conditions, Restrictions, and Easements as disclosed by Instrument recorded in Liber 46876, page 103, as to Parcel IV. (SHOWN ON SURVEY)
- 31 Detroit Edison Underground Easement (Right of Way) in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 48070, page 708, as to Parcel IV. (SHOWN ON SURVEY)
- 36 Survey by Husbelt, Roth and Clark, Inc., dated February 27, 2003, Job No. 20030115, discloses the following:
a. There is built over 10 foot gain main, which has been abandoned. (N/A)
b. Partially built between the enclosed main and the Target Stone. (N/A)
c. Power lines overlaid at various locations.
d. Asphalt paving over the easement areas, gas mains, water, sewer, telephone and electric lines.
e. Building designated as the Masonry Works Building encroaches onto the Easement in various points. (N/A)
f. Building designated as Ward's Automotive Center is built over the easement for sanitary records in Liber 14112, page 572, Wayne County Records.

NOTE: (THE FOLLOWING WAS SHOWN ON HRC JOB No. 20090336.04, WITH A REVISION DATE OF 07/23/09.)

ASSESSMENTS SCHEDULED FOR TERMINATION PER DEPARTMENT INFORMATION AND EASEMENT DRAWING OF
HUBBELL, ROLL & CLARK DISPOSITION DATED 02-09-06., FINAL REVISION 03-02-06.

12" WIDE SANITARY SEWER EASEMENT, L1494,
10" WIDE GAS EASEMENT, L13843, P.598 (ABANDONED LINE)
12" WIDE STORM SEWER EASEMENT, L14112, P.576
24" WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
30" WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
12" WIDE SANITARY SEWER EASEMENT, L14112, P.572
12" WIDE WATER MAIN EASEMENT, L14112, P.576
12" WIDE WATER MAIN EASEMENT, L14112, P.576
20" WIDE WATER MAIN EASEMENT, L14112, P.576
20" WIDE STORM SEWER AND WATER SYSTEM EASEMENT, L14112, P.576
12" WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
30" WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
20" WIDE SANITARY SEWER AND WATER MAIN EASEMENT, L14112, P.576
12" WIDE STORM SEWER EASEMENT, L14112, P.576

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

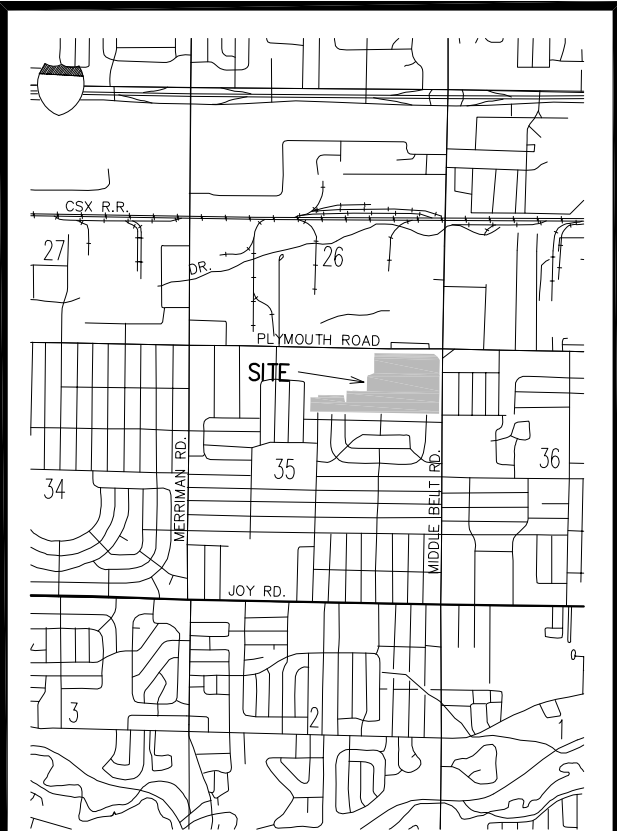
GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939



 **HRC**
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915
555 HULET DRIVE P.O. BOX 824
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WEB SITE: <http://www.hrcengr.com>

[illegible]

CITY OF LIVONIA
WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

HRC JOB NO. 20190258	SCALE 1"=50'
DATE June 2019	SHEET NO. 2 OF 2

BENCHMARK

BENCHMARK No. 363
ARROW ON FIRE HYDRANT
ELEVATION 639.75 NAVD 88 DATUM

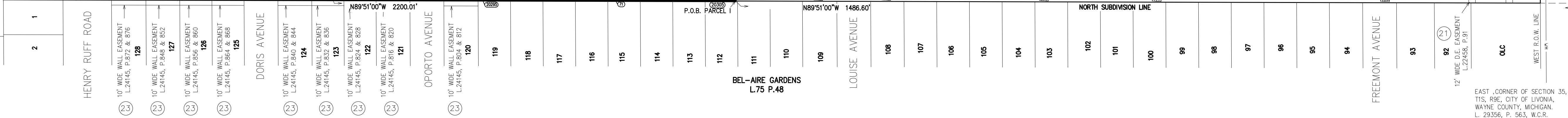
BENCHMARK No. 408
N. END TOP LAMP POLE BASE
ELEVATION 639.62 NAVD 88 DATUM

BENCHMARK No. 415
ARROW ON FIRE HYDRANT
ELEVATION 641.98 NAVD 88 DATUM

BENCHMARK No. 450
ARROW ON FIRE HYDRANT
ELEVATION 641.98 NAVD 88 DATUM

BENCHMARK No. 409
CHISELED SQUARE W. TOP OF CONC.
LAMP POLE BASE
ELEVATION 641.24 NAVD 88 DATUM

N. CORNER OF SECTION 35,
T1S, R9E, CITY OF LIVONIA,
WAYNE COUNTY, MICHIGAN.
L. 30034, P. 444, W.C.R.



LEGEND

BUILDING		RISER & DOWN SPOUT	
STORM	ST	PUMP STATION	
SANITARY	SA	FIRE HYDRANT	
WATERMAIN	WM	GATE & VALVE, & WELL	
GAS		CISTERN & WELL	
UND. TELEPHONE	T	WATER STOP BOX & SPRINKLER HEAD	
UND. ELECTRICAL	E	WATER TOWER BASE & METER PIT	
TRAVERSE LINE & TRAVERSE POINT		UTILITY POLE	
BENCH MARK SYMBOL		LIGHT POLE	
DEAD TREE		GUY WIRE ANCHOR	
DECIDUOUS TREE		UNDERGROUND MARKER	
DECIDUOUS SHRUB		RISER	
CONIFEROUS TREE		GAS BOX & BLOW OFF	
CONIFEROUS SHRUB		BUILD. CORNER & 1st FLOOR ELEV.	
STUMP		C.O. OF DITCH	
SQ. & RD. CATCH BASINS & INLETS IN PAVEMENT		% OF SLOPE	
STORM MANHOLE & PIPE END		TOP OF BANK & RIDGE	
UNSPECIFIED MH.		TOP OF BERM	
		% OF BERM	
		EDGE OF WATER & WATER SURFACE	
		HEADWALL & RETAINING WALL	
		SIGNS & SIGN POST	
		LOCAL LOW POINT & LOCAL HIGH POINT	
		COLUMN OR PIER	

FLOOD ZONE INFORMATION

SUBJECT PROPERTY FALLS IN ZONE "X", MINIMAL FLOODING, AS SHOWN IN FEMA MAP 26163C0227E, DATED 02/02/2012.

PARKING INFORMATION

PARCEL I - 0 SPACES

PARCEL II - 519 SPACES (20 HANDICAP/499 REGULAR (EAST - 10 HANDICAP/250 REGULAR; WEST - 10 HANDICAP/249 REGULAR)

PARCEL III - 0 SPACES

PARCEL IV - 349 SPACES (10 HANDICAP/339 REGULAR)

TOTAL PARKING SPACES:
868 SPACES
(30 HANDICAP/838 REGULAR)

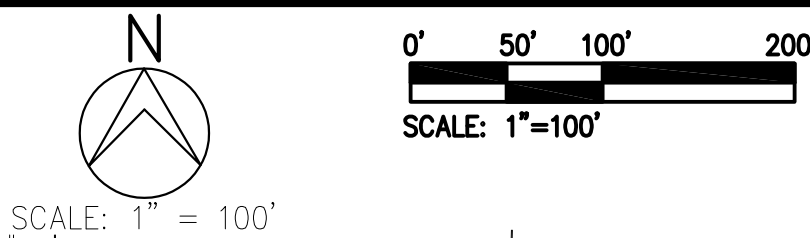
NOTES

NO EVIDENCE OF RECENT EARTH MOVING WORK ON SITE.

NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.

UTILITY STATEMENT

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

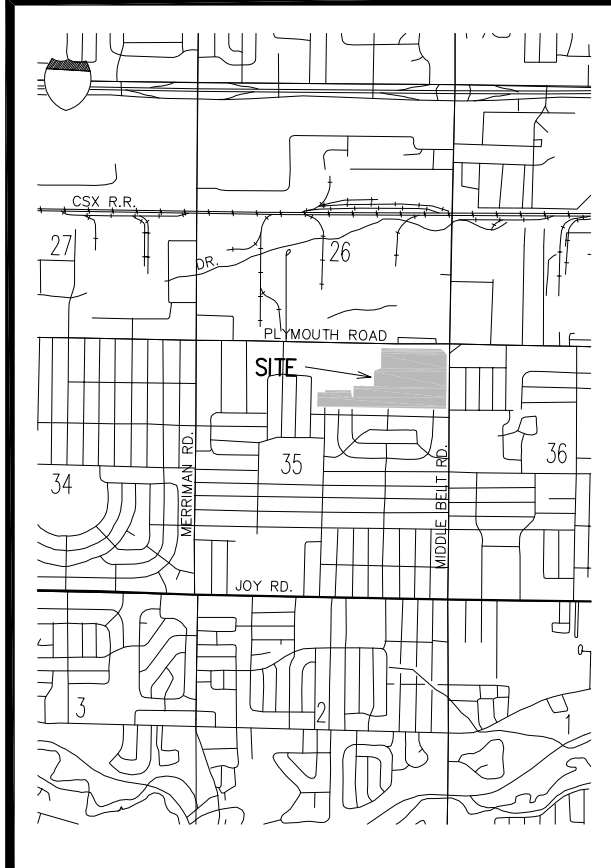
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WEB SITE: <http://www.hrcengr.com>



DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	
DRAWN	B.PIGGOTT
CHECKED	G.CHALICE
APPROVED	G.CHALICE



CITY OF LIVONIA
WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939

HRC JOB NO. 20190258	SCALE 1"=100'
DATE June 2019	SHEET NO. 1 OF 2

SANITARY STRUCTURE DATA	
Structure Name	Structure Details
49	RIM=637.64 INV IN=623.37 SW 12" FROM 10809 INV IN=623.14 W 12" FROM INV OUT=623.14 E 18" TO 10672
5441	RIM=637.46 INV IN=625.40 NE 12" FROM INV OUT=624.75 E 12" TO 10816
10672	RIM=637.68 INV IN=623.08 W 18" FROM 49 INV OUT=623.07 E 18" TO 49
10809	RIM=638.10 INV IN=624.26 W 12" FROM 10956 INV OUT=624.22 NE 12" TO 49
10816	RIM=638.27 INV IN=624.89 W 12" FROM 5441 INV OUT=624.65 SE 12" TO 10956
10956	RIM=637.50 INV IN=623.66 NW 12" FROM 10816 INV OUT=623.59 E 12" TO 10809
11007	RIM=637.47
20029	RIM=639.69 INV IN=629.74 W 12" FROM INV OUT=629.72 E 12" TO

WATER STRUCTURE DATA	
Structure Name	Structure Details
5437	RIM=636.19 T/P IN=632.26 W 12" DI FROM T/P OUT=632.26 E 12" DI TO
5475	RIM=636.90 T/P IN=629.90 N 12" DI FROM T/P OUT=629.90 S 12" DI TO
10810	RIM=636.31 T/P IN=631.95 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11064	RIM=636.76 T/P IN=630.21 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11072	RIM=636.60 T/P IN=630.60 W 12" DI FROM T/P OUT=630.60 N 12" DI TO

STORM STRUCTURE DATA	
Structure Name	Structure Details
71	RIM=635.73 INV IN=631.61 N 12" RCP TO 20309
5019	RIM=636.23 INV IN=632.43 E 12" RCP TO 10868
5020	RIM=636.64 INV IN=632.33 NE 12" RCP FROM 5054 INV IN=632.49 W 12" RCP FROM INV OUT=632.49 E 12" RCP TO 10871
5026	RIM=636.34 INV OUT=631.70 E 12" RCP TO 10851
5029	RIM=636.88 (COULD NOT OPEN)
5054	RIM=635.87 INV OUT=632.72 SW 12" RCP TO 5020
5384	RIM=637.91 INV IN=628.22 E 24" RCP FROM INV OUT=628.11 W 24" RCP TO
5440	RIM=636.07 INV IN=631.61 N 15" RCP FROM INV IN=631.46 W 12" RCP FROM INV OUT=631.36 S 15" RCP TO 10908
5575	RIM=637.14 (FILLED WITH WATER & DIRT)
5576	RIM=636.82 (FILLED WITH WATER & DIRT)
5689	RIM=640.77 (FILLED WITH DEBRIS)
5721	RIM=634.88 INV OUT=632.11 S 12"
6124	RIM=634.85 INV IN=626.91 N 48" CONC FROM 11068 INV OUT=626.91 S 48" CONC TO
10577	RIM=636.81 INV IN=631.09 W 18" RCP FROM 10585 INV OUT=631.09 SE 24" RCP TO
10584	RIM=635.66 INV IN=631.58 W 12" RCP FROM 10688 INV OUT=631.58 E 12" RCP TO 10585
10585	RIM=636.08 INV IN=631.33 N 18" RCP FROM 10597 INV IN=631.46 W 12" RCP FROM 10594 INV OUT=631.21 S 18" RCP TO 10577
10595	RIM=635.63 INV IN=631.98 W 12" RCP FROM 10596 INV OUT=631.94 E 12" RCP TO 10597
10596	RIM=635.44 INV IN=632.09 W 12" RCP FROM 10708 INV OUT=632.19 E 12" RCP TO 10595
10597	RIM=635.94 INV IN=632.06 N 15" RCP FROM 10598 INV IN=632.00 W 12" RCP FROM 10595 INV OUT=632.05 S 18" RCP TO 10595
10598	RIM=636.27 INV IN=631.86 W 12" RCP FROM 10770 INV IN=632.15 N 12" RCP FROM 10600 INV IN=631.73 E 12" RCP FROM INV OUT=631.64 S 15" RCP TO 10597
10600	RIM=635.78 INV OUT=632.03 S 12" RCP TO 10598
10688	RIM=635.63 INV IN=631.71 W 12" RCP FROM 10691 INV OUT=631.65 E 12" RCP TO 10584
10691	RIM=635.70 INV IN=632.12 W 12" RCP FROM 10692 INV OUT=632.07 E 12" RCP TO 10688

STORM STRUCTURE DATA	
Structure Name	Structure Details
10692	RIM=635.71 INV OUT=632.19 E 12" RCP TO 10691
10708	RIM=635.67 INV IN=632.21 W 12" RCP FROM 10709 INV OUT=631.91 E 12" RCP TO 10596
10709	RIM=635.59 INV OUT=632.46 E 12" RCP TO 10708
10747	RIM=635.72 INV OUT=632.60 S 12" RCP TO 10770
10770	RIM=637.75 INV IN=633.40 N 12" RCP FROM 10747 INV OUT=633.35 E 12" RCP TO 10598
10800	RIM=636.59 INV IN=630.87 NE 36" RCP FROM INV OUT=630.74 SW 48" RCP TO 11015
10814	RIM=638.42 INV IN=631.85 N 18" RCP FROM 10817 INV IN=631.66 W 48" RCP FROM INV IN=631.46 E 48" RCP FROM INV OUT=631.85 S 18" RCP TO 10952
10817	RIM=638.44 INV IN=631.96 N 18" RCP FROM 10831 INV IN=632.84 W 12" RCP FROM INV OUT=631.53 S 18" RCP TO 10814
10831	RIM=637.18 INV IN=631.62 N 18" RCP FROM 10850 INV IN=631.64 NE 12" RCP FROM 10871 INV IN=632.63 E 12" RCP FROM INV OUT=631.41 S 18" RCP TO 10817
10850	RIM=637.63 INV IN=631.47 N 18" RCP FROM 10851 INV IN=631.47 W 12" RCP FROM 10868 INV IN=632.26 E 12" RCP FROM INV OUT=631.53 S 18" RCP TO 10831
10851	RIM=637.81 INV IN=631.97 W 12" RCP FROM 5020 INV IN=621.91 W 24" RCP FROM 20296 INV OUT=631.77 S 18" RCP TO 10850
10859	RIM=636.73 INV OUT=632.76 W 12" RCP TO 10861
10861	RIM=637.36 INV IN=632.30 E 12" RCP FROM 10859 INV OUT=632.26 SW 12" RCP TO 10851
10868	RIM=635.93 INV IN=631.87 W 12" RCP FROM 5019 INV OUT=631.71 E 12" RCP TO 10850
10871	RIM=636.31 INV IN=631.82 W 12" RCP FROM 5026 INV OUT=632.01 E 12" RCP TO 10831
10908	RIM=635.93 INV IN=630.79 N 15" RCP FROM 5440 INV IN=0.00 W 33" RCP FROM 10667 INV OUT=629.21 E 48" RCP TO 10931
10924	RIM=635.77 INV IN=629.01 NW 12" RCP FROM 10924 INV IN=629.01 W 48" RCP FROM 10908 INV OUT=629.01 E 48" RCP TO 10952
10931	RIM=635.77 INV IN=629.01 W 12" RCP FROM 10924 INV IN=629.01 W 48" RCP FROM 10908 INV OUT=629.01 E 48" RCP TO 10952
10952	RIM=636.93 INV IN=630.17 N 18" RCP FROM 10814 INV IN=632.15 W 48" RCP FROM 10931 INV OUT=629.43 E 48" RCP TO 10996
10996	RIM=636.01 INV IN=628.53 W 48" RCP FROM 10952 INV OUT=628.53 E 48" RCP TO 11015
11015	RIM=637.37 INV IN=629.82 W 48" RCP FROM 10996 INV IN=0.00 NE 48" RCP FROM 10800 INV OUT=629.82 E 48" RCP TO
11067	RIM=638.35 INV IN=633.73 SW 12" RCP FROM INV IN=628.74 NW 33" RCP FROM INV IN=632.54 S 12" RCP FROM 11069 INV OUT=628.75 E 33" RCP TO 10908

STORM STRUCTURE DATA	
Structure Name	Structure Details
11068	RIM=637.11 INV IN=628.53 S 48" RCP FROM INV OUT=628.49 N 48" RCP TO
11069	RIM=637.99 INV IN=632.73 S 12" RCP FROM 11070 INV OUT=632.71 N 12" RCP TO 11067
11070	RIM=638.11 INV OUT=633.11 N 12" RCP TO 11069
20028	RIM=644.28 INV IN=628.87 N 21" CONC FROM 20305 INV OUT=627.73 W CONC FROM 20309 INV IN=627.83 E
20034	RIM=634.73 INV IN=628.83 E 24" RCP FROM 20062
20062	RIM=635.90 INV IN=631.25 N 15" RCP FROM 20078 INV OUT=627.73 W CONC FROM 20309
20078	RIM=635.98 INV OUT=631.56 S 15" RCP TO 20062
20113	RIM=635.90 INV IN=631.72 E 12" RCP TO
20136	RIM=636.26 INV OUT=630.76 NW 12" RCP TO
20295	RIM=636.03 INV OUT=632.08 N 12" RCP TO
20296	RIM=641.20 INV IN=622.92 W 24" RCP FROM 20319 INV OUT=622.70 E 24" RCP TO 20300
20300	RIM=641.85 INV IN=621.91 W 24" RCP FROM 20296 INV IN=622.33 N 24" RCP FROM INV OUT=622.25 E 24" RCP TO 20303
20303	RIM=642.35 INV IN=621.91 W 24" RCP FROM 20300 INV OUT=622.25 E 24" RCP TO
20305	RIM=635.46 INV OUT=630.76 N 12" RCP TO
20309	RIM=645.02 INV IN=627.81 E 48" RCP FROM INV IN=631.10 S 12" RCP FROM 71 INV OUT=627.98 W 48" RCP TO 20313
20313	RIM=646.87 INV IN=627.85 E 48" RCP FROM 20309 INV OUT=627.75 W 48" RCP TO 20315
20315	RIM=647.23 INV IN=627.36 E 48" RCP FROM 20313 INV IN=628.11 W 48" RCP FROM
20319	RIM=644.93 INV IN=623.50 W 24" RCP FROM 20327 INV OUT=623.43 E 24" RCP TO 20296
20327	RIM=632.57 INV IN=625.15 NW 12" RCP FROM 20328 INV OUT=623.75 E 24" RCP TO 20319
20328	RIM=632.82 INV OUT=627.24 SE 12" RCP TO 20327
20463	RIM=630.68 T/P 627.48

PROPERTY DESCRIPTION

AS PROVIDED BY CLIENT IN TITLE WORK BY FIRST AMERICAN TITLE INSURANCE COMPANY,
COMMITMENT No: 844447 AND DATED MARCH 08, 2019

Land in the City of Livonia, Wayne County, MI, described as follows:

PARCEL I:

Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence
South 00 degrees 18 minutes 53 seconds East, 1,319.07 feet along the East line of said section and the centerline of Middlebelt Road (120 foot right of way) to the extended South line of Bel-Aire Gardens; a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 1,486.60 feet along said extended North line to the Point of Beginning; thence North 89 degrees 51 minutes 00 seconds West, 713.41 feet along said North line extended; thence North 00 degrees 10 minutes 14 seconds East, 354.63 feet; thence South 89 degrees 49 minutes 46 seconds East, 116.62 feet; thence South 11 degrees 24 minutes 45 seconds East, 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East, 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East, 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East, 134.12 feet; thence South 00 degrees 19 minutes 25 seconds West, 155.23 feet; thence South 89 degrees 40 minutes 35 seconds East, 403.00 feet; thence South 00 degrees 19 minutes 25 seconds West, 734.81 feet to the Point of Beginning. Containing 471,602 sf and/or 10.83 acres of land.

PARCEL II:

Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 162.20 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West, 60.00 feet to the South right of way line of said Plymouth Road and the Point of Beginning; thence along a curve to the right 177.47 feet, said curve having a radius of 269.27 feet, a central angle of 37 degrees 45 minutes 41 seconds, and a chord bearing South 45 degrees 04 minutes 20 seconds East, 174.72 feet to the West right of way line of Middlebelt Road (120 foot right of way); thence South 00 degrees 18 minutes 53 seconds East, 252.74 feet along the said right of way line; thence North 89 degrees 40 minutes 35 seconds West, 573.01 feet; thence North 00 degrees 19 minutes 25 seconds East, 62.02 feet; thence North 40 degrees 40 minutes 13 seconds West, 72.66 feet; thence North 00 degrees 10 minutes 14 seconds East, 256.92 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 494.47 feet along said right of way line to the Point of Beginning. Containing 221,715.6 sf and/or 5.09 acres of land.

ALSO

Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of said Plymouth Road; thence South 00 degrees 10 minutes 14 seconds West, 60.00 feet to the South right of way line of said Plymouth Road and the Point of Beginning; thence South 00 degrees 19 minutes 25 seconds West, 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West, 241.25 feet; thence South 57 degrees 56 minutes 01 second West, 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds, and a chord bearing South 73 degrees 23 minutes 07 seconds West, 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West, 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West, 71.69 feet; thence South 00 degrees 19 minutes 25 seconds West, 74.78 feet; thence North 89 degrees 40 minutes 35 seconds West, 403.00 feet; thence North 00 degrees 19 minutes 25 seconds East, 155.23 feet; thence South 89 degrees 49 minutes 46 seconds East, 98.71 feet; thence North 00 degrees 09 minutes 51 seconds East, 368.44 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 883.85 feet along said right of way line to the Point of Beginning. Containing 321,119.7 sf and/or 8.29 acres of land.

PARCEL III:

Part of the Northeast ¼ and the Northwest ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Beginning at a point distant North 89 degrees 49 minutes 46 seconds West, 2,010.15 feet along the North line of said Section 35 and South 00 degrees 10 minutes 14 seconds West, 60.00 feet from the Northeast corner of said Section 35; thence South 00 degrees 10 minutes 14 seconds West, 1,051.85 feet; thence North 89 degrees 51 minutes 00 seconds West, 30.00 feet; thence North 11 degrees 24 minutes 45 seconds West, 149.72 feet; thence North 89 degrees 49 minutes 46 seconds West, 537.75 feet; thence North 00 degrees 14 minutes 03 seconds East, 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East, 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East, 240.18 feet (calculated) 240.00 feet (recorded); thence South 89 degrees 49 minutes 46 seconds East, 416.81 feet (calculated) 416.75 feet (recorded) to the Point of Beginning. Containing 504,080.3 sf and/or 11.57 acres of land.

PARCEL IV:

Part of the North ½ of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Beginning at a point distant North 89 degrees 49 minutes 46 seconds West, 2,010.15 feet along the North line of said Section 35 and South 00 degrees 10 minutes 14 seconds West, 60.00 feet from the Northeast corner of said Section 35; thence South 00 degrees 10 minutes 14 seconds West, 1,051.85 feet; thence North 89 degrees 51 minutes 00 seconds West, 30.00 feet; thence North 11 degrees 24 minutes 45 seconds West, 149.72 feet; thence North 89 degrees 49 minutes 46 seconds West, 537.75 feet; thence North 00 degrees 14 minutes 03 seconds East, 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East, 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East, 240.18 feet (calculated) 240.00 feet (recorded); thence South 89 degrees 49 minutes 46 seconds East, 416.81 feet (calculated) 416.75 feet (recorded) to the Point of Beginning. Containing 504,080.3 sf and/or 11.57 acres of land.

EXCEPTIONS

- ① Water Easement in favor of Board of County Road Commissioners of the County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 5221, page 394, Register #C614552. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- ② Underground Permit in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10350, page 692, Register #D444586, as to Parcel IV. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- ③ Agreement to Right of Way in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 13843, page 598, Register #E394605. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- ④ Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 14112, page 572, Register #E480956, Liber 14112, page 576, Register #E480957, and in Liber 14112, page 561, Register #E480958. (AS SHOWN ON SURVEY)
- ⑤ Release of Right-of-Way in favor of County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 14186, page 497, Register #E508328, as to Parcels I, II and IV. (SHOWN ON SURVEY)
- ⑥ Terms and Conditions contained in Warranty Deed as disclosed by instrument recorded in Liber 16839, page 70, Register #F334920, as to Parcel IV. (NOT PLOTTABLE)
- ⑦ Terms and Conditions contained in Easement Right of Way as disclosed by instrument recorded in Liber 17264, page 746, Register #F493791, as to Parcel III. (SHOWN ON SURVEY)
- ⑧ Easement in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10201, page 533, Register #G32769, as to Parcel II. (SHOWN ON SURVEY)
- ⑨ Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21396, page 129, Register #G693405. (SHOWN ON SURVEY)
- ⑩ Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21396, page 130, Register #G693406 and Modification of Right of Way recorded in Liber 21645, page 636, Register #G736037. (SHOWN ON SURVEY)
- ⑪ Grant of Easement in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 22458, page 91, (SHOWN ON SURVEY)
- ⑫ Terms and Conditions contained in Easement Agreement as disclosed by instrument recorded in Liber 23507, page 725. (SHOWN ON SURVEY)
- ⑬ Terms and Conditions contained in Well Easement Agreement as disclosed by instrument recorded in Liber 24145, page 804, Liber 24145, page 812, Liber 24145, page 816, Liber 24145, page 820, Liber 24145, page 824, Liber 24145, page 828, Liber 24145, page 832, Liber 24145, page 836, Liber 24145, page 840, Liber 24145, page 844, Liber 24145, page 848, Liber 24145, page 852, Liber 24145, page 856, Liber 24145, page 860, Liber 24145, page 864, Liber 24145, page 868, Liber 24145, page 872, and in Liber 24145, page 876. (AS SHOWN ON SURVEY)
- ⑭ Highway Easement Release for signal pole in favor of Michigan Department of Transportation and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 24610, page 483, as to Parcel II. (SHOWN ON SURVEY)
- ⑮ Terms and Conditions contained in Beautification Easement Agreement as disclosed by instrument recorded in Liber 34068, page 321, and in Liber 34069, page 338. (SHOWN ON SURVEY)
- ⑯ Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 35211, page 153, as to Parcel IV. (SHOWN ON SURVEY)
- ⑰ Easements, Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 45464, page 1201, as to Parcels I and II. (NOT PLOTTABLE)
- ⑱ Terms and Conditions contained in Grant of Easement as disclosed by instrument recorded in Liber 45464, page 275, as to Parcel I and II. (NOT PLOTTABLE)
- ⑲ Terms and Conditions contained in Operation and Easement Agreement as disclosed by instrument recorded in Liber 45505, page 375, and in First Amendment to Operation and Easement Agreement as disclosed by instrument recorded in Liber 46492, page 914. (SHOWN ON SURVEY)
- ⑳ Terms and Conditions contained in Declaration of Covenants, Conditions, Restrictions, and Easements as disclosed by instrument recorded in Liber 46878, page 103, as to Parcel IV. (SHOWN ON SURVEY)
- ㉑ Detroit Edison Underground Easement (Right of Way) in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 48970, page 708, as to Parcel IV. (SHOWN ON SURVEY)
- ㉒ Survey by Hubbell, Roth and Clark, Inc., dated February 27, 2003, Job No. 20030115, discloses the following:
a. Theater is built over 10 foot gas main, which has been abandoned. (N/A)
b. Party Wall between the enclosed mall and the Target Store. (N/A)
c. Power lines overhead at various locations.
d. Asphalt paving over the easement areas, gas mains, water, sewer, telephone and electrical lines.
e. Building designated as the Montgomery Wards Building encroaches onto the Easement Parcel at various points. (N/A)
f. Building designated as Ward's Automotive Center is built over the easement for sanitary sewer recorded in Liber 14112, page 572, Wayne County Records

NOTE: (THE FOLLOWING WAS SHOWN ON HRC JOB No. 20090336.04, WITH A REVISION DATE OF 07/23/09.)

EASEMENTS SCHEDULED FOR TERMINATION PER DEVELOPER INFORMATION AND EASEMENT DRAWING OF HUBBELL, ROTH & CLARK DEPICTION DATED 02-09-06-- FINAL REVISION 03-02-06.
6' WIDE GAS EASEMENT, L13843, P.598
10' WIDE GAS EASEMENT, L13843, P.598 (ABANDONED LINE)
12' WIDE STORM SEWER EASEMENT, L14112, P.572
24' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
12' WIDE SANITARY SEWER EASEMENT, L14112, P.572
12' WIDE WATER MAIN EASEMENT, L14112, P.576
12' WIDE WATER MAIN EASEMENT, L14112, P.576
20' WIDE WATER MAIN EASEMENT, L14112, P.576
30' WIDE STORM SEWER AND WATER SYSTEM EASEMENT, L14112, P.576
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
24' WIDE SANITARY SEWER AND WATER MAIN EASEMENT, L14112, P.576
12' WIDE STORM SEWER EASEMENT, L14112, P.576

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939

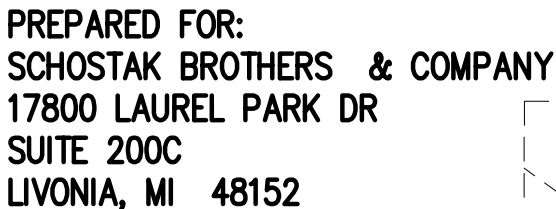
CITY OF LIVONIA
WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

HRC JOB NO. 20190258	SCALE 1"=100'
DATE June 2019	SHEET NO. 2 OF 2

0' 100' 200' 400'

SCALE: 1"=200'



JOB NO. 20190419		 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303 - 0824	SHEET NO. 1 OF 4
DATE 03-11-2020			PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http:// www.hrcengr.com		

CURRENT PARCEL DESCRIPTIONS

PROPERTY DESCRIPTION PARCEL "A"

Land situated in the City of Livonia, County of Wayne, State of Michigan, described as follows:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South Right of Way line of Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West 241.25 feet; thence South 57 degrees 56 minutes 01 seconds West 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds and a chord bearing South 73 degrees 23 minutes 07 seconds West 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West 71.69 feet; thence South 00 degrees 19 minutes 25 seconds West 809.59 feet to the north line of “Bel-Aire Gardens”, a subdivision of part of the South ½ of the North ½ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, as recorded in Liber 75 of Plats, Page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West 1297.89 feet along said subdivision line; thence North 00 degrees 14 minutes 03 seconds East 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East 164.95 feet; thence North 00 degrees 14 minutes 03 seconds East 54.78 feet; thence South 89 degrees 49 minutes 46 seconds East 537.75 feet; thence South 11 degrees 24 minutes 45 seconds East 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East 232.83 feet; thence North 00 degrees 09 minutes 51 seconds East 368.44 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 31.18 feet along said right of way line; thence South 00 degrees 12 minutes 43 seconds West 367.79 feet; thence 23.57 feet along a curve to the left, having a radius of 15.00 feet and a long chord which bears South 44 degrees 48 minutes 32 seconds East 21.22 feet; thence South 89 degrees 49 minutes 46 seconds East 222.20 feet; thence 47.10 feet along a curve to the left, having a radius of 30.00 feet and a long chord which bears North 45 degrees 11 minutes 28 seconds East 42.41 feet; thence North 00 degrees 12 minutes 43 seconds East 352.83 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East 585.48 feet to the POINT OF BEGINNING. Containing 928,903.9 sf and/or 21.32 acres of land. Subject to all easements and restrictions of record.

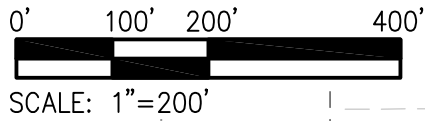
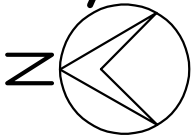
DESCRIPTION OF PROPERTY (137-99-0004-002) (NO CHANGES)

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 2010.15 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the south right of way line of said Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 10 minutes 14 seconds West 1051.84 feet; thence North 89°51'00" West 30.00 feet; thence North 11 degrees 24 minutes 45 seconds West 149.72 feet; thence North 89 degrees 49 minutes 46 secodns West 537.75 feet; thence North 00 degrees 14 minutes 03 seconds East 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East 240.18 feet; thence South 89 degrees 49 minutes 46 seconds East 185.80 feet; thence South 00 degrees 10 minutes 14 seconds West 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 173.00 feet; thence North 00 degrees 10 minutes 14 seconds East 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 58.01 feet to THE POINT OF BEGINNING. Said parcel contains 10.737 acres, more or less.

REVISED 05/28/2020

JOB NO. 20190419	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 03/11/2020		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http: // www.hrcengr.com		2
				OF 4

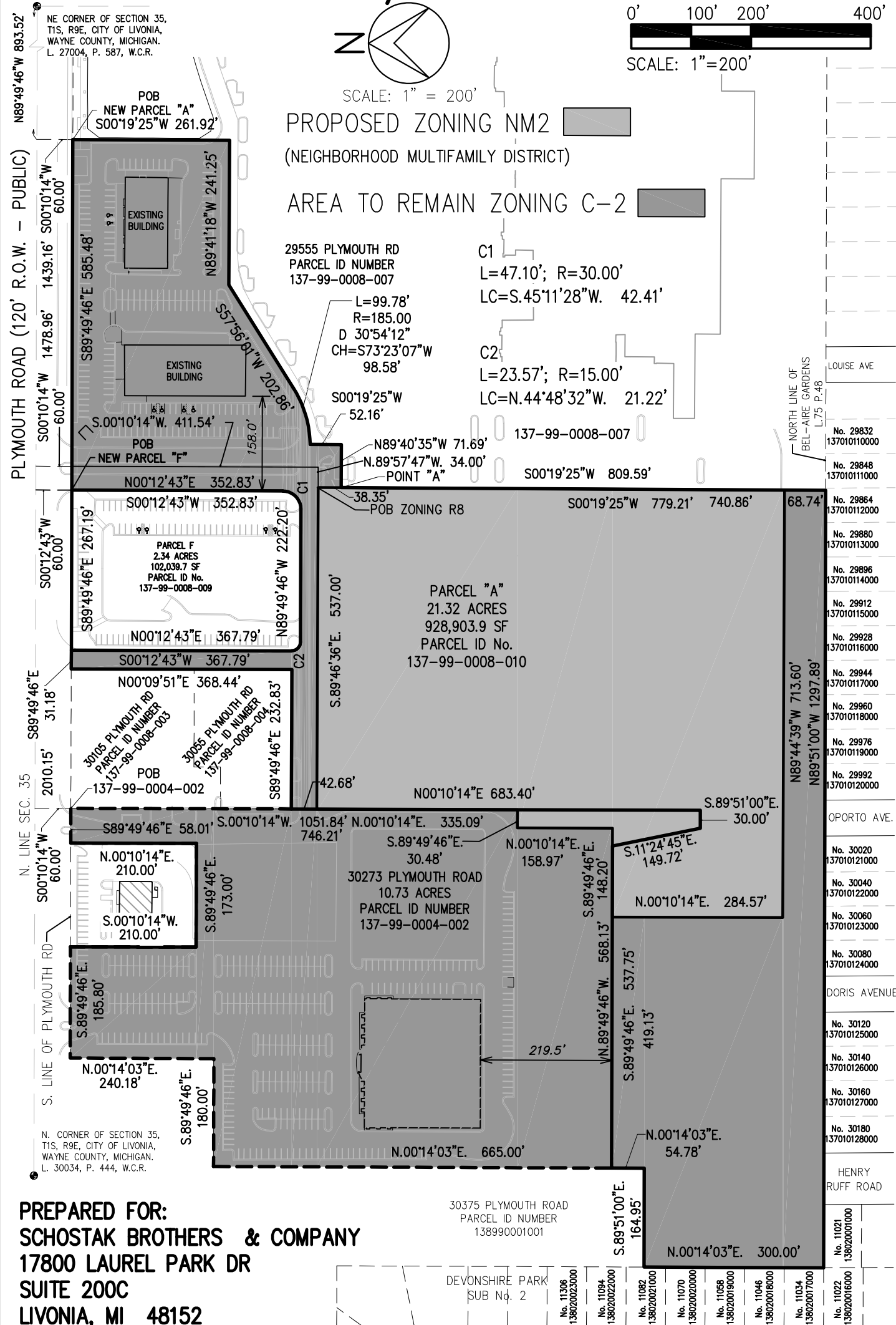
PROPOSED ZONING W/ NEW PARCEL CONFIGURATION



SCALE: 1" = 200'

PROPOSED ZONING NM2
(NEIGHBORHOOD MULTIFAMILY DISTRICT)

AREA TO REMAIN ZONING C-2



PREPARED FOR:
SCHOSTAK BROTHERS & COMPANY
17800 LAUREL PARK DR
SUITE 200C
LIVONIA, MI 48152

JOB NO. 20190419
DATE 03-11-2020



HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE
BLOOMFIELD HILLS, MICH. 48303 - 0824
P.O. BOX 824
PHONE: (248) 454-6300
FAX (1st. Floor): (248) 454-6312
FAX (2nd. Floor): (248) 454-6359
WEB SITE: [http:// www.hrcenr.com](http://www.hrcenr.com)

SHEET NO. 3 OF 4

REVISED 09/15/2021
REVISED 08/06/2020
REVISED 05/28/2020

PROPOSED ZONING W/ NEW PARCEL CONFIGURATION

DESCRIPTION OF NEW ZONING NM2 (NEIGHBORHOOD MULTIFAMILY DISTRICT)

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 1439.16 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South line of Plymouth Road; thence continuing South 00 degrees 10 minutes 14 seconds West 411.54 feet ; thence North 89 degrees 57 minutes 47 seconds West 34.00 feet to the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 779.21 feet; thence North 89 degrees 44 minutes 39 seconds West 713.60 feet; thence North 00 degrees 10 minutes 14 seconds East 284.57 feet; thence South 89 degrees 49 minutes 46 seconds East 148.20 feet; thence North 00 degrees 10 minutes 14 seconds East 158.97 feet; thence South 89 degrees 49 minutes 46 seconds East 30.48 feet; thence North 00 degrees 10 minutes 14 seconds East 335.09 feet; thence South 89 degrees 46 minutes 36 seconds East 537.00 feet to the POINT OF BEGINNING. Containing 473,257.9 SF and/or 10.86 acres.

PROPERTY DESCRIPTION PROPOSED PARCEL "A" TO REMAIN SAME ZONING

Land situated in the City of Livonia, County of Wayne, State of Michigan, described as follows:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South Right of Way line of Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West 241.25 feet; thence South 57 degrees 56 minutes 01 seconds West 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds and a chord bearing South 73 degrees 23 minutes 07 seconds West 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West 71.69 feet to point "A"; thence North 00 degrees 19 minutes 25 seconds East 38.35 feet; thence North 89 degrees 46 minutes 36 seconds West 537.00 feet; thence North 00 degrees 10 minutes 14 seconds East 42.68 feet; thence South 89 degrees 49 minutes 46 seconds East 232.83 feet; thence North 00 degrees 09 minutes 51 seconds East 368.44 feet to a point on the South line of Plymouth Road; thence along said South line South 89 degrees 49 minutes 46 seconds East 31.18 feet; thence South 00 degrees 12 minutes 43 seconds West 367.79 feet; thence 23.57 feet along a curve to the left, having a radius of 15.00 feet and a long chord which bears South 44 degrees 48 minutes 32 seconds East 21.22 feet; thence South 89 degrees 49 minutes 46 seconds East 222.20 feet; thence 47.10 feet along a curve to the left, having a radius of 30.00 feet and a long chord which bears North 45 degrees 11 minutes 28 seconds East 42.41 feet; thence North 00 degrees 12 minutes 43 seconds East 352.83 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East 585.48 feet to the POINT OF BEGINNING; also commencing at said point "A"; thence South 00 degrees 19 minutes 25 seconds West 740.86 feet to A POINT OF BEGINNING; thence continuing South 00 degrees 19 minutes 25 seconds West 68.74 feet; thence North 89 degrees 51 minutes 00 seconds West 1297.89 feet; thence North 00 degrees 14 minutes 03 seconds East 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East 164.95 feet; thence North 00 degrees 14 minutes 03 seconds East 54.78 feet; thence South 89 degrees 49 minutes 46 seconds East 419.13 feet; thence South 00 degrees 10 minutes 14 seconds West 284.57 feet; thence South 89 degrees 44 minutes 39 seconds East 713.60 feet to the POINT OF BEGINNING. Containing 467,096.2 SF and/or 10.72 acres.

DESCRIPTION OF PROPERTY (137-99-0004-002) TO REMAIN SAME ZONING

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 2010.15 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the south right of way line of said Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 10 minutes 14 seconds West 746.18 feet; thence North 89 degrees 49 minutes 46 seconds West 30.48 feet; thence South 00 degrees 10 minutes 14 seconds West 158.97 feet; thence North 89 degrees 49 minutes 46 seconds West 568.13 feet; thence North 00 degrees 14 minutes 03 seconds East 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East 240.18 feet; thence South 89 degrees 49 minutes 46 seconds East 185.80 feet; thence South 00 degrees 10 minutes 14 seconds West 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 173.00 feet; thence North 00 degrees 10 minutes 14 seconds East 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 58.01 feet to THE POINT OF BEGINNING. Containing 456,269.5 SF and/or 10.47 acres.

REVISED 09/15/2021
REVISED 08/06/2020
REVISED 05/28/2020

JOB NO. 20190419	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http:// www.hrcengr.com	P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 03/11/2020				4
				OF 4



SCALE: 1" = 2000'±



SCALE: 1" = 300'±

PARCEL IDS: 137-99-0008-010, 137-99-0004-002
CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN

STEPHEN E. DUCZYNSKI II
MIDDLEBELT PLYMOUTH VENTURE LLC
17800 NORTH LAUREL PARK DRIVE
#200C
LIVONIA, MICHIGAN



SCALE: 1" = 300'±

1. THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:

- SURVEY PREPARED BY HUBBELL, ROTH & CLARK, INC DATED: JUNE 2019
- REZONING LEGAL EXHIBITS PREPARED BY HUBBELL, ROTH & CLARK, INC, REVISED 08/06/2020
- ARCHITECTURAL PLANS PREPARED BY STUCKY VITALE ARCHITECTS DATED: 06/07/2019
- GEOTECHNICAL REPORT PREPARED BY SME DATED: 06/28/2019
- AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO
- LOCATION MAP OBTAINED FROM USGS MAPS

2. ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.



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DRAWING TITLE	SHEET #
COVER SHEET	C-1
REZONING PLAN	C-2
PRELIMINARY SITE PLAN RENDERING	C-3
PRELIMINARY SITE PLAN RENDERING (OVERALL)	C-4
FRONT VIEW OF BUILDING A	C-5
FRONT VIEW OF BUILDING B	C-6
VIEW OF BUILDING BE FROM NEIGHBORS BACKYARD	C-7

DRAWING TITLE	SHEET #
WONDERLAND MALL TOPOGRAPHIC & ALTA/NSPS LAND TITLE SURVEY	I THRU 2 OF 2
OVERALL WONDERLAND MALL ALTA/NSPS LAND TITLE SURVEY	I THRU 2 OF 2
WONDERLAND MALL REZONING LEGAL EXHIBITS	I THRU 4 OF 4

[illegible]

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607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

SITE DEVELOPMENT PLANS

**PROPOSED RESIDENTIAL DEVELOPMENT**

PARCEL IDS: 137990008008, 137990008001, & 137990004002
111320 MIDDLEBELT ROAD
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN

J. REID COOKSEY, P.E.

LICENSED PROFESSIONAL ENGINEER



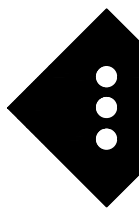
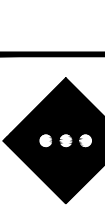
SCALE:	AS SHOWN	PROJECT ID: M-19052
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TITLE:

COVER SHEET

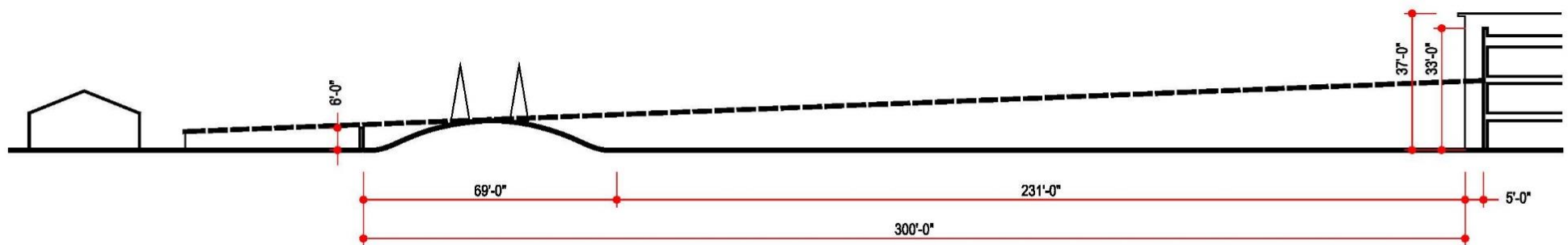
DRAWING:

C-1

 STONEFIELD engineering & design Detroit, MI · New York, NY · Boston, MA Princeton, NJ · Tampa, FL · Rutherford, NJ www.stonefieldeng.com 607 Shelby Suite 200, Detroit, MI 48226 Phone 248.247.1115									
NOT APPROVED FOR CONSTRUCTION									
SITE DEVELOPMENT PLANS  Schostak BROTHERS & COMPANY PROPOSED RESIDENTIAL DEVELOPMENT PARCEL IDS: 137990008008, 137990008001, & 137990004002 1320 MIDDLEBELT ROAD CITY OF LIVONIA WAYNE COUNTY, MICHIGAN									
_____ J. REID COOKSEY, P.E. LICENSED PROFESSIONAL ENGINEER									
 STONEFIELD engineering & design PROJECT ID: M-19052									
TITLE: PRELIMINARY SITE PLAN RENDERING (OVERALL)									
DRAWING: C-4									







6/11/2019 4:58 PM
HRC_OLW.ctb
V: 201902120190258\F\20190258_FR_APT.dwg
Piggott, Robert

FLOOD ZONE INFORMATION

SUBJECT PROPERTY FALLS IN ZONE "X",
MINIMAL FLOODING, AS SHOWN IN FEMA MAP
26163C0227E, DATED 02/02/2012.

NOTES:

NO EVIDENCE OF RECENT EARTH MOVING WORK ON SITE.

I AM NOT AWARE OF ANY PROPOSED CHANGES IN STREET
RIGHT OF WAY LINES.

UTILITY STATEMENT

THE LOCATIONS AND ELEVATIONS OF EXISTING
UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING
ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER
EXPRESSED OR IMPLIED AS TO THE COMPLETENESS
OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE
EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE
EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO
THE START OF CONSTRUCTION.

LEGEND

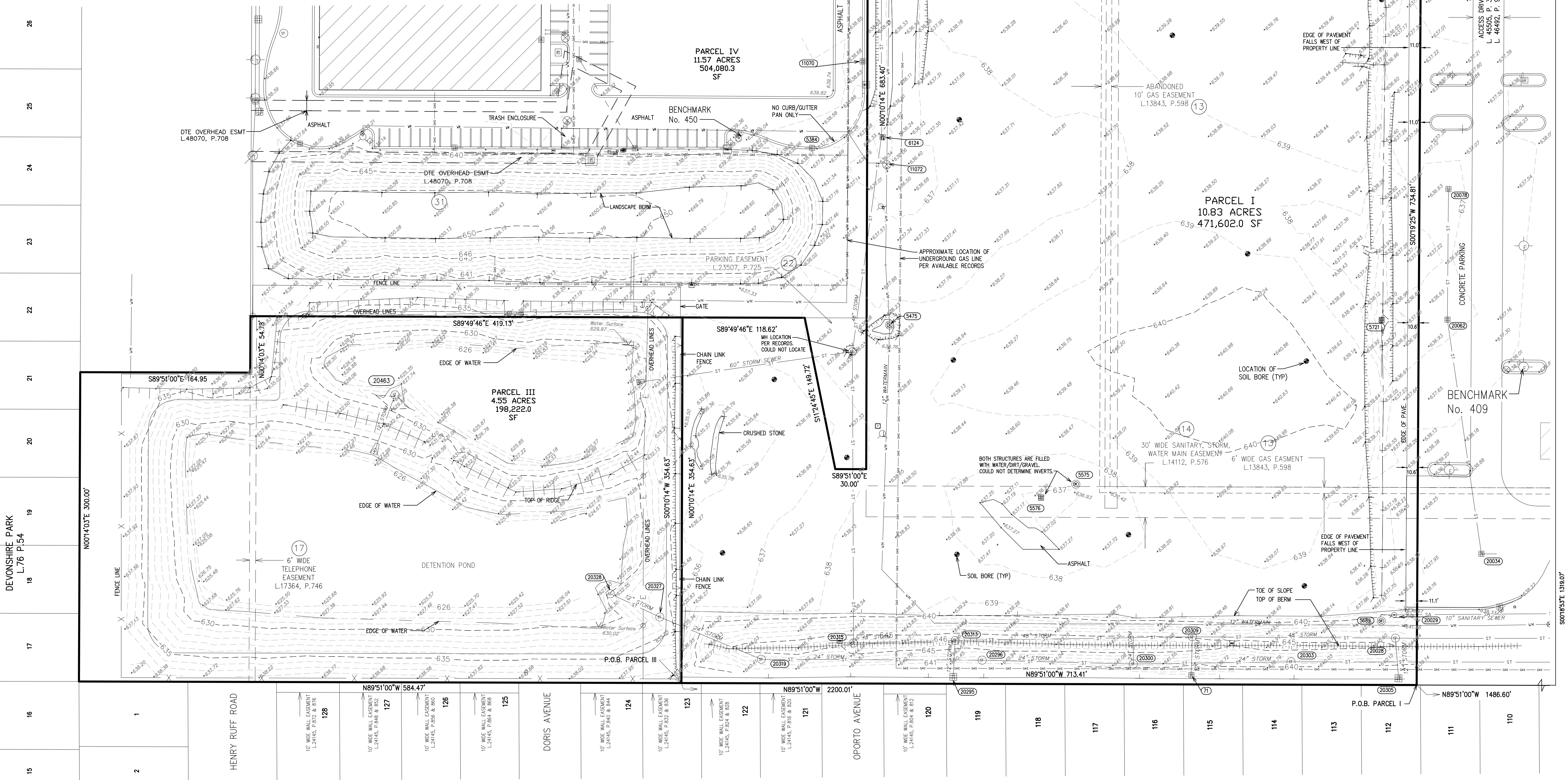
BUILDING		RISER & DOWN SPOUT		
STORM	ST 	PUMP STATION		
SANITARY	SA 	FIRE HYDRANT		
WATERMAIN	WM 	GATE & VALVE, & WELL		
GAS		CISTERN & WELL		
UND. TELEPHONE	T 	WATER STOP BOX & SPRINKLER HEAD		
UND. ELECTRICAL	E 	WATER TOWER BASE & METER PIT		
TRAVERSE LINE & TRAVERSE POINT		UTILITY POLE		
BENCH MARK SYMBOL		LIGHT POLE		
DEAD TREE		GUY WIRE ANCHOR		
DECIDUOUS TREE		UNDERGROUND MARKER		
DECIDUOUS SHRUB		RISER		
CONIFEROUS TREE		GAS BOX & BLOW OFF		
CONIFEROUS SHRUB		BUILD. CORNER & 1st FLOOR ELEV.		
STUMP		C.O. OF DITCH		
SQ. & RD. CATCH BASINS & INLETS IN PAVEMENT		TOE OF SLOPE		
STORM MANHOLE & PIPE END		TOP OF BANK & RIDGE		
UNSPECIFIED MH.		TOP OF BERM & TOE OF BERM		
		EDGE OF WATER & WATER SURFACE		
		HEADWALL & RETAINING WALL		

BENCHMARK

BENCHMARK No. 408
N. END TOP LAMP POLE BASE
ELEVATION 639.62 NAVD 88 DATUM

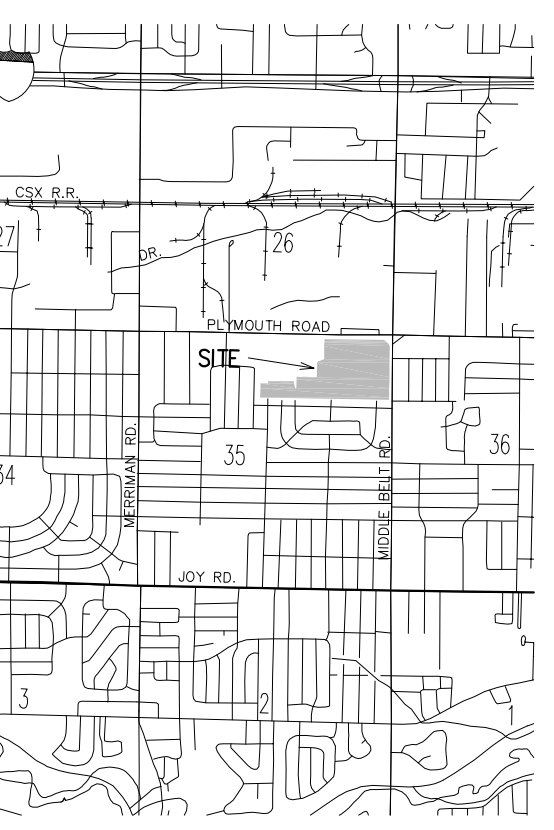
BENCHMARK No. 409
CHISELED SQUARE W. TOP OF CONC.
LAMP POLE BASE
ELEVATION 641.24 NAVD 88 DATUM

BENCHMARK No. 415
ARROW ON FIRE HYDRANT
ELEVATION 639.59 NAVD 88 DATUM



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WEB SITE: <http://www.hrcengr.com>

DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	
DRAWN	B.PIGGOTT
CHECKED	G.CHALICE
APPROVED	G.CHALICE



CITY OF LIVONIA
WONDERLAND MALL

TOPOGRAPHICAL
SURVEY

HRC JOB NO. 20190258	SCALE 1"=50'
DATE June 2019	SHEET NO. 1 OF 2

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SANITARY STRUCTURE DATA	
Structure Name	Structure Details
49	RIM=637.64 INV IN=623.37 SW 12" FROM 10809 INV IN=623.14 W 12" FROM INV OUT=623.14 E 18" TO 10672
5441	RIM=637.46 INV IN=625.40 NE 12" FROM INV OUT=624.75 E 12" TO 10816
10672	RIM=637.68 INV IN=623.08 W 18" FROM 49 INV OUT=623.07 E 18" TO
10809	RIM=638.10 INV IN=624.26 W 12" FROM 10956 INV OUT=624.22 NE 12" TO 49
10816	RIM=638.27 INV IN=624.69 W 12" FROM 5441 INV OUT=624.65 SE 12" TO 10956
10956	RIM=637.50 INV IN=623.66 NW 12" FROM 10816 INV OUT=623.59 E 12" TO 10809
11007	RIM=637.47
20029	RIM=639.69 INV IN=629.74 W 12" FROM INV OUT=629.72 E 12" TO

WATER STRUCTURE DATA	
Structure Name	Structure Details
5437	RIM=636.19 T/P IN=632.26 W 12" DI FROM T/P OUT=632.26 E 12" DI TO
5475	RIM=636.90 T/P IN=629.90 N 12" DI FROM T/P OUT=629.90 S 12" DI TO
10810	RIM=638.31 T/P IN=631.95 W 12" DI FROM T/P OUT=631.95 E 12" DI TO
11064	RIM=636.76 T/P IN=630.21 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11072	RIM=636.60 T/P IN=630.60 W 12" DI FROM T/P OUT=630.60 N 12" DI TO

STORM STRUCTURE DATA	
Structure Name	Structure Details
71	RIM=635.73 INV OUT=631.61 N 12" RCP TO 20309
5026	RIM=636.34 INV OUT=631.70 E 12" RCP TO 10871
5029	RIM=635.85
5054	RIM=635.87 INV OUT=632.72 SW 12" RCP TO 5020
5384	RIM=637.91 INV IN=628.22 E 24" RCP FROM INV OUT=628.11 W 24" RCP TO
5440	RIM=638.07 INV IN=631.61 N 15" RCP FROM INV IN=631.44 W 12" RCP FROM INV OUT=631.36 S 15" RCP TO 10908
5575	RIM=637.14 (FILLED WITH WATER & DIRT)
5576	RIM=636.82 (FILLED WITH WATER & DIRT)
5689	RIM=640.77 (FILLED WITH DEBRIS)
5721	RIM=634.88 INV OUT=632.11 S 12"
6124	RIM=634.65 INV IN=626.91 N 48" CONC FROM 11068 INV OUT=626.91 N 48" CONC TO
10692	RIM=635.71 INV OUT=632.19 E 12" RCP TO 10691
10708	RIM=635.67 INV IN=632.21 W 12" RCP FROM 10709 INV OUT=631.91 E 12" RCP TO 10596
10709	RIM=635.59 INV OUT=632.46 E 12" RCP TO 10708
10747	RIM=635.72 INV OUT=632.66 S 12" RCP TO 10770
10770	RIM=637.75 INV IN=633.40 N 12" RCP FROM 10747 INV IN=631.85 N 18" RCP TO 10598
10800	RIM=638.59 INV IN=630.87 NE 36" RCP FROM INV IN=630.74 SW 48" RCP TO 11015
10814	RIM=638.42 INV IN=631.85 N 18" RCP FROM 10817 INV IN=631.66 W 48" RCP FROM INV IN=631.48 E 48" RCP FROM INV OUT=631.85 S 18" RCP TO 10952
10817	RIM=638.44 INV IN=631.96 N 18" RCP FROM 10831 INV IN=632.84 W 12" RCP FROM INV IN=632.63 E 12" RCP FROM INV OUT=631.41 S 18" RCP TO 10814
10831	RIM=637.18 INV IN=631.62 N 18" RCP FROM 10850 INV IN=631.62 W 12" RCP FROM 10871 INV IN=632.63 E 12" RCP FROM INV OUT=631.41 S 18" RCP TO 10817
10850	RIM=637.63 INV IN=631.47 N 18" RCP FROM 10851 INV IN=631.47 W 12" RCP FROM 10868 INV IN=632.26 E 12" RCP FROM INV OUT=631.33 S 18" RCP TO 10831
10851	RIM=637.81 INV IN=631.97 W 12" RCP FROM 5020 INV IN=631.84 NE 12" RCP FROM 10861 INV OUT=631.77 S 18" RCP TO 10850
10859	RIM=636.73 INV OUT=632.76 W 12" RCP TO 10861
10861	RIM=637.36 INV IN=632.30 E 12" RCP FROM 10859 INV OUT=632.26 SW 12" RCP TO 10851
10868	RIM=635.93 INV IN=631.97 W 12" RCP FROM 5019 INV OUT=631.71 E 12" RCP TO 10850
10871	RIM=636.31 INV IN=631.82 W 12" RCP FROM 5026 INV OUT=632.01 E 12" RCP TO 10831
10908	RIM=635.93 INV IN=630.79 N 15" RCP FROM 5440 INV IN=630.00 W 33" RCP FROM 11067 INV OUT=628.21 E 48" RCP TO 10931

STORM STRUCTURE DATA	
Structure Name	Structure Details
11068	RIM=637.11 INV IN=628.53 S 48" RCP FROM INV OUT=628.49 N 48" RCP TO
11069	RIM=637.99 INV IN=632.73 S 12" RCP FROM 11070 INV OUT=632.71 N 12" RCP TO 11067
11070	RIM=638.11 INV OUT=633.11 N 12" RCP TO 11069
20028	RIM=644.28 INV IN=630.73 S 12" CONC FROM 20305 INV OUT=627.73 W CONC FROM 20309 INV IN=627.83 E
20034	RIM=634.73 INV IN=628.87 N 21" RCP FROM 20062 INV OUT=628.83 E 24" RCP TO
20062	RIM=635.90 INV IN=631.25 N 15" RCP FROM 20078 INV OUT=631.00 S 21" RCP TO 20034
20078	RIM=635.98 INV OUT=631.56 S 15" RCP TO 20062
20113	RIM=635.90 INV OUT=631.72 E 12" RCP TO
20136	RIM=636.26 INV OUT=630.76 NW 12" RCP TO
20295	RIM=636.03 INV OUT=632.08 N 12" RCP TO
20296	RIM=641.20 INV IN=622.92 W 24" RCP FROM 20319 INV OUT=622.70 E 24" RCP TO 20300
20300	RIM=641.85 INV IN=622.13 W 24" RCP FROM 20296 INV IN=622.33 N 24" RCP FROM INV OUT=622.25 E 24" RCP TO 20303
20303	RIM=642.35 INV IN=621.91 W 24" RCP FROM 20300 INV OUT=621.79 E 24" RCP TO
20305	RIM=635.46 INV OUT=631.26 N 12" RCP TO
20309	RIM=645.02 INV IN=627.81 E 48" RCP FROM INV IN=631.10 S 12" RCP FROM 71 INV OUT=627.98 W 48" RCP TO 20313
20313	RIM=646.87 INV IN=627.85 E 48" RCP FROM 20309 INV OUT=627.75 W 48" RCP TO 20315
20315	RIM=647.23 INV IN=627.36 E 48" RCP FROM 20313 INV IN=628.11 W 48" RCP FROM
20319	RIM=644.93 INV IN=623.50 W 24" RCP FROM 20327 INV OUT=623.43 E 24" RCP TO 20296
20327	RIM=632.57 INV IN=625.15 NW 12" RCP FROM 20328 INV OUT=623.76 E 24" RCP TO 20319
20328	RIM=632.82 INV OUT=627.24 SE 12" RCP TO 20327
20463	RIM=630.68 T/P=627.48
10924	RIM=635.71 INV IN=631.41 NW 12" RCP FROM INV OUT=629.35 S 12" RCP TO 10931
10931	RIM=635.77 INV IN=629.07 N 12" RCP FROM 10924 INV IN=629.01 W 48" RCP FROM 10908 INV OUT=629.01 E 48" RCP TO 10952
10952	RIM=636.93 INV IN=630.17 N 18" RCP FROM 10814 INV IN=629.43 W 48" RCP FROM 10931 INV OUT=629.43 E 48" RCP TO 10996
10996	RIM=636.01 INV IN=628.53 W 48" RCP FROM 10952 INV OUT=628.53 E 48" RCP TO 11015
11015	RIM=637.37 INV IN=629.82 W 48" RCP FROM 10996 INV IN=630.00 NE 48" RCP FROM 10860 INV OUT=629.82 E 48" RCP TO
11067	RIM=638.35 INV IN=633.73 SW 12" RCP FROM INV IN=628.74 NW 33" RCP FROM INV IN=632.54 S 12" RCP FROM 11069 INV OUT=628.75 E 33" RCP TO 10908

PROPERTY DESCRIPTION

AS PROVIDED BY CLIENT IN TITLE WORK BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT No: 844447 AND DATED MARCH 08, 2019

Land in the City of Livonia, Wayne County, MI, described as follows:

PARCEL I:

Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Commencing at the Northeast corner of said section; thence South 00 degrees 18 minutes 53 seconds East, 1,319.07 feet along the East line of said section and the centerline of Middlebelt Road (120 foot right of way) to the extended South line of 'Bel-Aire Gardens', a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 1,486.60 feet along said extended North line to the Point of Beginning; thence North 89 degrees 51 minutes 00 seconds West, 713.41 feet along said North line extended; thence North 00 degrees 10 minutes 14 seconds East, 354.63 feet; thence South 89 degrees 49 minutes 46 seconds East, 118.62 feet; thence South 11 degrees 24 minutes 45 seconds East, 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East, 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East, 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East, 134.12 feet; thence South 00 degrees 19 minutes 25 seconds West, 155.23 feet; thence South 89 degrees 40 minutes 35 seconds East, 403.00 feet; thence South 00 degrees 19 minutes 25 seconds West, 734.81 feet to the Point of Beginning. Containing 471,602 sf and/or 10.83 acres of land.

PARCEL III:

Part of the Northeast ¼ and the Northwest ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Commencing at the Northeast corner of said section; thence South 00 degrees 18 minutes 53 seconds East, 1,319.07 feet along the East line of said section and the centerline of Middlebelt Road (120 foot right of to the extended North line of 'Bel-Aire Gardens', a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 2,200.01 feet along said extended North line to the Point of Beginning; thence North 89 degrees 51 minutes 00 seconds West, 584.47 feet; thence North 00 degrees 14 minutes 03 seconds East, 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East, 164.95 feet; thence North 00 degrees 14 minutes 03 seconds East, 54.78 feet; thence South 89 degrees 49 minutes 46 seconds East, 419.13 feet; thence South 00 degrees 10 minutes 14 seconds West, 354.63 feet to the Point of Beginning. Containing 198,222.0 sf and/or 4.55 acres of land.

EXCEPTIONS

- Water Easement in favor of Board of County Road Commissioners of the County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 5221, page 394, Register #C614552. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- Underground Permit in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10350, page 652, Register #D444586, as to Parcel IV. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- Agreement for Right of Way in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 13843, page 598, Register #E394605. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 14112, page 572, Register #E480956, Liber 14112, page 576, Register #E480957, and in Liber 14112, page 581, Register #E480958. (AS SHOWN ON SURVEY)
- Release of Right-of-Way in favor of County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 14186, page 497, Register #E508328, as to Parcels I, II and IV. (SHOWN ON SURVEY)
- Terms and Conditions contained in Warranty Deed as disclosed by instrument recorded in Liber 16839, page 70, Register #F334920, as to Parcel IV. (NOT PLOTTABLE)
- Terms and Conditions contained in Easement Right of Way as disclosed by instrument recorded in Liber 17264, page 746, Register #F693791, as to Parcel III. (SHOWN ON SURVEY)
- Easement in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10200, page 533, Register #G32769, as to Parcel II. (SHOWN ON SURVEY)
- Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21399, page 129, Register #G263405. (SHOWN ON SURVEY)
- Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21399, page 130, Register #G263496 and Modification of Right of Way recorded in Liber 21645, page 636, Register #G3736037. (SHOWN ON SURVEY)
- Grant of Easement in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 22458, page 91. (SHOWN ON SURVEY)
- Terms and Conditions contained in Easement Agreement as disclosed by instrument recorded in Liber 23507, page 725. (SHOWN ON SURVEY)
- Terms and Conditions contained in Well Easement Agreement as disclosed by instrument recorded in Liber 24145, page 804, Liber 24145, page 812, Liber 24145, page 815, Liber 24145, page 820, Liber 24145, page 824, Liber 24145, page 828, Liber 24145, page 832, Liber 24145, page 836, Liber 24145, page 840, Liber 24145, page 844, Liber 24145, page 848, Liber 24145, page 852, Liber 24145, page 856, Liber 24145, page 860, Liber 24145, page 864, Liber 24145, page 868, Liber 24145, page 872, and in Liber 24145, page 876. (AS SHOWN ON SURVEY)
- Highway Easement Release for signal pole in favor of Michigan Department of Transportation and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 24610, page 483, as to Parcel II. (SHOWN ON SURVEY)
- Terms and Conditions contained in Beautification Easement Agreement as disclosed by instrument recorded in Liber 34085, page 321, and in Liber 34089, page 339. (SHOWN ON SURVEY)
- Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 35211, page 153, as to Parcel IV. (SHOWN ON SURVEY)
- Easements, Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 45464, page 1201, as to Parcels I and II. (NOT PLOTTABLE)
- Terms and Conditions contained in Grant of Easement as disclosed by instrument recorded in Liber 45464, page 275, as to Parcel I and II. (NOT PLOTTABLE)
- Terms and Conditions contained in Operation and Easement Agreement as disclosed by instrument recorded in Liber 45505, page 375, and in First Amendment to Operation and Easement Agreement as disclosed by instrument recorded in Liber 46492, page 914. (SHOWN ON SURVEY)
- Terms and Conditions contained in Declaration of Covenants, Conditions, Restrictions, and Easements as disclosed by instrument recorded in Liber 46878, page 103, as to Parcel IV. (SHOWN ON SURVEY)
- Detroit Edison Underground Easement (Right of Way) in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 48970, page 708, as to Parcel IV. (SHOWN ON SURVEY)
- Survey by Hubbell, Roth and Clark, Inc., dated February 27, 2003, Job No. 20030115, discloses the following:
 - Theater is built over 10 foot gas main, which has been abandoned. (N/A)
 - Party Wall between the enclosed mall and the Target Store. (N/A)
 - Power lines overhead at various locations.
 - Asphalt paving over the easement areas, gas mains, water, sewer, telephone and electrical lines.
 - Building designated as the Montgomery Wards Building encroaches onto the Easement Parcel at various points. (N/A)
 - Building designated as Ward's Automotive Center is built over the easement for sanitary sewer recorded in Liber 14112, page 572, Wayne County Records

NOTE: (THE FOLLOWING WAS SHOWN ON HRC JOB No. 20090336.04, WITH A REVISION DATE OF 07/23/09.)

EASEMENTS SCHEDULED FOR TERMINATION PER DEVELOPER INFORMATION AND EASEMENT DRAWING OF HUBBELL, ROTH & CLARK DEPICTION DATED 02-09-06-- FINAL REVISION 03-02-06.
6' WIDE GAS EASEMENT, L13843, P.598
10' WIDE GAS EASEMENT, L13843, P.598 (ABANDONED LINE)
12' WIDE STORM SEWER EASEMENT, L14112, P.572
24' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
12' WIDE SANITARY SEWER EASEMENT, L14112, P.572
12' WIDE WATER MAIN EASEMENT, L14112, P.576
20' WIDE WATER MAIN EASEMENT, L14112, P.576
30' WIDE STORM SEWER AND WATER SYSTEM EASEMENT, L14112, P.576
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
24' WIDE SANITARY SEWER AND WATER MAIN EASEMENT, L14112, P.576
12' WIDE STORM SEWER EASEMENT, L14112, P.576

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939

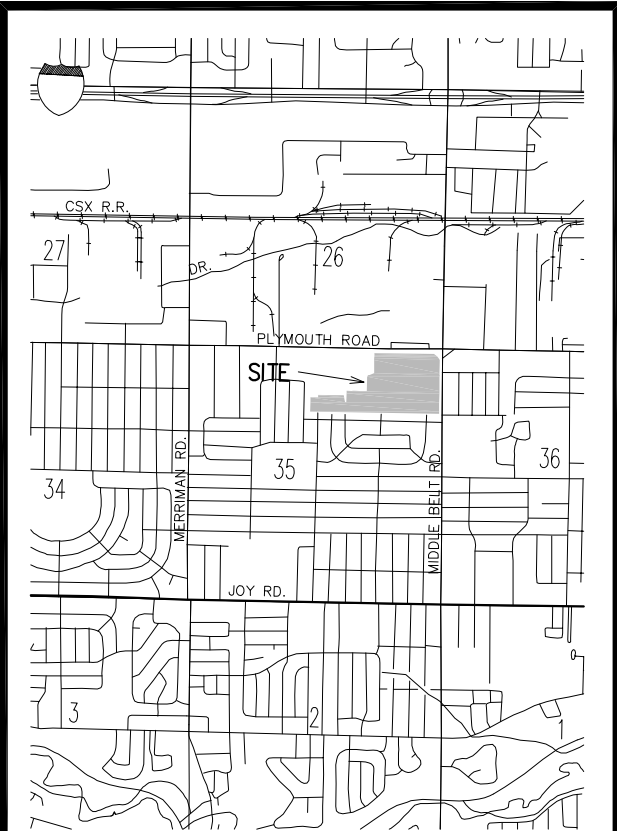


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WEB SITE: [http:// www.hrcengr.com](http://www.hrcengr.com)



DATE		ADDITIONS AND/OR REVISIONS
DESIGNED		
DRAWN	B.PIGGOTT	
CHECKED	G.CHALICE	
APPROVED	G.CHALICE	



CITY OF LIVONIA
WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

HRC JOB NO. 20190258	SCALE 1"=50'
DATE June 2019	SHEET NO. 2 OF 2

6/12/2019 8:32 AM
HRC_OLW.ctb
V:\201902\20190258\F\20190258_OVERALL.dwg
Piggott, Robert

BENCHMARK

BENCHMARK No. 363
ARROW ON FIRE HYDRANT
ELEVATION 639.75 NAVD 88 DATUM

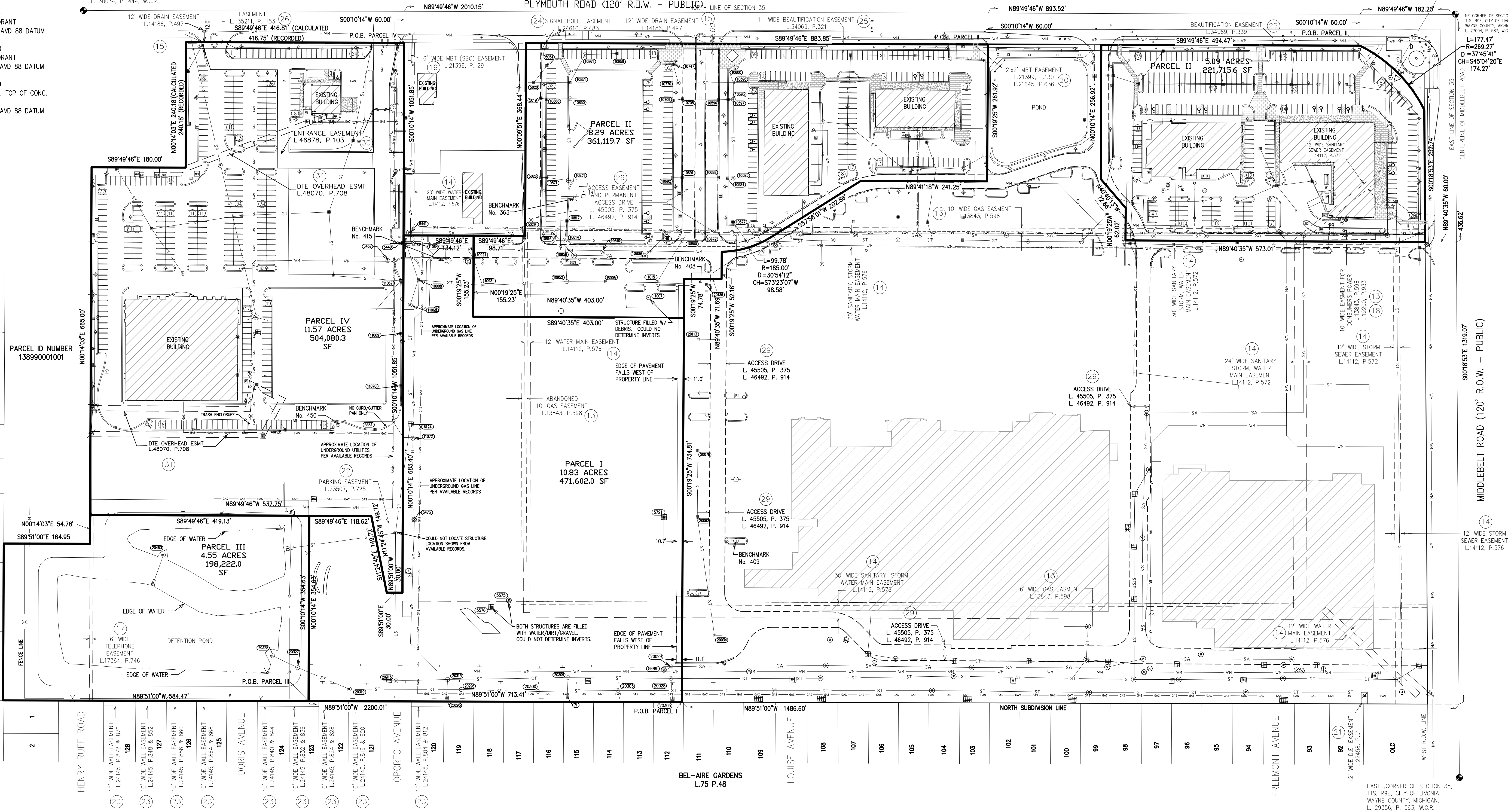
BENCHMARK No. 408
N. END TOP LAMP POLE BASE
ELEVATION 639.62 NAVD 88 DATUM

BENCHMARK No. 415
ARROW ON FIRE HYDRANT
ELEVATION 641.98 NAVD 88 DATUM

BENCHMARK No. 450
ARROW ON FIRE HYDRANT
ELEVATION 641.98 NAVD 88 DATUM

BENCHMARK No. 409
CHISELED SQUARE W. TOP OF CONC.
LAMP POLE BASE
ELEVATION 641.24 NAVD 88 DATUM

N. CORNER OF SECTION 35,
T1S, R9E, CITY OF LIVONIA,
WAYNE COUNTY, MICHIGAN.
L. 30034, P. 444, W.C.R.



LEGEND

BUILDING		RISER & DOWN SPOUT		
STORM	ST 	PUMP STATION		
SANITARY	SA 	FIRE HYDRANT		
WATERMAIN	WM 	GATE & VALVE, & WELL		
GAS		CISTERN & WELL		
UND. TELEPHONE	T 	WATER STOP BOX & SPRINKLER HEAD		
UND. ELECTRICAL	E 	WATER TOWER BASE & METER PIT		
TRAVERSE LINE & TRAVERSE POINT		UTILITY POLE		
BENCH MARK SYMBOL		LIGHT POLE		
DEAD TREE		GUY WIRE ANCHOR		
DECIDUOUS TREE		UNDERGROUND MARKER		
DECIDUOUS SHRUB		RISER		
CONIFEROUS TREE		GAS BOX & BLOW OFF		
CONIFEROUS SHRUB		BUILD. CORNER & 1st FLOOR ELEV.		
STUMP		C.O. OF DITCH		
SQ. & RD. CATCH BASINS & INLETS IN PAVEMENT		± TOE OF SLOPE		
STORM MANHOLE & PIPE END		TOP OF BANK & RIDGE		
UNSPECIFIED MH.		TOP OF BERM		
		± TOE OF BERM		
		EDGE OF WATER & WATER SURFACE		
		HEADWALL & RETAINING WALL		
		SIGNS & SIGN POST		
		LOCAL LOW POINT & LOCAL HIGH POINT		
		COLUMN OR PIER		

FLOOD ZONE INFORMATION

SUBJECT PROPERTY FALLS IN ZONE "X", MINIMAL FLOODING, AS SHOWN IN FEMA MAP 26163C0227E, DATED 02/02/2012.

PARKING INFORMATION

PARCEL I - 0 SPACES

PARCEL II - 519 SPACES (20 HANDICAP/499 REGULAR (EAST - 10 HANDICAP/250 REGULAR; WEST - 10 HANDICAP/249 REGULAR)

PARCEL III - 0 SPACES

PARCEL IV - 349 SPACES (10 HANDICAP/339 REGULAR)

TOTAL PARKING SPACES:
868 SPACES
(30 HANDICAP/838 REGULAR)

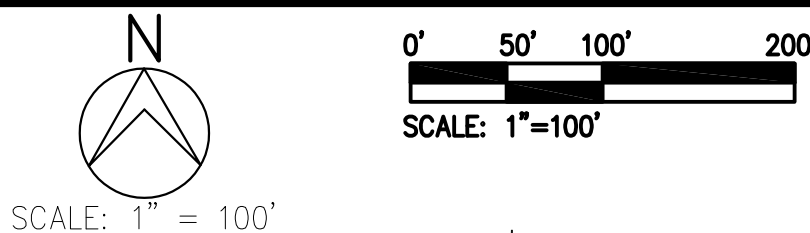
NOTES:

NO EVIDENCE OF RECENT EARTH MOVING WORK ON SITE.

NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.

UTILITY STATEMENT

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

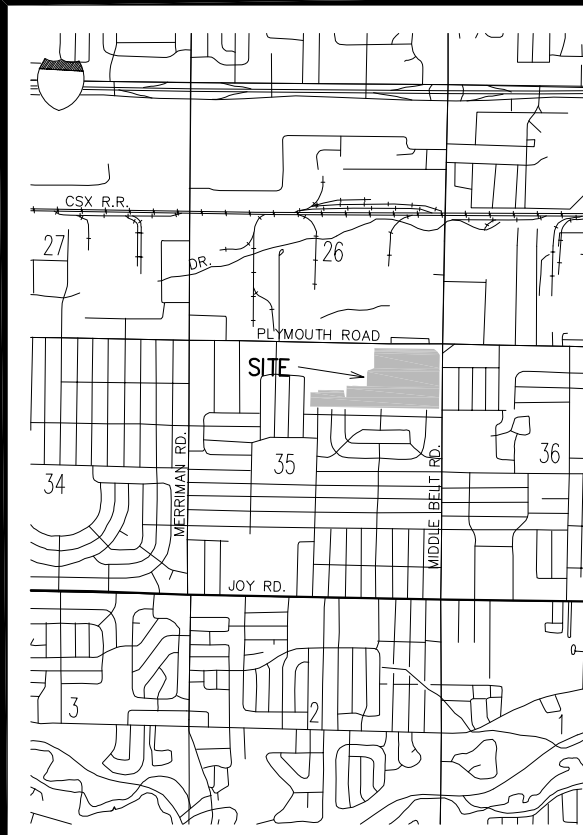
555 HULET DRIVE
BLOOMFIELD HILLS, MICH.

PHONE: (248) 454-6300
FAX (1st Floor): (248) 454-6312
FAX (2nd Floor): (248) 454-6359

WEB SITE: <http://www.hrcengr.com>



DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	
DRAWN	B.PIGGOTT
CHECKED	G.CHALICE
APPROVED	G.CHALICE



CITY OF LIVONIA

WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939

HRC JOB NO. 20190258	SCALE 1"=100'
DATE June 2019	SHEET NO. 1 OF 2

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SANITARY STRUCTURE DATA	
Structure Name	Structure Details
49	RIM=637.64 INV IN=623.37 SW 12" FROM 10809 INV IN=623.14 W 12" FROM INV OUT=623.14 E 18" TO 10672
5441	RIM=637.46 INV IN=625.40 NE 12" FROM INV OUT=624.75 E 12" TO 10816
10672	RIM=637.68 INV IN=623.08 W 18" FROM 49 INV OUT=623.07 E 18" TO 49
10809	RIM=638.10 INV IN=624.26 W 12" FROM 10956 INV OUT=624.22 NE 12" TO 49
10816	RIM=638.27 INV IN=624.89 W 12" FROM 5441 INV OUT=624.65 SE 12" TO 10956
10956	RIM=637.50 INV IN=623.66 NW 12" FROM 10816 INV OUT=623.59 E 12" TO 10809
11007	RIM=637.47
20029	RIM=639.69 INV IN=629.74 W 12" FROM INV OUT=629.72 E 12" TO

WATER STRUCTURE DATA	
Structure Name	Structure Details
5437	RIM=636.19 T/P IN=632.26 W 12" DI FROM T/P OUT=632.26 E 12" DI TO
5475	RIM=636.90 T/P IN=629.90 N 12" DI FROM T/P OUT=629.90 S 12" DI TO
10810	RIM=636.31 T/P IN=631.95 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11064	RIM=636.76 T/P IN=630.21 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11072	RIM=636.60 T/P IN=630.60 W 12" DI FROM T/P OUT=630.60 N 12" DI TO

STORM STRUCTURE DATA	
Structure Name	Structure Details
71	RIM=635.73 INV OUT=631.61 N 12" RCP TO 20309
5019	RIM=636.23 INV OUT=632.43 E 12" RCP TO 10868
5020	RIM=636.64 INV IN=632.33 NE 12" RCP FROM 5054 INV IN=632.49 W 12" RCP FROM INV OUT=632.49 E 12" RCP TO 10871
5026	RIM=636.34 INV OUT=631.70 E 12" RCP TO 10851
5029	RIM=636.88 (COULD NOT OPEN)
5054	RIM=635.87 INV OUT=632.72 SW 12" RCP TO 5020
5384	RIM=637.91 INV IN=628.22 E 24" RCP FROM INV OUT=628.11 W 24" RCP TO
5440	RIM=636.07 INV IN=631.61 N 15" RCP FROM INV IN=631.46 W 12" RCP FROM INV OUT=631.36 S 15" RCP TO 10908
5575	RIM=637.14 (FILLED WITH WATER & DIRT)
5576	RIM=636.82 (FILLED WITH WATER & DIRT)
5689	RIM=640.77 (FILLED WITH DEBRIS)
5721	RIM=634.88 INV OUT=632.11 S 12"
6124	RIM=634.85 INV IN=626.91 N 48" CONC FROM 11068 INV OUT=626.91 S 48" CONC TO
10577	RIM=636.81 INV IN=631.09 N 18" RCP FROM 10585 INV OUT=631.09 SE 24" RCP TO
10584	RIM=635.66 INV IN=631.58 W 12" RCP FROM 10688 INV OUT=631.58 E 12" RCP TO 10585
10585	RIM=636.08 INV IN=631.33 N 18" RCP FROM 10597 INV IN=631.46 W 12" RCP FROM 10594 INV OUT=631.21 S 18" RCP TO 10577
10595	RIM=635.63 INV IN=631.98 W 12" RCP FROM 10596 INV OUT=631.94 E 12" RCP TO 10597
10596	RIM=635.44 INV IN=632.09 W 12" RCP FROM 10708 INV OUT=632.19 E 12" RCP TO 10595
10597	RIM=635.94 INV IN=632.06 N 15" RCP FROM 10598 INV IN=632.00 W 12" RCP FROM 10595 INV OUT=632.05 S 18" RCP TO 10595
10598	RIM=636.27 INV IN=631.86 W 12" RCP FROM 10770 INV IN=632.15 N 12" RCP FROM 10600 INV IN=631.73 E 12" RCP FROM INV OUT=631.64 S 15" RCP TO 10597
10600	RIM=635.78 INV OUT=632.03 S 12" RCP TO 10598
10688	RIM=635.63 INV IN=631.71 W 12" RCP FROM 10691 INV OUT=631.65 E 12" RCP TO 10584
10691	RIM=635.70 INV IN=632.12 W 12" RCP FROM 10692 INV OUT=632.07 E 12" RCP TO 10688

STORM STRUCTURE DATA	
Structure Name	Structure Details
10692	RIM=635.71 INV OUT=632.19 E 12" RCP TO 10691
10708	RIM=635.67 INV IN=632.21 W 12" RCP FROM 10709 INV OUT=631.91 E 12" RCP TO 10596
10709	RIM=635.59 INV OUT=632.46 E 12" RCP TO 10708
10747	RIM=635.72 INV OUT=632.60 S 12" RCP TO 10770
10770	RIM=637.75 INV IN=633.40 N 12" RCP FROM 10747 INV OUT=633.35 E 12" RCP TO 10598
10800	RIM=636.59 INV IN=630.87 NE 36" RCP FROM INV OUT=630.74 SW 48" RCP TO 11015
10814	RIM=638.42 INV IN=631.85 N 18" RCP FROM 10817 INV IN=631.66 W 48" RCP FROM INV IN=631.46 E 48" RCP FROM INV OUT=631.85 S 18" RCP TO 10952
10817	RIM=638.44 INV IN=631.96 N 18" RCP FROM 10831 INV IN=632.84 W 12" RCP FROM INV OUT=631.53 S 18" RCP TO 10814
10831	RIM=637.18 INV IN=631.62 N 18" RCP FROM 10850 INV IN=631.62 E 12" RCP FROM 10871 INV IN=632.63 E 12" RCP FROM INV OUT=631.41 S 18" RCP TO 10817
10850	RIM=637.63 INV IN=631.47 N 18" RCP FROM 10851 INV IN=631.47 W 12" RCP FROM 10868 INV IN=632.26 E 12" RCP FROM INV OUT=631.53 S 18" RCP TO 10831
10851	RIM=637.81 INV IN=631.97 W 12" RCP FROM 5020 INV IN=621.91 W 24" RCP FROM 20296 INV OUT=631.77 S 18" RCP TO 10850
10859	RIM=636.73 INV OUT=632.76 W 12" RCP TO 10861
10861	RIM=637.36 INV IN=632.30 E 12" RCP FROM 10859 INV OUT=632.26 SW 12" RCP TO 10851
10868	RIM=635.93 INV IN=631.87 W 12" RCP FROM 5019 INV OUT=631.71 E 12" RCP TO 10850
10871	RIM=636.31 INV IN=631.82 W 12" RCP FROM 5026 INV OUT=632.01 E 12" RCP TO 10831
10908	RIM=635.93 INV IN=630.79 N 15" RCP FROM 5440 INV IN=0.00 W 33" RCP FROM 10667 INV OUT=629.21 E 48" RCP TO 10931
10924	RIM=635.77 INV IN=629.07 N 12" RCP FROM 10924 INV IN=629.01 W 48" RCP FROM 10908 INV OUT=629.01 E 48" RCP TO 10952
10952	RIM=636.93 INV IN=630.17 N 18" RCP FROM 10814 INV IN=629.43 W 48" RCP FROM 10931 INV OUT=629.43 E 48" RCP TO 10996
10996	RIM=636.01 INV IN=628.53 W 48" RCP FROM 10952 INV OUT=628.53 E 48" RCP TO 11015
11015	RIM=637.37 INV IN=629.82 W 48" RCP FROM 10996 INV IN=0.00 NE 48" RCP FROM 10800 INV OUT=629.82 E 48" RCP TO
11067	RIM=638.35 INV IN=633.73 SW 12" RCP FROM INV IN=628.74 NW 33" RCP FROM INV IN=632.54 S 12" RCP FROM 11069 INV OUT=628.75 E 33" RCP TO 10908

STORM STRUCTURE DATA	
Structure Name	Structure Details
11068	RIM=637.11 INV IN=628.53 S 48" RCP FROM INV OUT=628.49 N 48" RCP TO
11069	RIM=637.99 INV IN=632.73 S 12" RCP FROM 11070 INV OUT=632.71 N 12" RCP TO 11067
11070	RIM=638.11 INV OUT=633.11 N 12" RCP TO 11069
20028	RIM=644.28 INV IN=628.87 N 21" CONC FROM 20305 INV IN=627.73 W CONC FROM 20309 INV IN=627.83 E
20034	RIM=634.73 INV IN=628.83 E 24" RCP FROM 20062
20062	RIM=635.90 INV IN=631.25 N 15" RCP FROM 20078 INV OUT=627.73 E 12" RCP TO
20078	RIM=635.98 INV OUT=631.56 S 15" RCP TO 20082
20113	RIM=635.90 INV OUT=631.72 E 12" RCP TO
20136	RIM=636.26 INV OUT=630.76 NW 12" RCP TO
20295	RIM=636.03 INV OUT=632.08 N 12" RCP TO
20296	RIM=641.20 INV IN=622.92 W 24" RCP FROM 20319 INV OUT=622.70 E 24" RCP TO 20300
20300	RIM=641.85 INV IN=621.91 W 24" RCP FROM 20296 INV IN=622.33 N 24" RCP FROM INV OUT=622.25 E 24" RCP TO 20303
20303	RIM=642.35 INV IN=621.91 W 24" RCP FROM 20300 INV OUT=621.79 E 24" RCP TO
20305	RIM=635.46 INV OUT=632.76 N 12" RCP TO
20309	RIM=645.02 INV IN=627.81 E 48" RCP FROM INV IN=631.10 S 12" RCP FROM 71 INV OUT=627.98 W 48" RCP TO 20313
20313	RIM=646.87 INV IN=627.85 E 48" RCP FROM 20309 INV OUT=627.75 W 48" RCP TO 20315
20315	RIM=647.23 INV IN=627.36 E 48" RCP FROM 20313 INV IN=628.11 W 48" RCP FROM
20319	RIM=644.93 INV IN=623.50 W 24" RCP FROM 20327 INV OUT=623.43 E 24" RCP TO 20296
20327	RIM=632.57 INV IN=625.15 NW 12" RCP FROM 20328 INV OUT=623.75 E 24" RCP TO 20319
20328	RIM=632.82 INV OUT=627.24 SE 12" RCP TO 20327
20463	RIM=630.68 T/P 627.48

PROPERTY DESCRIPTION

AS PROVIDED BY CLIENT IN TITLE WORK BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT No: 844447 AND DATED MARCH 08, 2019

Land in the City of Livonia, Wayne County, MI, described as follows:

PARCEL I:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence
South 00 degrees 18 minutes 53 seconds East, 1,319.07 feet along the East line of said section and the centerline of Middlebelt Road (120 foot right of way) to the extended South line of Bel-Aire Gardens; a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 1,486.60 feet along said extended North line to the Point of Beginning; thence North 89 degrees 51 minutes 00 seconds West, 713.41 feet along said North line extended; thence North 00 degrees 10 minutes 14 seconds East, 354.63 feet; thence South 89 degrees 49 minutes 46 seconds East, 116.62 feet; thence South 11 degrees 24 minutes 45 seconds East, 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East, 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East, 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East, 134.12 feet; thence South 00 degrees 19 minutes 25 seconds West, 155.23 feet; thence South 89 degrees 40 minutes 35 seconds East, 403.00 feet; thence South 00 degrees 19 minutes 25 seconds West, 734.81 feet to the Point of Beginning. Containing 471,602 sf and/or 10.83 acres of land.

PARCEL II:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 162.20 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West, 60.00 feet to the South right of way line of said Plymouth Road and the Point of Beginning; thence along a curve to the right 177.47 feet, said curve having a radius of 269.27 feet, a central angle of 37 degrees 45 minutes 41 seconds, and a chord bearing South 45 degrees 04 minutes 20 seconds East, 174.27 feet to the West right of way line of Middlebelt Road (120 foot right of way); thence South 00 degrees 18 minutes 53 seconds East, 252.74 feet along the said right of way line; thence North 89 degrees 40 minutes 35 seconds West, 573.01 feet; thence North 00 degrees 19 minutes 25 seconds East, 62.02 feet; thence North 40 degrees 40 minutes 13 seconds West, 72.66 feet; thence North 00 degrees 10 minutes 14 seconds East, 256.92 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 494.47 feet along said right of way line to the Point of Beginning. Containing 221,715.6 sf and/or 5.09 acres of land.

ALSO
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of said Plymouth Road; thence South 00 degrees 10 minutes 14 seconds West, 60.00 feet to the South right of way line of said Plymouth Road and the Point of Beginning; thence South 00 degrees 19 minutes 25 seconds West, 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West, 241.25 feet; thence South 57 degrees 56 minutes 01 second West, 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds, and a chord bearing South 73 degrees 23 minutes 07 seconds West, 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West, 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West, 71.69 feet; thence South 00 degrees 19 minutes 25 seconds West, 74.78 feet; thence North 89 degrees 40 minutes 35 seconds West, 403.00 feet; thence North 00 degrees 19 minutes 25 seconds East, 155.23 feet; thence South 89 degrees 49 minutes 46 seconds East, 98.71 feet; thence North 00 degrees 09 minutes 51 seconds East, 368.44 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 883.85 feet along said right of way line to the Point of Beginning. Containing 321,119.7 sf and/or 8.29 acres of land.

PARCEL III:
Part of the Northeast ¼ and the Northwest ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Beginning at a point distant North 89 degrees 49 minutes 46 seconds West, 2,010.15 feet along the North line of said Section 35 and South 00 degrees 10 minutes 14 seconds West, 60.00 feet from the Northeast corner of said Section 35; thence South 00 degrees 10 minutes 14 seconds West, 1,051.85 feet; thence North 89 degrees 51 minutes 00 seconds West, 30.00 feet; thence North 11 degrees 24 minutes 45 seconds West, 149.72 feet; thence North 89 degrees 49 minutes 46 seconds West, 537.75 feet; thence North 00 degrees 14 minutes 03 seconds East, 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East, 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East, 240.18 feet (calculated) 240.00 feet (recorded); thence South 89 degrees 49 minutes 46 seconds East, 416.81 feet (calculated) 416.75 feet (recorded) to the Point of Beginning. Containing 504,080.3 sf and/or 11.57 acres of land.

EXCEPTIONS

- Water Easement in favor of Board of County Road Commissioners of the County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 5221, page 394, Register #C614552. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- Underground Permit in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10350, page 692, Register #D444586, as to Parcel IV. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- Agreement to Right of Way in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 13843, page 598, Register #E394605. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 14112, page 572, Register #E480956, Liber 14112, page 576, Register #E480957, and in Liber 14112, page 581, Register #E480958. (AS SHOWN ON SURVEY)
- Release of Right-of-Way in favor of County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 14186, page 497, Register #E508328, as to Parcels I, II and IV. (SHOWN ON SURVEY)
- Terms and Conditions contained in Warranty Deed as disclosed by instrument recorded in Liber 16839, page 70, Register #F334920, as to Parcel IV. (NOT PLOTTABLE)
- Terms and Conditions contained in Easement Right of Way as disclosed by instrument recorded in Liber 17264, page 746, Register #F639791, as to Parcel III. (SHOWN ON SURVEY)
- Easement in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10201, page 533, Register #G32769, as to Parcel II. (SHOWN ON SURVEY)
- Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21396, page 129, Register #G693495. (SHOWN ON SURVEY)
- Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21396, page 130, Register #G693496 and Modification of Right of Way recorded in Liber 21645, page 636, Register #G736037. (SHOWN ON SURVEY)
- Grant of Easement in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 22458, page 91. (SHOWN ON SURVEY)
- Terms and Conditions contained in Easement Agreement as disclosed by instrument recorded in Liber 23507, page 725. (SHOWN ON SURVEY)
- Terms and Conditions contained in Well Easement Agreement as disclosed by instrument recorded in Liber 24145, page 804, Liber 24145, page 812, Liber 24145, page 816, Liber 24145, page 820, Liber 24145, page 824, Liber 24145, page 828, Liber 24145, page 832, Liber 24145, page 836, Liber 24145, page 840, Liber 24145, page 844, Liber 24145, page 848, Liber 24145, page 852, Liber 24145, page 856, Liber 24145, page 860, Liber 24145, page 864, Liber 24145, page 868, Liber 24145, page 872, and in Liber 24145, page 876. (AS SHOWN ON SURVEY)
- Highway Easement Release for signal pole in favor of Michigan Department of Transportation and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 24610, page 483, as to Parcel II. (SHOWN ON SURVEY)
- Terms and Conditions contained in Beautification Easement Agreement as disclosed by instrument recorded in Liber 34068, page 321, and in Liber 34069, page 338. (SHOWN ON SURVEY)
- Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 35211, page 153, as to Parcel IV. (SHOWN ON SURVEY)
- Easements, Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 45464, page 1201, as to Parcels I and II. (NOT PLOTTABLE)
- Terms and Conditions contained in Grant of Easement as disclosed by instrument recorded in Liber 45464, page 275, as to Parcel I and II. (NOT PLOTTABLE)
- Terms and Conditions contained in Operation and Easement Agreement as disclosed by instrument recorded in Liber 45505, page 375, and in First Amendment to Operation and Easement Agreement as disclosed by instrument recorded in Liber 46492, page 914. (SHOWN ON SURVEY)
- Terms and Conditions contained in Declaration of Covenants, Conditions, Restrictions, and Easements as disclosed by instrument recorded in Liber 46878, page 103, as to Parcel IV. (SHOWN ON SURVEY)
- Detroit Edison Underground Easement (Right of Way) in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 48970, page 708, as to Parcel IV. (SHOWN ON SURVEY)
- Survey by Hubbell, Roth and Clark, Inc., dated February 27, 2003, Job No. 20030115, discloses the following:
 - Theater is built over 10 foot gas main, which has been abandoned. (N/A)
 - Party Wall between the enclosed mall and the Target Store. (N/A)
 - Power lines overhead at various locations.
 - Asphalt paving over the easement areas, gas mains, water, sewer, telephone and electrical lines.
 - Building designated as the Montgomery Wards Building encroaches onto the Easement Parcel at various points. (N/A)
 - Building designated as Ward's Automotive Center is built over the easement for sanitary sewer recorded in Liber 14112, page 572, Wayne County Records

NOTE: (THE FOLLOWING WAS SHOWN ON HRC JOB No. 20090336.04, WITH A REVISION DATE OF 07/23/09.)

EASEMENTS SCHEDULED FOR TERMINATION PER DEVELOPER INFORMATION AND EASEMENT DRAWING OF HUBBELL, ROTH & CLARK DEPICTION DATED 02-09-06-- FINAL REVISION 03-02-06.

6' WIDE GAS EASEMENT, L13843, P.598
10' WIDE GAS EASEMENT, L13843, P.598 (ABANDONED LINE)
12' WIDE STORM SEWER EASEMENT, L14112, P.572
24' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572
12' WIDE SANITARY SEWER EASEMENT, L14112, P.572
12' WIDE WATER MAIN EASEMENT, L14112, P.576
12' WIDE WATER MAIN EASEMENT, L14112, P.576
20' WIDE WATER MAIN EASEMENT, L14112, P.576
30' WIDE STORM SEWER AND WATER SYSTEM EASEMENT, L14112, P.576
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576
24' WIDE SANITARY SEWER AND WATER MAIN EASEMENT, L14112, P.576
12' WIDE STORM SEWER EASEMENT, L14112, P.576

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

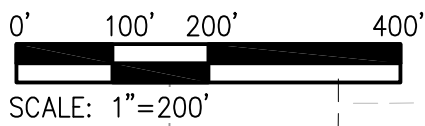
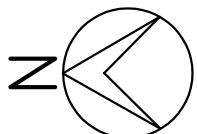
GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939

CITY OF LIVONIA
WONDERLAND MALL

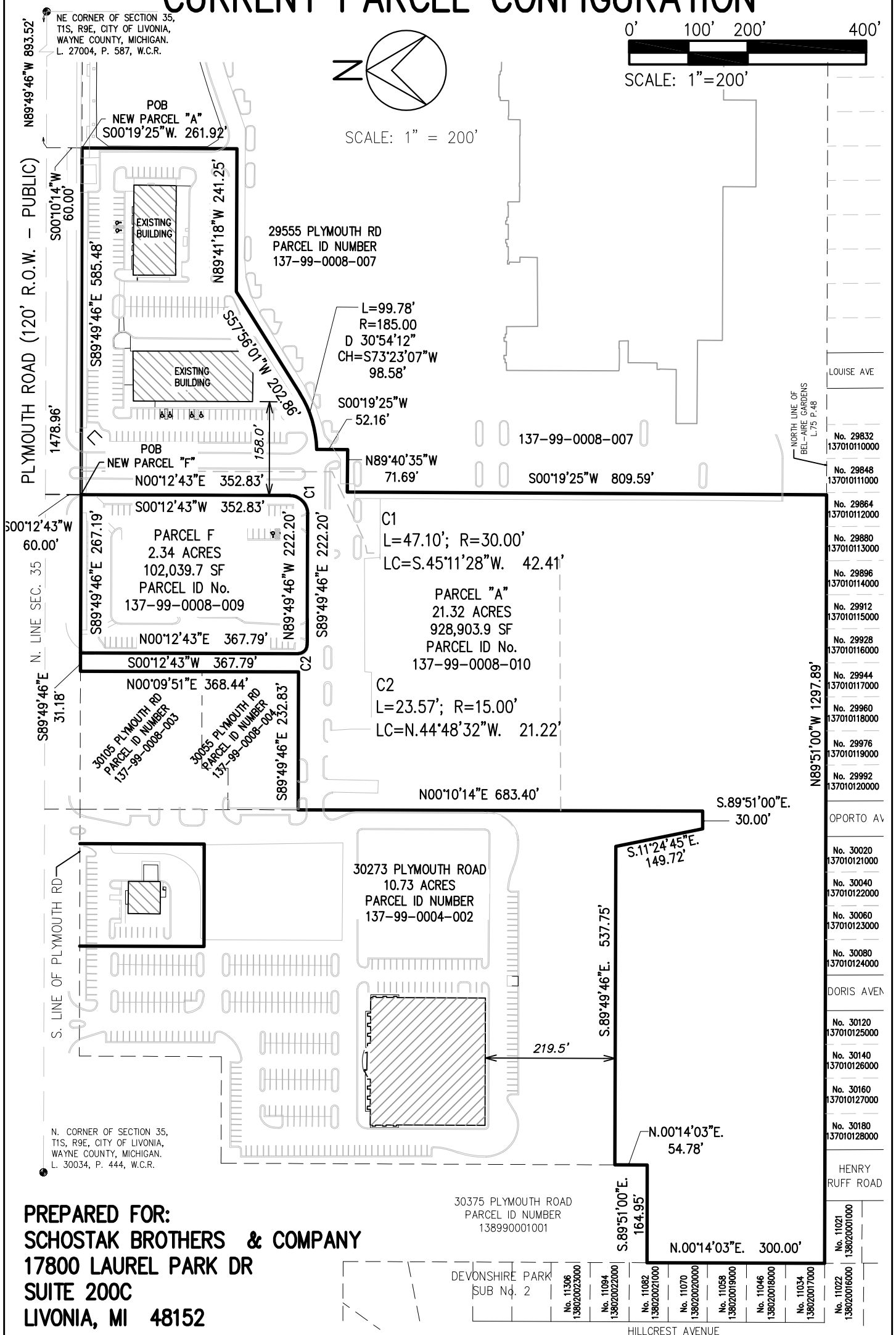
ALTA/NSPS
LAND TITLE
SURVEY

HRC JOB NO. 20190258	SCALE 1"=100'
DATE June 2019	SHEET NO. 2 OF 2

CURRENT PARCEL CONFIGURATION



SCALE: 1" = 200'



PREPARED FOR:
SCHOSTAK BROTHERS & COMPANY
17800 LAUREL PARK DR
SUITE 200C
LIVONIA, MI 48152



HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE
BLOOMFIELD HILLS, MICH.
P.O. BOX 824
48303 - 0824
PHONE: (248) 454-6300
FAX (1st. Floor): (248) 454-6312
FAX (2nd. Floor): (248) 454-6359
WEB SITE: [http:// www.hrcengr.com](http://www.hrcengr.com)

SHEET NO.
1
OF **4**

JOB NO.
20190419
DATE
03-11-2020

REVISED 05/28/2020

6/2/2020 9:01 AM
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Piggott, Robert

CURRENT PARCEL DESCRIPTIONS

PROPERTY DESCRIPTION PARCEL "A"

Land situated in the City of Livonia, County of Wayne, State of Michigan, described as follows:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South Right of Way line of Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West 241.25 feet; thence South 57 degrees 56 minutes 01 seconds West 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds and a chord bearing South 73 degrees 23 minutes 07 seconds West 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West 71.69 feet; thence South 00 degrees 19 minutes 25 seconds West 809.59 feet to the north line of “Bel-Aire Gardens”, a subdivision of part of the South ½ of the North ½ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, as recorded in Liber 75 of Plats, Page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West 1297.89 feet along said subdivision line; thence North 00 degrees 14 minutes 03 seconds East 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East 164.95 feet; thence North 00 degrees 14 minutes 03 seconds East 54.78 feet; thence South 89 degrees 49 minutes 46 seconds East 537.75 feet; thence South 11 degrees 24 minutes 45 seconds East 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East 232.83 feet; thence North 00 degrees 09 minutes 51 seconds East 368.44 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 31.18 feet along said right of way line; thence South 00 degrees 12 minutes 43 seconds West 367.79 feet; thence 23.57 feet along a curve to the left, having a radius of 15.00 feet and a long chord which bears South 44 degrees 48 minutes 32 seconds East 21.22 feet; thence South 89 degrees 49 minutes 46 seconds East 222.20 feet; thence 47.10 feet along a curve to the left, having a radius of 30.00 feet and a long chord which bears North 45 degrees 11 minutes 28 seconds East 42.41 feet; thence North 00 degrees 12 minutes 43 seconds East 352.83 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East 585.48 feet to the POINT OF BEGINNING. Containing 928,903.9 sf and/or 21.32 acres of land. Subject to all easements and restrictions of record.

DESCRIPTION OF PROPERTY (137-99-0004-002) (NO CHANGES)

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 2010.15 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the south right of way line of said Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 10 minutes 14 seconds West 1051.84 feet; thence North 89°51'00" West 30.00 feet; thence North 11 degrees 24 minutes 45 seconds West 149.72 feet; thence North 89 degrees 49 minutes 46 secodns West 537.75 feet; thence North 00 degrees 14 minutes 03 seconds East 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East 240.18 feet; thence South 89 degrees 49 minutes 46 seconds East 185.80 feet; thence South 00 degrees 10 minutes 14 seconds West 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 173.00 feet; thence North 00 degrees 10 minutes 14 seconds East 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 58.01 feet to THE POINT OF BEGINNING. Said parcel contains 10.737 acres, more or less.

REVISED 05/28/2020

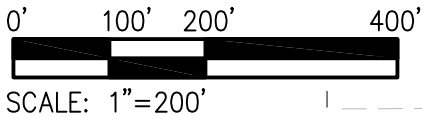
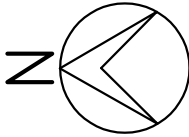
JOB NO. 20190419	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303 - 0824 PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http: // www.hrcengr.com	SHEET NO.
DATE 03/11/2020			2
			OF 4

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Piggott, Robert

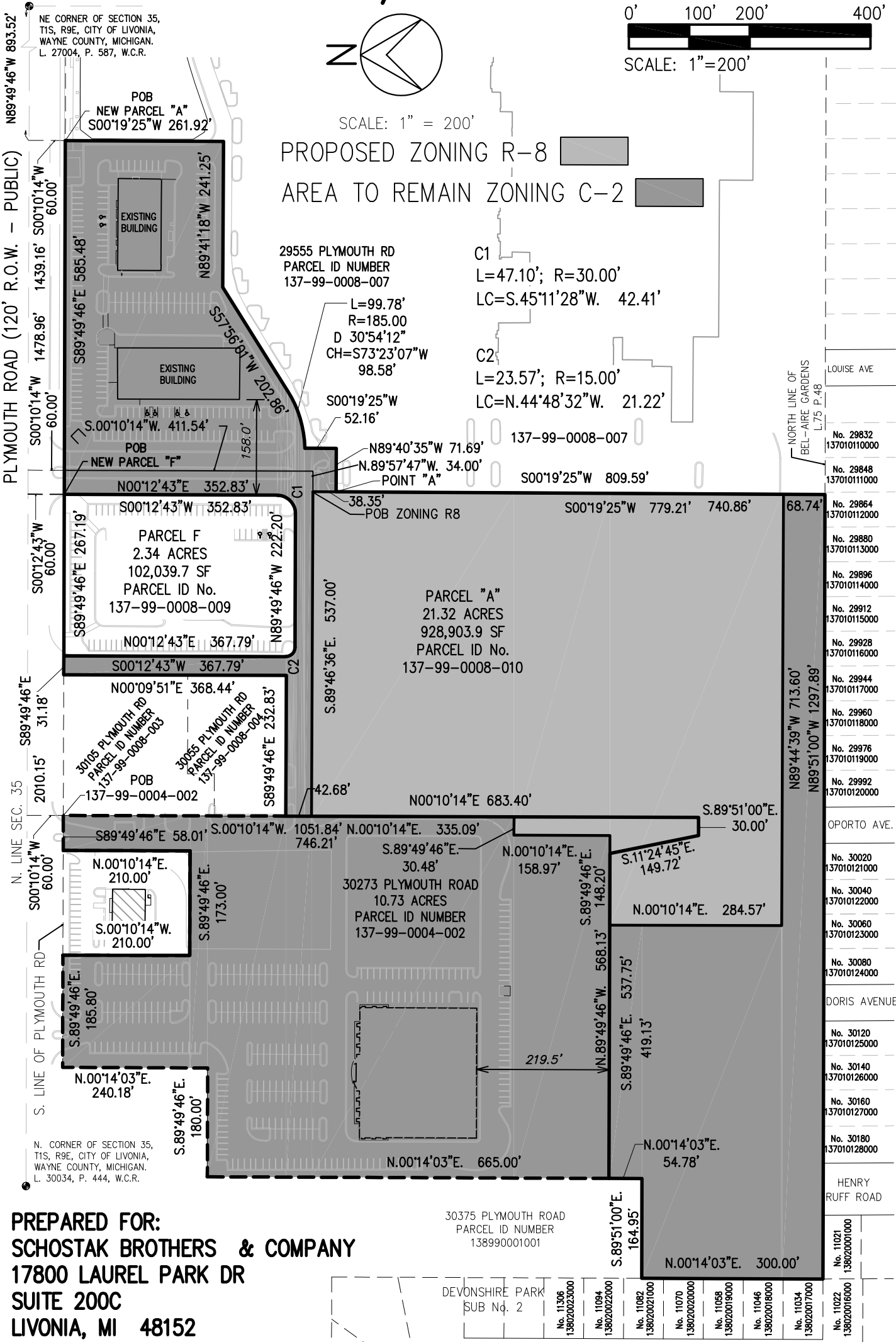
PROPOSED ZONING W/ NEW PARCEL CONFIGURATION



SCALE: 1" = 200'

PROPOSED ZONING R-8

AREA TO REMAIN ZONING C-2



PREPARED FOR:
SCHOSTAK BROTHERS & COMPANY
17800 LAUREL PARK DR
SUITE 200C
LIVONIA, MI 48152

JOB NO.	20190419
DATE	03-11-2020

HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE
BLOOMFIELD HILLS, MICH. 48303 - 0824
PHONE: (248) 454-6300
FAX (1st. Floor): (248) 454-6312
FAX (2nd. Floor): (248) 454-6359
WEB SITE: <http://www.hrcenr.com>

SHEET NO.	3
OF	4

REVISED 08/06/2020
REVISED 05/28/2020

PROPOSED ZONING W/ NEW PARCEL CONFIGURATION

DESCRIPTION OF NEW ZONING R8

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 1439.16 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South line of Plymouth Road; thence continuing South 00 degrees 10 minutes 14 seconds West 411.54 feet ; thence North 89 degrees 57 minutes 47 seconds West 34.00 feet to the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 779.21 feet; thence North 89 degrees 44 minutes 39 seconds West 713.60 feet; thence North 00 degrees 10 minutes 14 seconds East 284.57 feet; thence South 89 degrees 49 minutes 46 seconds East 148.20 feet; thence North 00 degrees 10 minutes 14 seconds East 158.97 feet; thence South 89 degrees 49 minutes 46 seconds East 30.48 feet; thence North 00 degrees 10 minutes 14 seconds East 335.09 feet; thence South 89 degrees 46 minutes 36 seconds East 537.00 feet to the POINT OF BEGINNING. Containing 473,257.9 SF and/or 10.86 acres.

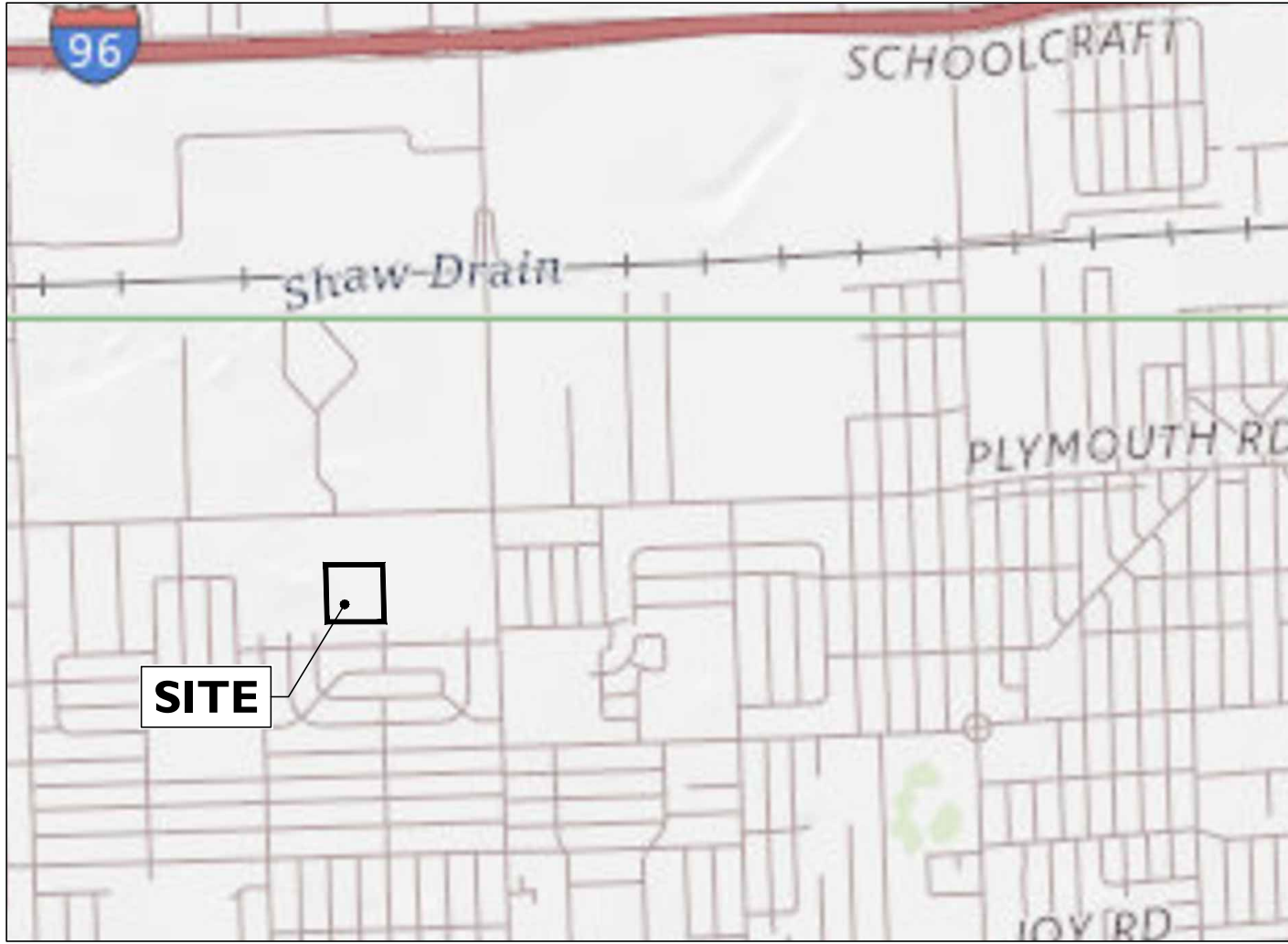
PROPERTY DESCRIPTION PROPOSED PARCEL "A" TO REMAIN SAME ZONING

Land situated in the City of Livonia, County of Wayne, State of Michigan, described as follows:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South Right of Way line of Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West 241.25 feet; thence South 57 degrees 56 minutes 01 seconds West 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds and a chord bearing South 73 degrees 23 minutes 07 seconds West 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West 71.69 feet to point "A"; thence North 00 degrees 19 minutes 25 seconds East 38.35 feet; thence North 89 degrees 46 minutes 36 seconds West 537.00 feet; thence North 00 degrees 10 minutes 14 seconds East 42.68 feet; thence South 89 degrees 49 minutes 46 seconds East 232.83 feet; thence North 00 degrees 09 minutes 51 seconds East 368.44 feet to a point on the South line of Plymouth Road; thence along said South line South 89 degrees 49 minutes 46 seconds East 31.18 feet; thence South 00 degrees 12 minutes 43 seconds West 367.79 feet; thence 23.57 feet along a curve to the left, having a radius of 15.00 feet and a long chord which bears South 44 degrees 48 minutes 32 seconds East 21.22 feet; thence South 89 degrees 49 minutes 46 seconds East 222.20 feet; thence 47.10 feet along a curve to the left, having a radius of 30.00 feet and a long chord which bears North 45 degrees 11 minutes 28 seconds East 42.41 feet; thence North 00 degrees 12 minutes 43 seconds East 352.83 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East 585.48 feet to the POINT OF BEGINNING; also commencing at said point "A"; thence South 00 degrees 19 minutes 25 seconds West 740.86 feet to A POINT OF BEGINNING; thence continuing South 00 degrees 19 minutes 25 seconds West 68.74 feet; thence North 89 degrees 51 minutes 00 seconds West 1297.89 feet; thence North 00 degrees 14 minutes 03 seconds East 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East 164.95 feet; thence North 00 degrees 14 minutes 03 seconds East 54.78 feet; thence South 89 degrees 49 minutes 46 seconds East 419.13 feet; thence South 00 degrees 10 minutes 14 seconds West 284.57 feet; thence South 89 degrees 44 minutes 39 seconds East 713.60 feet to the POINT OF BEGINNING. Containing 467,096.2 SF and/or 10.72 acres.

DESCRIPTION OF PROPERTY (137-99-0004-002) TO REMAIN SAME ZONING

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 2010.15 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the south right of way line of said Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 10 minutes 14 seconds West 746.18 feet; thence North 89 degrees 49 minutes 46 seconds West 30.48 feet; thence South 00 degrees 10 minutes 14 seconds West 158.97 feet; thence North 89 degrees 49 minutes 46 seconds West 568.13 feet; thence North 00 degrees 14 minutes 03 seconds East 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East 240.18 feet; thence South 89 degrees 49 minutes 46 seconds East 185.80 feet; thence South 00 degrees 10 minutes 14 seconds West 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 173.00 feet; thence North 00 degrees 10 minutes 14 seconds East 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 58.01 feet to THE POINT OF BEGINNING. Containing 456,269.5 SF and/or 10.47 acres.

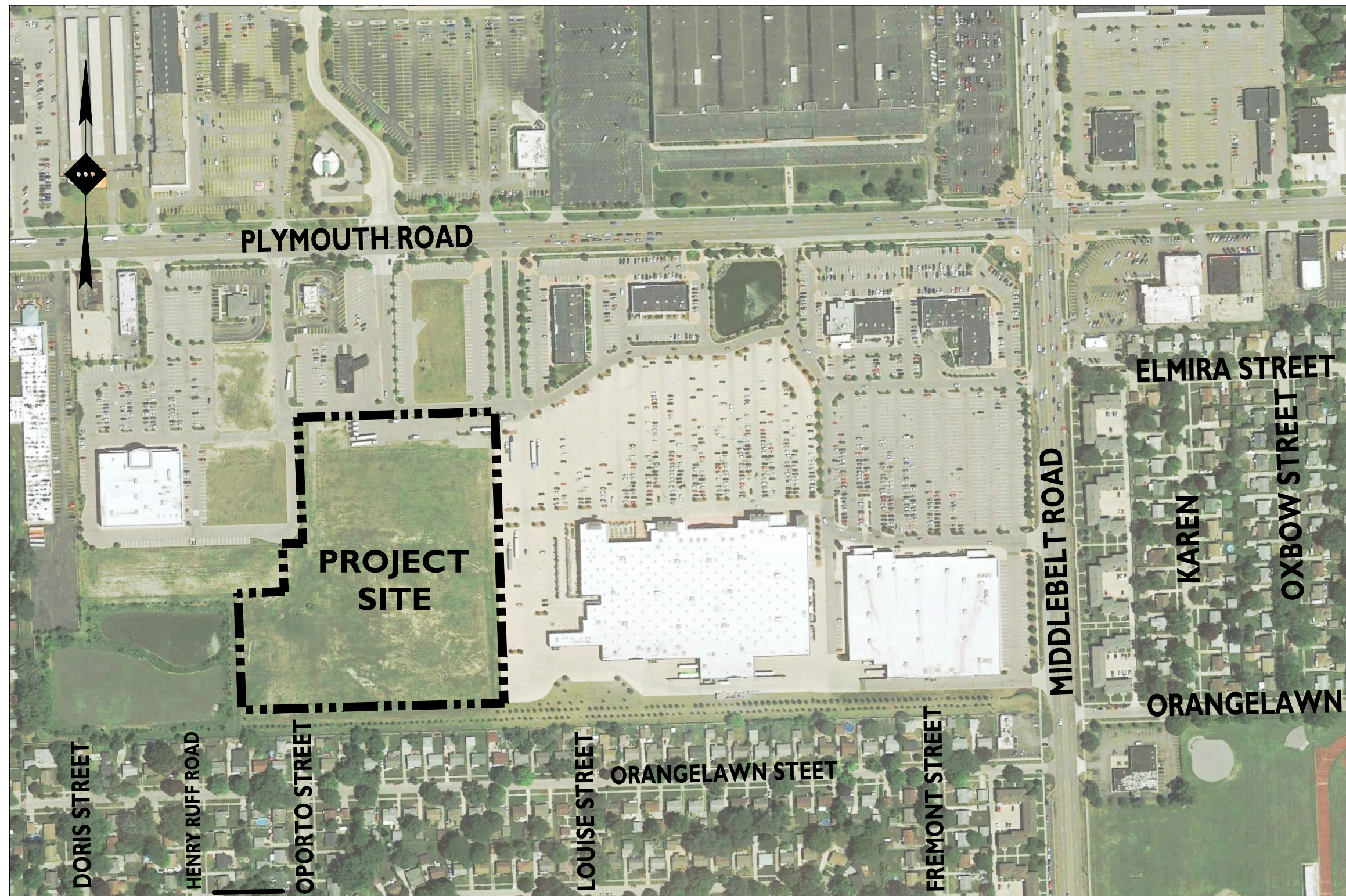
REVISED 08/06/2020 REVISED 05/28/2020	JOB NO. 20190419	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http:// www.hrcengr.com	P.O. BOX 824 48303 - 0824	SHEET NO.
	DATE 03/11/2020				4 OF 4



SOURCE: USGS MAPS

LOCATION MAP

SCALE: 1" = 2000'±



SOURCE: GOOGLE EARTH PRO

AERIAL MAP

SCALE: 1" = 300'±

PLAN REFERENCE MATERIALS:

1. THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
- SURVEY PREPARED BY HUBBELL, ROTH & CLARK, INC DATED: JUNE 2019
 - REZONING LEGAL EXHIBITS PREPARED BY HUBBELL, ROTH & CLARK, INC, REVISED 08/06/2020
 - ARCHITECTURAL PLANS PREPARED BY STUCKY VITALE ARCHITECTS DATED: 06/07/2019
 - GEOTECHNICAL REPORT PREPARED BY SME DATED: 06/28/2019
 - AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO
 - LOCATION MAP OBTAINED FROM USGS MAPS
2. ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.



Know what's below
Call before you dig.

REZONING DOCUMENTS
FOR
Schostak
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

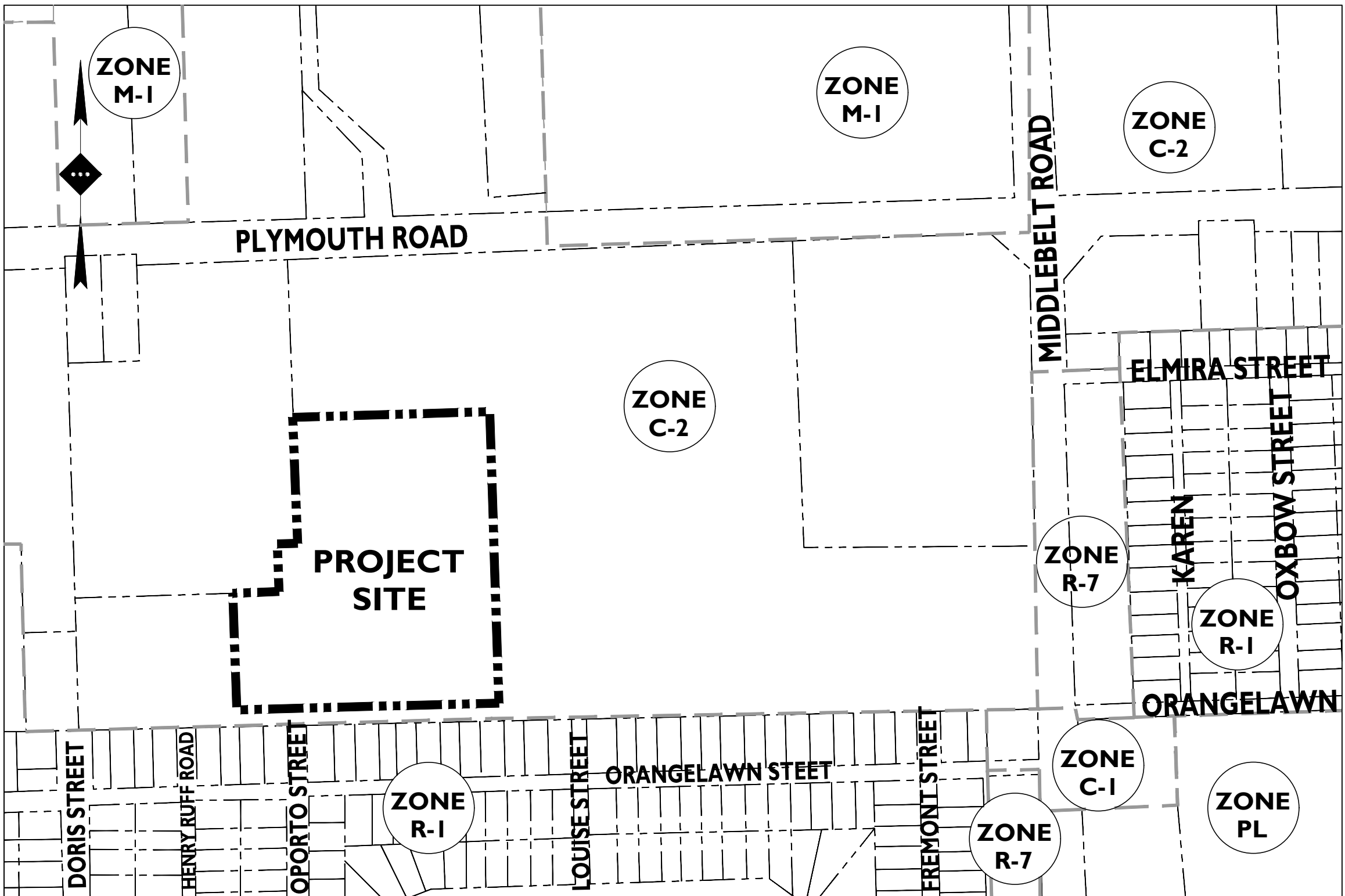
PARCEL IDS: 137-99-0008-010, 137-99-0004-002
CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN

APPLICANT / OWNER

STEPHEN E. DUCZYNSKI II
MIDDLEBELT PLYMOUTH VENTURE LLC
17800 NORTH LAUREL PARK DRIVE
#200C
LIVONIA, MICHIGAN

ARCHITECT

STUCKY VITALE ARCHITECTS
27172 WOODWARD AVENUE
ROYAL OAK, MICHIGAN 48067

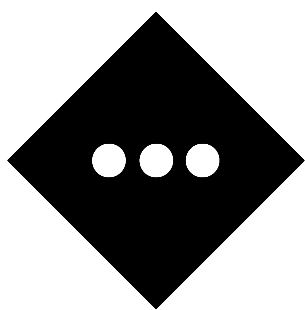


SOURCE: WAYNE COUNTY PARCEL VIEWER

TAX & ZONING MAP

SCALE: 1" = 300'±

PLANS PREPARED BY:



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SHEET INDEX

DRAWING TITLE	SHEET #
COVER SHEET	C-1
REZONING PLAN	C-2
SITE PLAN	C-3
SITE PLAN (OVERALL)	C-4

ADDITIONAL SHEETS

DRAWING TITLE	SHEET #
WONDERLAND MALL TOPOGRAPHIC & ALTA/NSPS LAND TITLE SURVEY	1 THRU 2 OF 2
OVERALL WONDERLAND MALL ALTA/NSPS LAND TITLE SURVEY	1 THRU 2 OF 2
WONDERLAND MALL REZONING LEGAL EXHIBITS	1 THRU 4 OF 4

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REZONING DOCUMENTS

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BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

PARCEL IDS: 137-99-0008-010, 137-99-0004-002
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN



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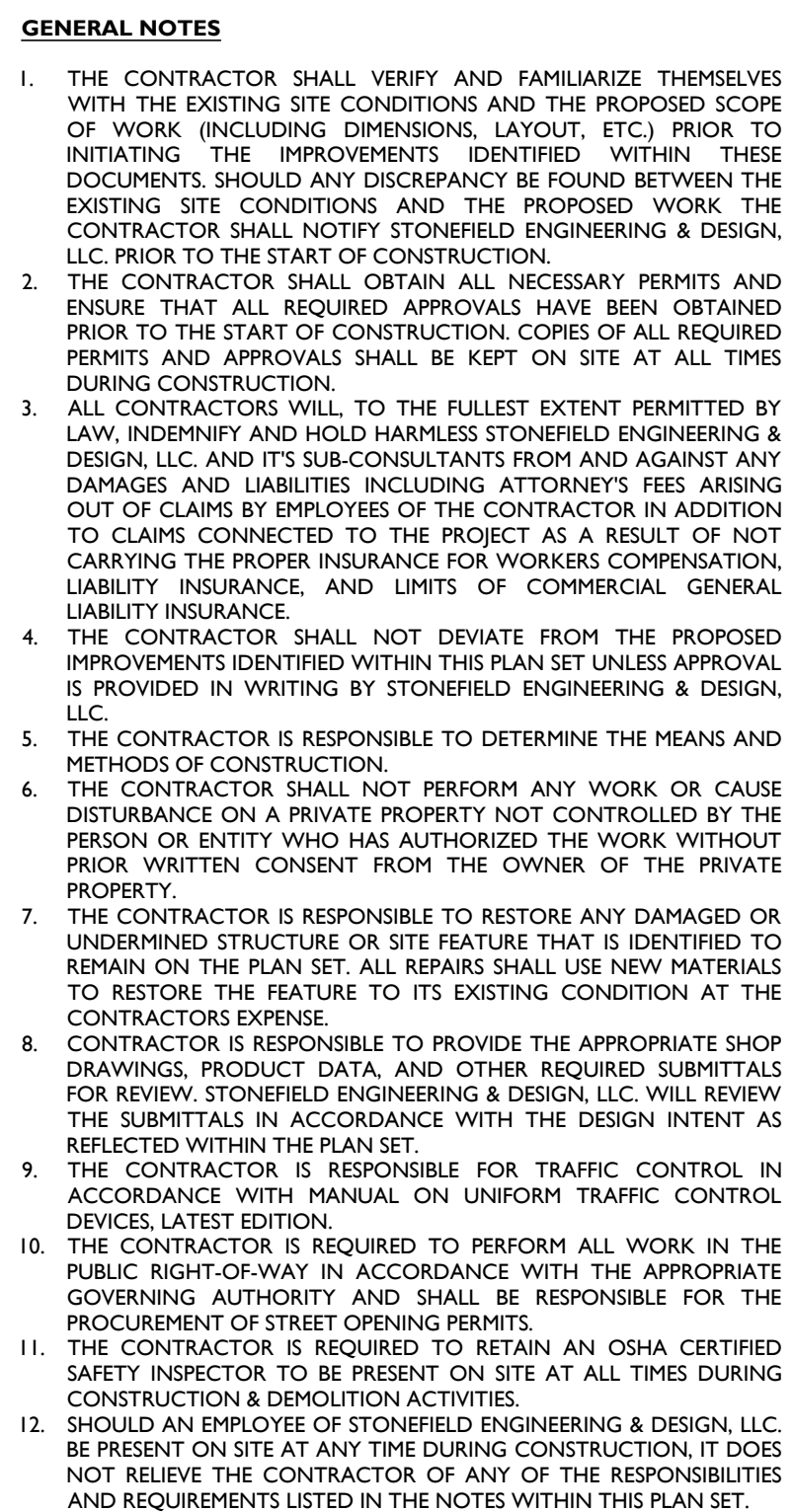
SCALE: AS SHOWN PROJECT ID: M-19052

TITLE:

COVER SHEET

DRAWING:

C-1



OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 18.38 (2)	REQUIRED PARKING: 2.5 SPACES FOR EACH UNIT WITH 1 OR 2 BEDROOMS (192 UNITS)(2.5 SPACES) = 480 SPACES	385 SPACES (V)
§ 27.10	ENCLOSED PARKING: 1 SPACE PER EACH UNIT WITH 1 OR 2 BEDROOMS (192 UNITS)(1 SPACE) = 192 ENCLOSED SPACES	117 SPACES (V)
§ 18.37 (c)	90° PARKING DIMENSIONS: 20 FT X 10 FT W/ 22 FT DRIVE AISLE	20 FT X 10 FT W/ 24 FT AISLE

- GENERAL NOTES**
1. THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE SPECIFICATIONS. SHOULD THE CONTRACTOR DISCOVER ANY CHANGES TO THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK, THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC PRIOR TO THE START OF CONSTRUCTION.
 2. THE CONTRACTOR SHALL OBTAIN ANY NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
 3. ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC AND ITS SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO THE CONTRACTOR'S OBLIGATION TO MAINTAIN NECESSARY CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
 4. THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
 5. THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
 6. THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT THE WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
 7. THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO BE DAMAGED OR UNDERMINED BY THE WORK. THE CONTRACTOR SHALL RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTORS EXPENSE.
 8. IT IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC, WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS SHOWN WITHIN THE PLAN SET. ACTIVITIES.
 9. THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL (MUTCD) EDITION.
 10. THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE CODES AND REGULATIONS. THE CONTRACTOR IS RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
 11. THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION AND TO BE AVAILABLE FOR INSPECTION AT ALL TIMES.
 12. SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC, BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT ALTER THE CONTRACTOR'S OBLIGATION TO MAINTAIN ALL NECESSARY REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.

ISSUE	DATE	BY	DESCRIPTION
5	08/17/2020	MPH	FOR REZONING DOCUMENT SUBMISSION
4	08/11/2020	MPH	FOR REZONING DOCUMENT SUBMISSION
3	07/17/2020	MG	FOR REZONING DOCUMENT SUBMISSION
2	04/13/2020	AF	FOR CLIENT REVIEW
1	03/11/2020	AF	FOR CLIENT REVIEW

NOT APPROVED FOR CONSTRUCTION

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Phone 248.247.1115

REZONING DOCUMENTS

Schostak
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

PARCEL IDS: 137-99-0008-010, 137-99-0008-002
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN



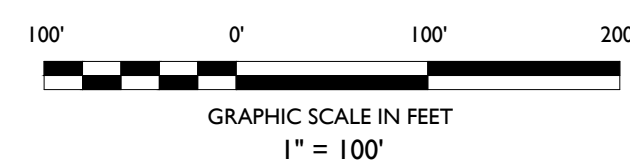
STONEFIELD
engineering & design

SCALE:	1" = 40'	PROJECT ID:	M-19052
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SITE PLAN

DRAWING:

C-3



REZONING DOCUMENTS

Schostak
BROTHERS & COMPANY

**PROPOSED RESIDENTIAL
DEVELOPMENT**



SCALE:	1" = 100'	PROJECT ID: M-19052
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TITLE:

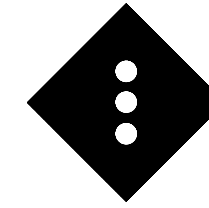
SITE PLAN (OVERALL)

DRAWING:

C-4

ISSUE	DATE	BY	DESCRIPTION
5	08/17/2020	MPH	FOR REZONING DOCUMENT SUBMISSION
4	08/14/2020	MPH	FOR REZONING DOCUMENT SUBMISSION
3	07/17/2020	MG	FOR REZONING DOCUMENT SUBMISSION
2	04/13/2020	AF	FOR CLIENT REVIEW
1	03/11/2020	AF	FOR CLIENT REVIEW

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Piggott, Robert

FLOOD ZONE INFORMATION

SUBJECT PROPERTY FALLS IN ZONE "X",
MINIMAL FLOODING, AS SHOWN IN FEMA MAP
26163C0227E, DATED 02/02/2012.

NOTES:

NO EVIDENCE OF RECENT EARTH MOVING WORK ON SITE.

I AM NOT AWARE OF ANY PROPOSED CHANGES IN STREET
RIGHT OF WAY LINES.

UTILITY STATEMENT

THE LOCATIONS AND ELEVATIONS OF EXISTING
UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING
ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER
EXPRESSED OR IMPLIED AS TO THE COMPLETENESS
OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE
EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE
EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO
THE START OF CONSTRUCTION.

LEGEND

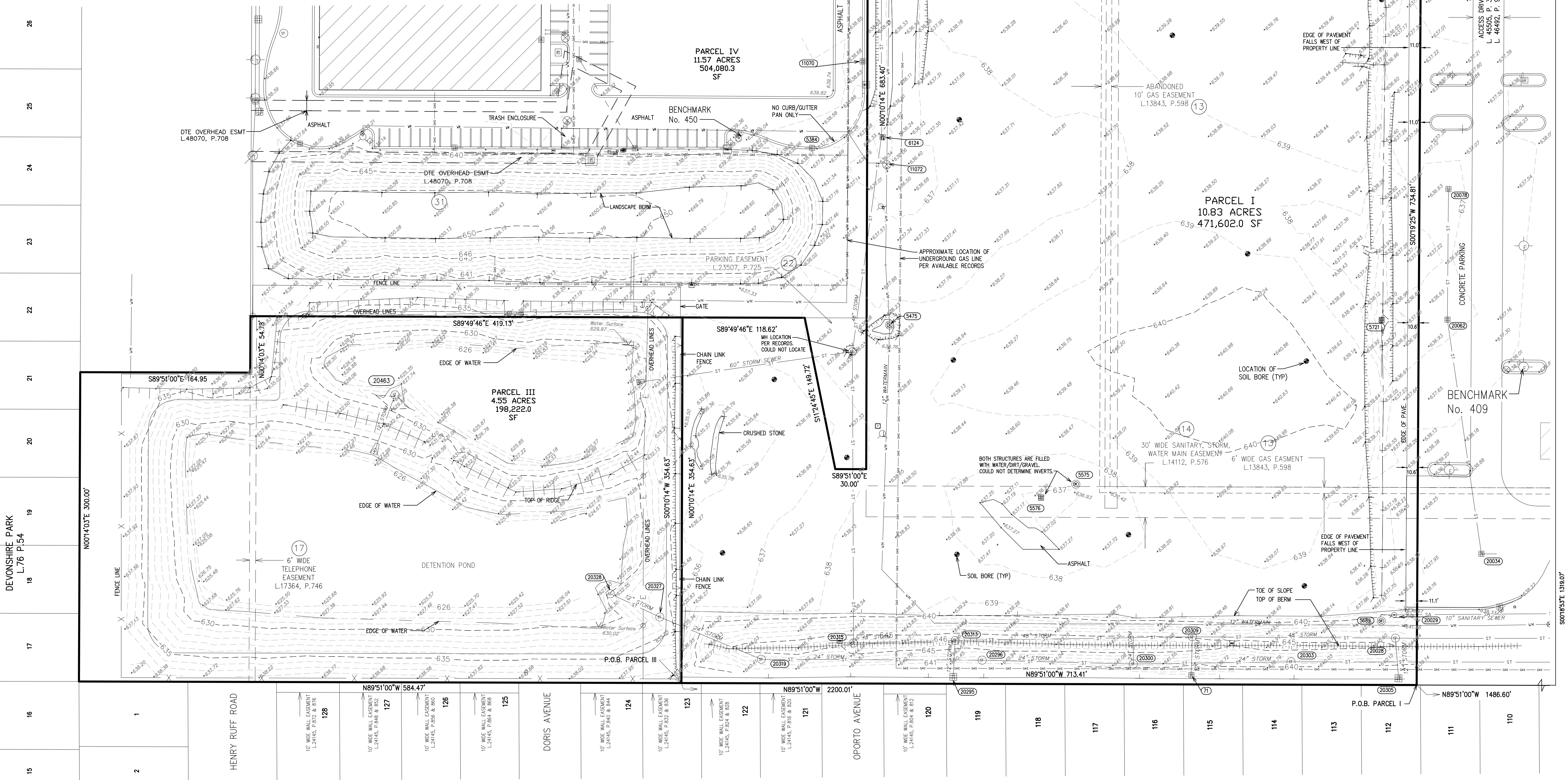
BUILDING		RISER & DOWN SPOUT		
STORM	ST 	PUMP STATION		
SANITARY	SA 	FIRE HYDRANT		
WATERMAIN	WM 	GATE & VALVE, & WELL		
GAS		CISTERN & WELL		
UND. TELEPHONE	T 	WATER STOP BOX & SPRINKLER HEAD		
UND. ELECTRICAL	E 	WATER TOWER BASE & METER PIT		
TRAVERSE LINE & TRAVERSE POINT		UTILITY POLE		
BENCH MARK SYMBOL		LIGHT POLE		
DEAD TREE		GUY WIRE ANCHOR		
DECIDUOUS TREE		UNDERGROUND MARKER		
DECIDUOUS SHRUB		RISER		
CONIFEROUS TREE		GAS BOX & BLOW OFF		
CONIFEROUS SHRUB		BUILD. CORNER & 1st FLOOR ELEV.		
STUMP		C.O. OF DITCH		
SQ. & RD. CATCH BASINS & INLETS IN PAVEMENT		TOE OF SLOPE		
STORM MANHOLE & PIPE END		TOP OF BANK & RIDGE		
UNSPECIFIED MH.		TOP OF BERM & TOE OF BERM		
		EDGE OF WATER & WATER SURFACE		
		HEADWALL & RETAINING WALL		

BENCHMARK

BENCHMARK No. 408
N. END TOP LAMP POLE BASE
ELEVATION 639.62 NAVD 88 DATUM

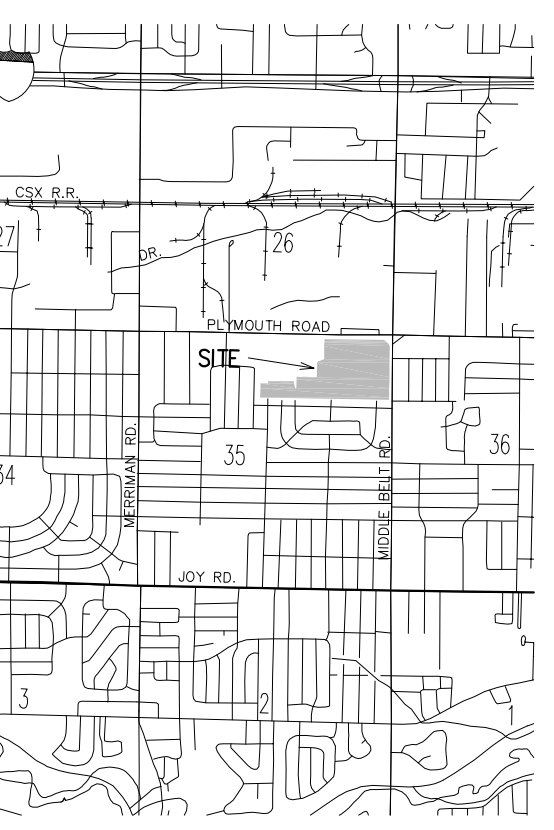
BENCHMARK No. 409
CHISELED SQUARE W. TOP OF CONC.
LAMP POLE BASE
ELEVATION 641.24 NAVD 88 DATUM

BENCHMARK No. 415
ARROW ON FIRE HYDRANT
ELEVATION 639.59 NAVD 88 DATUM



HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915
555 HULET DRIVE
BLOOMFIELD HILLS, MICH. P.O. BOX 824
48303 - 0824
PHONE: (248) 454-6300
FAX (1st Floor): (248) 454-6312
FAX (2nd Floor): (248) 454-6359
WEB SITE: <http://www.hrcengr.com>

DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	
DRAWN	B.PIGGOTT
CHECKED	G.CHALICE
APPROVED	G.CHALICE



CITY OF LIVONIA
WONDERLAND MALL

TOPOGRAPHICAL
SURVEY

HRC JOB NO. 20190258	SCALE 1"=50'
DATE June 2019	SHEET NO. 1 OF 2

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SANITARY STRUCTURE DATA	
Structure Name	Structure Details
49	RM=637.64 INV IN=623.37 SW 12" TO FROM 10809 INV IN=623.14 W 12" FROM INV OUT=624.4 E 18" TO 10672
5441	RM=637.46 INV IN=625.40 NE 12" FROM INV OUT=624.75 E 12" TO 10816
10672	RM=637.67 INV IN=625.08 W 18" FROM INV OUT=623.08 E 18" TO
10809	RM=638.10 INV IN=624.28 W 12" FROM 10956 INV OUT=624.52 NE 12" TO 444
10816	RM=638.27 INV IN=624.69 W 12" FROM 5441 INV OUT=624.65 SE 12" TO 10956
10956	RM=637.50 INV IN=623.66 NW 12" FROM 10816 INV OUT=623.59 E 12" TO 10809
11007	RM=637.47
20029	RM=639.69 INV IN=629.74 W 12" FROM INV OUT=629.72 E 12" TO

WATER STRUCTURE DATA	
Structure Name	Structure Details
5437	RM=638.19 T/P IN=632.26 W 12" DI FROM T/P OUT=632.26 E 12" DI TO
5475	RM=636.90 T/P IN=629.89 N 12" DI FROM T/P OUT=629.90 S 12" DI TO
10810	RM=638.31 T/P IN=631.95 W 12" DI FROM T/P OUT=631.95 E 12" DI TO
11064	RM=638.76 T/P IN=630.21 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11072	RM=636.60 T/P IN=630.60 W 12" DI FROM T/P OUT=630.60 N 12" DI TO

STORM STRUCTURE DATA	
Structure Name	Structure Details
71	RM=635.73 INV OUT=631.61 N 12" RCP TO 20309
5026	RM=636.34 INV OUT=631.70 E 12" RCP TO 10871
5029	RM=636.88
5054	RM=635.87 INV OUT=632.57 SW 12" RCP TO 5020
5384	RM=637.91 INV OUT=628.22 E 24" RCP FROM INV OUT=631.1 W 24" RCP TO
5440	RM=638.07 INV=631.61 N 15" RCP FROM INV=631.44 W 12" RCP FROM INV OUT=631.36 S 15" RCP TO 10908
5575	RM=637.14 (FILLED WITH WATER & DIRT)
5576	RM=636.82 (FILLED WITH WATER & DIRT)
5689	RM=640.77 (FILLED WITH DEBRIS)
5721	RM=634.88 INV OUT=632.11 S 12"
6124	RM=634.85 INV IN=626.91 N 48" CONC FROM 11068 INV OUT=626.91 S 48" CONC TO
10692	RM=635.71 INV OUT=632.19 E 12" RCP TO 10691
10708	RM=635.67 INV IN=632.21 W 12" RCP FROM 10709 INV OUT=631.91 E 12" RCP TO 10596
10709	RM=635.59 INV OUT=632.46 E 12" RCP TO 10708
10747	RM=635.72 INV OUT=632.60 S 12" RCP TO 10770
10770	RM=637.75 INV IN=633.40 N 12" RCP FROM 10747 INV OUT=633.33 E 12" RCP TO 10598
10800	RM=638.59 INV IN=630.87 NE 36" RCP FROM INV OUT=630.74 SW 36" RCP TO 11015
10814	RM=638.42 INV IN=631.85 N 15" RCP FROM 10817 INV IN=631.66 W 48" RCP FROM INV IN=631.46 E 48" RCP FROM INV OUT=631.85 S 18" RCP TO 10952
10817	RM=638.44 INV IN=631.96 N 15" RCP FROM 10831 INV IN=632.84 W 12" RCP FROM INV OUT=631.94 S 18" RCP TO 10814
10831	RM=637.18 INV IN=631.62 N 15" RCP FROM 10850 INV IN=631.62 W 12" RCP FROM 10871 INV IN=632.63 E 12" RCP FROM INV OUT=631.41 S 18" RCP TO 10817
10850	RM=637.63 INV IN=631.47 N 15" RCP FROM 10851 INV IN=631.47 W 12" RCP FROM 10868 INV IN=632.26 E 12" RCP FROM INV OUT=631.33 S 18" RCP TO 10831
10851	RM=637.81 INV IN=631.97 W 12" RCP FROM 5020 INV IN=631.84 NE 12" RCP FROM 10861 INV OUT=631.77 S 18" RCP TO 10850
10859	RM=636.73 INV OUT=632.76 W 12" RCP TO 10861
10861	RM=637.36 INV IN=632.30 E 12" RCP FROM 10859 INV OUT=632.26 SW 12" RCP TO 10851
10868	RM=635.93 INV IN=631.97 W 12" RCP FROM 5050 INV OUT=631.71 E 12" RCP TO 10826
10871	RM=636.31 INV IN=631.82 W 12" RCP FROM 5026 INV OUT=632.01 E 12" RCP TO 10831
10908	RM=635.93 INV IN=630.79 N 15" RCP FROM 5440 INV IN=630.00 W 33" RCP FROM 10867 INV OUT=628.21 E 48" RCP TO 10908

STORM STRUCTURE DATA	
Structure Name	Structure Details
11068	RIM=637.11 INV IN=628.53 S 48° RCP FROM 11070 INV OUT=628.49 N 48° RCP TO
11069	RIM=637.99 INV IN=632.75 S 12° RCP FROM 11070 INV OUT=632.71 N 12° RCP TO 11067
11070	RIM=638.11 INV OUT=633.11 N 12° RCP TO 11069
20028	RIM=644.28 INV IN=630.75 S 12° CONC FROM 20305 INV OUT=627.73 W CONC FROM 20309 INV IN=627.93 E
20034	RIM=634.73 INV IN=628.87 N 21° RCP FROM 20062 INV OUT=628.83 E 24° RCP TO
20062	RIM=635.90 INV IN=631.25 S 15° RCP FROM 20078 INV OUT=631.00 S 21° RCP TO 20034
20078	RIM=635.98 INV OUT=631.56 S 15° RCP TO 20062
20113	RIM=635.90 INV OUT=631.72 E 12° RCP TO
20136	RIM=636.26 INV OUT=630.76 NW 12° RCP TO
20295	RIM=636.03 INV IN=632.08 N 12° RCP TO
20296	RIM=641.20 INV IN=622.92 W 24° RCP FROM 20319 INV OUT=622.70 E 24° RCP TO 20300
20300	RIM=641.85 INV IN=622.13 W 24° RCP FROM 20296 INV OUT=622.33 N 24° RCP FROM INV OUT=622.25 E 24° RCP TO 20303
20303	RIM=642.35 INV IN=621.91 S 24° RCP FROM 20300 INV OUT=621.79 E 24° RCP TO
20305	RIM=635.46 INV OUT=631.26 N 12° RCP TO
20309	RIM=645.02 INV IN=627.81 E 48° RCP FROM INV IN=631.10 S 12° RCP FROM 71 INV OUT=627.98 W 48° RCP TO 20313
20313	RIM=646.87 INV IN=627.85 E 48° RCP FROM 20309 INV OUT=627.75 W 48° RCP TO 20315
20315	RIM=647.23 INV IN=627.36 E 48° RCP FROM 20313 INV IN=628.11 W 48° RCP FROM
20319	RIM=644.93 INV IN=623.50 W 24° RCP FROM 20327 INV OUT=623.43 E 24° RCP TO 20328
20327	RIM=632.57 INV IN=625.15 NW 12° RCP FROM 20328 INV OUT=623.75 E 24° RCP TO 20319
20328	RIM=632.82 INV OUT=627.24 SE 12° RCP TO 20327
20463	RIM=630.68 T/P=627.48
10924	RIM=635.71 INV IN=631.41 NW 12° RCP FROM INV OUT=629.35 S 12° RCP TO 10931
10931	RIM=635.77 INV IN=629.07 N 12° RCP FROM 10924 INV IN=629.01 W 48° RCP FROM 10928 INV OUT=629.01 E 48° RCP FROM 10952
10952	RIM=636.93 INV IN=630.17 N 18° RCP FROM 10814 INV IN=628.43 W 48° RCP FROM 10931 INV OUT=629.43 E 48° RCP TO 10996
10996	RIM=636.01 INV IN=628.53 W 48° RCP FROM 10952 INV OUT=628.53 E 48° RCP TO 11015
11015	RIM=637.37 INV IN=628.82 W 48° RCP FROM 10996 INV IN=628.00 NE 48° RCP FROM 10800 INV OUT=629.82 E 48° RCP TO
11067	RIM=638.35 INV IN=633.73 SW 12° RCP FROM INV IN=628.74 NW 33° RCP FROM INV IN=625.12 S 12° RCP FROM 11069 INV OUT=628.75 S 33° RCP TO 10989

PROPERTY DESCRIPTION

AS PROVIDED BY CLIENT IN TITLE WORK BY FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT No: 844447 AND DATED MARCH 08, 2019

Land in the City of Livonia, Wayne County, MI, described as follows:

PARCEL 1:

Part of the Northeast 1/4 of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:

Commencing at the Northeast corner of said section; thence

South 00 degrees 18 minutes 53 seconds East, 1,319.07 feet along the East line of said section and the centerline of Middlebelt Road (120 feet right of way) to the extended South line of Bel-Aire Gardens, a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 1,486.60 feet along said extended North line to the extended East line of said section; thence North 00 degrees 15 minutes 00 seconds West, 713.41 feet along said North line to the extended East line of said section; thence North 00 degrees 10 minutes 14 seconds East, 354.63 feet; thence South 89 degrees 49 minutes 46 seconds East, 118.62 feet; thence South 11 degrees 24 minutes 45 seconds East, 149.72 feet; thence South 89 degrees

51 minutes 00 seconds East, 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East, 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East, 134.12 feet; thence South 00 degrees 19 minutes 25 seconds West, 155.23 feet; thence South 89 degrees 40 minutes 35 seconds East, 403.00 feet; thence South 00 degrees 19 minutes 25 seconds West, 734.81 feet to the Point of Beginning. Containing 471,602 sq and/or 10.83 acres of land.

PARCEL III:

Part of the Northwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of Section 35, Town 1 South, Range 9 East, City of Lionville, Wayne County, Michigan, described as: Commencing at the Northeast corner of said section; thence South 00 degrees 18 minutes 53 seconds, 119.67 feet to the intersection of said section with the line of the Midbelt Road (120 foot right of line to the extended North line of Bee-Air Gardens; a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 2,200.0 feet along said extended North line to the Point of Beginning; thence North 89 degrees 51 minutes 00 seconds West, 584.47 feet; thence North 00 degrees 14 minutes 03 seconds East, 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East, 1,000.00 feet to the intersection of said line with the line of the Midbelt Road; thence South 89 degrees 49 minutes 46 seconds East, 419.13 feet; thence South 00 degrees 14 minutes 03 seconds West, 354.63 feet to the Point of Beginning. Containing 198,222.0 sq and/or 4.55 acres of land.

EXCEPTIONS

- 17 Water Easement in favor of Board of County Road Commissioners of the County of Wayne and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 8221, page 394. Register #C314552. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 18 Underground Pencil in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 10350, page 602. Register #A344508, as to Parcel IV. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 19 Agreement for Right of Way in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 13843, page 594. Register #E394605. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 20 Terms and Conditions contained in Easement Agreement as disclosed by instrument recorded in Liber 14112, page 572. Register #E480656. Liber 14112, page 578. Register #E480657, and in Liber 14112, page 581. Register #E480658. (AS SHOWN ON SURVEY)
- 21 Release of Right-of-Way in favor of County of Wayne and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 11486, page 497. Register #E036320, as to Parcels I, II and IV. (SHOWN ON SURVEY)
- 22 Terms and Conditions contained in Warranty Deed as disclosed by Instrument recorded in Liber 16639, page 70. Register #F334260, as to Parcel IV. (NOT PLOTTABLE)
- 23 Terms and Conditions contained in Easement Agreement for Right of Way as shown by instrument recorded in Liber 17364, page 748. Register #F493791, as to Parcel III. (SHOWN ON SURVEY)
- 24 Easement in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 17500, page 553. Register #G32769, as to Parcel II. (SHOWN ON SURVEY)
- 25 Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 21390, page 129. Register #G663496.
- 26 Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 21390, page 130. Register #G663496 and Modification of right of Way recorded in Liber 21445, page 636. Register #G736037. (SHOWN ON SURVEY)
- 27 Grant of Easement in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 22456, page 91. (SHOWN ON SURVEY)
- 28 Terms and Conditions contained in Easement Agreement as disclosed by instrument recorded in Liber 23507, page 725. (SHOWN ON SURVEY)
- 29 Terms and Conditions contained in Wall Easement Agreement as disclosed by instrument recorded in Liber 24145, page 804. Liber 24145, page 812. Liber 24145, page 816. Liber 24145, page 820. Liber 24145, page 824. Liber 24145, page 828. Liber 24145, page 862. Liber 24145, page 866. Liber 24145, page 868. Liber 24145, page 870. Liber 24145, page 874. Liber 24145, page 884. Liber 24145, page 892. Liber 24145, page 896. Liber 24145, page 898. Liber 24145, page 902. Liber 24145, page 906. Liber 24145, page 910. Liber 24145, page 914. Liber 24145, page 916. Liber 24145, page 918. Liber 24145, page 920. Liber 24145, page 924. Liber 24145, page 928. Liber 24145, page 932. Liber 24145, page 936. Liber 24145, page 940. Liber 24145, page 944. Liber 24145, page 948. Liber 24145, page 952. Liber 24145, page 956. Liber 24145, page 960. Liber 24145, page 964. Liber 24145, page 968. Liber 24145, page 972. and in Liber 24145, page 978. (AS SHOWN ON SURVEY)
- 30 Highway Easement for signal poles in favor of Michigan Department of Transportation and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 24610, page 483, as to Parcel II. (SHOWN ON SURVEY)
- 31 Terms and Conditions contained in Beautification Easement Agreement as disclosed by instrument recorded in Liber 34089, page 321, and in Liber 34089, page 339. (SHOWN ON SURVEY)
- 32 Terms and Conditions contained in Easement Agreement as disclosed by instrument recorded in Liber 35211, page 153, as to Parcel IV. (SHOWN ON SURVEY)
- 33 Easements, Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 45464, page 1201, as to Parcels I and II. (NOT PLOTTABLE)
- 34 Terms and Conditions contained in Grant of Easement as disclosed by instrument recorded in Liber 45464, page 275, as to Parcel I and II. (NOT PLOTTABLE)
- 35 Terms and Conditions contained in Operation and Easement Agreement as disclosed by Instrument recorded in Liber 45692, page 375, and in First Amendment to Operation and Easement Agreement as disclosed by instrument recorded in Liber 45692, page 914. (SHOWN ON SURVEY)
- 36 Terms and Conditions contained in Declaration of Covenants, Conditions, Restrictions, and Easements as disclosed by instrument recorded in Liber 46876, page 103, as to Parcel IV. (SHOWN ON SURVEY)
- 37 Detroit Edison Underground Easement (Right of Way) in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 48070, page 106, as to Parcel IV. (SHOWN ON SURVEY)
- 38 Survey by Hubbell, Roth and Clark, Inc., dated February 27, 2003, JO# 20030115, discloses the following:
 - a. There is built over 10' foot gas main, which has been abandoned. (N/A)
 - b. Pathway built between the enclosed mall and The Target Store. (N/A)
 - c. Power lines overhead at various places. (N/A)
 - d. Asphalt paving over the easement areas, gas mains, water, sewer, telephone and electric lines. (N/A)
 - e. Building designated as the Montgomery Ward Building, encroaches upon the Easement various points. (N/A)
 - f. Building designated as Ward's Automotive Center is built over the easement for sanitary records in Liber 14112, page 572. Wayne County Records

NOTE: (THE FOLLOWING WAS SHOWN ON HRC JOB No. 20090336.04, WITH A REVISION DATE OF 07/23/09.)

ASSESSMENTS SCHEDULED FOR TERMINATION PER DEED INFORMATION AND EASEMENT DRAWING OF
HUBBELL, ROLL & CLARK DEED DATED 02-09-06., FINAL REVISION 03-02-06.

10' WIDE GAS EASEMENT, L1484, P.598 (ABANDONED LINE)
10' WIDE STORM SEWER EASEMENT, L1412, P.576
20' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L1412, P.572
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L1412, P.572
12' WIDE SANITARY SEWER EASEMENT, L1412, P.572
12' WIDE WATER MAIN EASEMENT, L1412, P.576
12' WIDE WATER MAIN EASEMENT, L1412, P.576
20' WIDE WATER MAIN EASEMENT, L1412, P.576
20' WIDE STORM SEWER AND WATER SYSTEM EASEMENT, L1412, P.576
12' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L1412, P.576
30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L1412, P.576
20' WIDE SANITARY SEWER AND WATER MAIN EASEMENT, L1412, P.576
12' WIDE STORM SEWER EASEMENT, L1412, P.576

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939



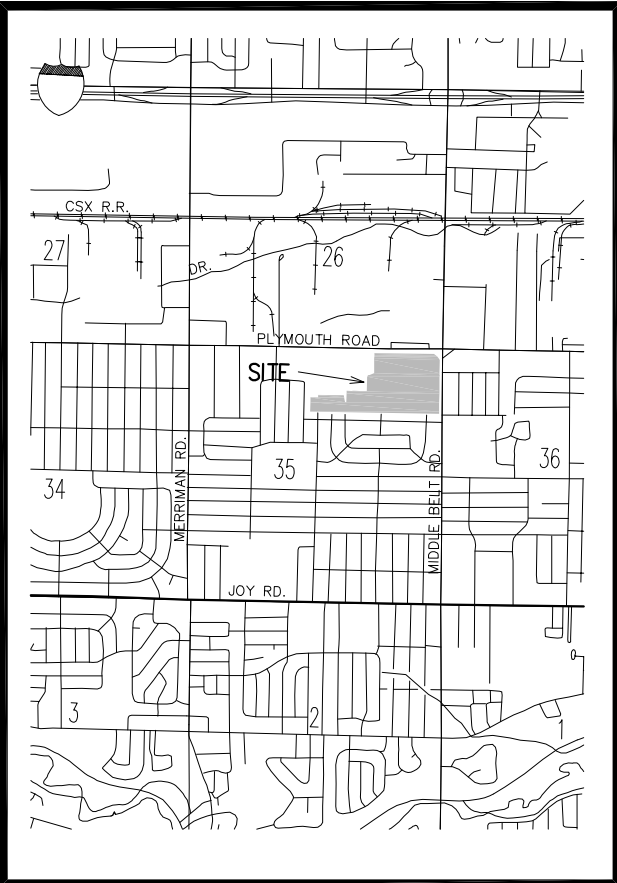
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE
BLOOMFIELD HILLS, MICH.

P.O. BOX 824
48303 - 0824

[illegible]

DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	
DRAWN	B.PIGGOTT
CHECKED	G.CHALICE
APPROVED	G.CHALICE



CITY OF LIVONIA
WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

HRC JOB NO. 20190258	SCALE 1"=50'
DATE June 2019	SHEET NO. 2 OF 2

BENCHMARK

BENCHMARK No. 363
ARROW ON FIRE HYDRANT
ELEVATION 639.75 NAVD 88 DATUM

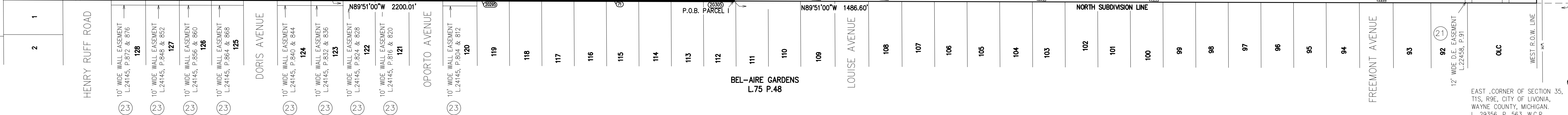
BENCHMARK No. 408
N. END TOP LAMP POLE BASE
ELEVATION 639.62 NAVD 88 DATUM

BENCHMARK No. 415
ARROW ON FIRE HYDRANT
ELEVATION 641.98 NAVD 88 DATUM

BENCHMARK No. 450
ARROW ON FIRE HYDRANT
ELEVATION 641.98 NAVD 88 DATUM

BENCHMARK No. 409
CHISELED SQUARE W. TOP OF CONC.
LAMP POLE BASE
ELEVATION 641.24 NAVD 88 DATUM

N. CORNER OF SECTION 35,
T1S, R9E, CITY OF LIVONIA,
WAYNE COUNTY, MICHIGAN.
L. 30034, P. 444, W.C.R.



LEGEND

BUILDING		RISER & DOWN SPOUT		
STORM	ST 	PUMP STATION		
SANITARY	SA 	FIRE HYDRANT		
WATERMAIN	WM 	GATE & VALVE, & WELL		
GAS		CISTERN & WELL		
UND. TELEPHONE	T	WATER STOP BOX & SPRINKLER HEAD		
UND. ELECTRICAL	E	WATER TOWER BASE & METER PIT		
TRAVERSE LINE & TRAVERSE POINT		UTILITY POLE		
BENCH MARK SYMBOL		LIGHT POLE		
DEAD TREE		GUY WIRE ANCHOR		
DECIDUOUS TREE		UNDERGROUND MARKER		
DECIDUOUS SHRUB		RISER		
CONIFEROUS TREE		GAS BOX & BLOW OFF		
CONIFEROUS SHRUB		BUILD. CORNER & 1st FLOOR ELEV.		
STUMP		C & G OF DITCH		
SQ. & RD. CATCH BASINS & INLETS IN PAVEMENT		& TOE OF SLOPE		
STORM MANHOLE & PIPE END		TOP OF BANK & RIDGE		
UNSPECIFIED MH.		TOP OF BERM		
		& TOE OF BERM		
		EDGE OF WATER & WATER SURFACE		
		HEADWALL & RETAINING WALL		
		SIGNS & SIGN POST		
		LOCAL LOW POINT & LOCAL HIGH POINT		
		COLUMN OR PIER		

FLOOD ZONE INFORMATION

SUBJECT PROPERTY FALLS IN ZONE "X", MINIMAL FLOODING, AS SHOWN IN FEMA MAP 26163C0227E, DATED 02/02/2012.

PARKING INFORMATION

PARCEL I - 0 SPACES

PARCEL II - 519 SPACES (20 HANDICAP/499 REGULAR (EAST - 10 HANDICAP/250 REGULAR; WEST - 10 HANDICAP/249 REGULAR)

PARCEL III - 0 SPACES

PARCEL IV - 349 SPACES (10 HANDICAP/339 REGULAR)

TOTAL PARKING SPACES:
868 SPACES
(30 HANDICAP/838 REGULAR)

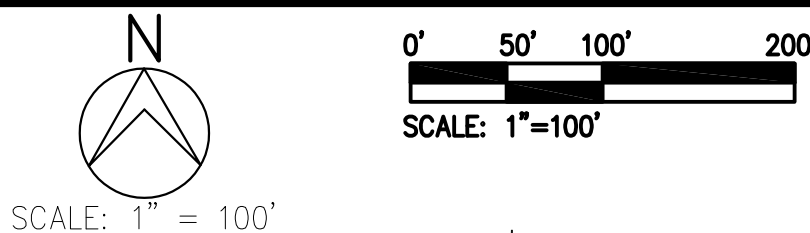
NOTES:

NO EVIDENCE OF RECENT EARTH MOVING WORK ON SITE.

NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.

UTILITY STATEMENT

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

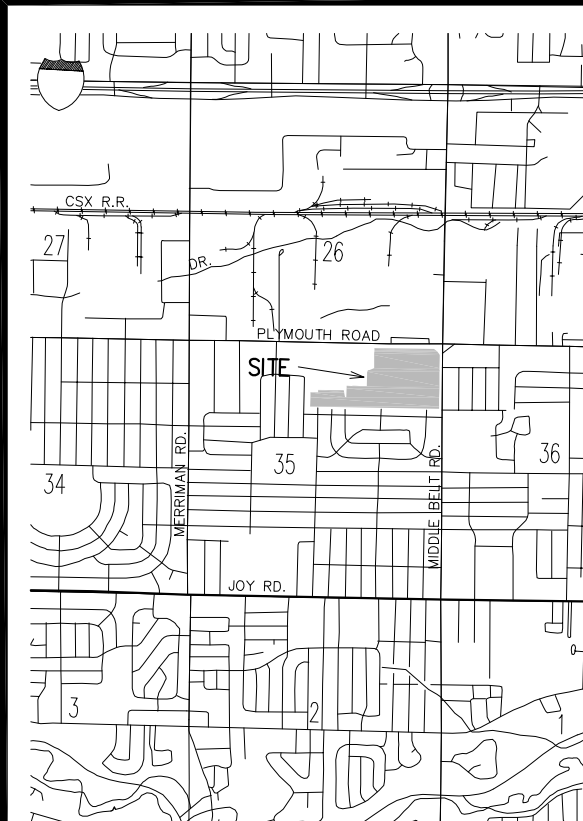
555 HULET DRIVE
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DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	
DRAWN	B.PIGGOTT
CHECKED	G.CHALICE
APPROVED	G.CHALICE



CITY OF LIVONIA

WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939

HRC JOB NO. 20190258	SCALE 1"=100'
DATE June 2019	SHEET NO. 1 OF 2

SANITARY STRUCTURE DATA	
Structure Name	Structure Details
49	RIM=637.64 INV IN=623.37 SW 12" FROM 10809 INV IN=623.14 W 12" FROM INV OUT=623.14 E 18" TO 10672
5441	RIM=637.46 INV IN=625.40 NE 12" FROM INV OUT=624.75 E 12" TO 10816
10672	RIM=637.68 INV IN=623.08 W 18" FROM 49 INV OUT=623.07 E 18" TO 49
10809	RIM=638.10 INV IN=624.26 W 12" FROM 10956 INV OUT=624.22 NE 12" TO 49
10816	RIM=638.27 INV IN=624.89 W 12" FROM 5441 INV OUT=624.65 SE 12" TO 10956
10956	RIM=637.50 INV IN=623.66 NW 12" FROM 10816 INV OUT=623.59 E 12" TO 10809
11007	RIM=637.47
20029	RIM=639.69 INV IN=629.74 W 12" FROM INV OUT=629.72 E 12" TO

WATER STRUCTURE DATA	
Structure Name	Structure Details
5437	RIM=636.19 T/P IN=632.26 W 12" DI FROM T/P OUT=632.26 E 12" DI TO
5475	RIM=636.90 T/P IN=629.90 N 12" DI FROM T/P OUT=629.90 S 12" DI TO
10810	RIM=636.31 T/P IN=631.95 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11064	RIM=636.76 T/P IN=630.21 W 12" DI FROM T/P OUT=630.21 E 12" DI TO
11072	RIM=636.60 T/P IN=630.60 W 12" DI FROM T/P OUT=630.60 N 12" DI TO

STORM STRUCTURE DATA	
Structure Name	Structure Details
71	RIM=635.73 INV OUT=631.61 N 12" RCP TO 20309
5019	RIM=636.23 INV OUT=632.43 E 12" RCP TO 10868
5020	RIM=636.64 INV IN=632.33 NE 12" RCP FROM 5054 INV IN=632.49 W 12" RCP FROM INV OUT=632.49 E 12" RCP TO 10871
5026	RIM=636.34 INV OUT=631.70 E 12" RCP TO 10851
5029	RIM=636.88 (COULD NOT OPEN)
5054	RIM=635.87 INV OUT=632.72 SW 12" RCP TO 5020
5384	RIM=637.91 INV IN=628.22 E 24" RCP FROM INV OUT=628.11 W 24" RCP TO
5440	RIM=636.07 INV IN=631.61 N 15" RCP FROM INV IN=631.44 W 12" RCP FROM INV OUT=631.36 S 15" RCP TO 10908
5575	RIM=637.14 (FILLED WITH WATER & DIRT)
5576	RIM=636.82 (FILLED WITH WATER & DIRT)
5689	RIM=640.77 (FILLED WITH DEBRIS)
5721	RIM=634.88 INV OUT=632.11 S 12"
6124	RIM=634.85 INV IN=626.91 N 48" CONC FROM 11068 INV OUT=626.91 S 48" CONC TO
10577	RIM=636.81 INV IN=631.09 W 18" RCP FROM 10585 INV OUT=631.09 SE 24" RCP TO
10584	RIM=635.66 INV IN=631.58 W 12" RCP FROM 10688 INV OUT=631.58 E 12" RCP TO 10585
10585	RIM=636.08 INV IN=631.33 N 18" RCP FROM 10597 INV IN=631.46 W 12" RCP FROM 10594 INV OUT=631.21 S 18" RCP TO 10577
10595	RIM=635.63 INV IN=631.98 W 12" RCP FROM 10596 INV OUT=631.94 E 12" RCP TO 10597
10596	RIM=635.44 INV IN=632.09 W 12" RCP FROM 10708 INV OUT=632.19 E 12" RCP TO 10595
10597	RIM=635.94 INV IN=632.06 N 15" RCP FROM 10598 INV IN=632.00 W 12" RCP FROM 10595 INV OUT=632.05 S 18" RCP TO 10595
10598	RIM=636.27 INV IN=631.86 W 12" RCP FROM 10770 INV IN=632.15 N 12" RCP FROM 10600 INV IN=631.73 E 12" RCP FROM INV OUT=631.64 S 15" RCP TO 10597
10600	RIM=635.78 INV OUT=632.03 S 12" RCP TO 10598
10688	RIM=635.63 INV IN=631.71 W 12" RCP FROM 10691 INV OUT=631.65 E 12" RCP TO 10584
10691	RIM=635.70 INV IN=632.12 W 12" RCP FROM 10692 INV OUT=632.07 E 12" RCP TO 10688

STORM STRUCTURE DATA	
Structure Name	Structure Details
10692	RIM=635.71 INV OUT=632.19 E 12" RCP TO 10691
10708	RIM=635.67 INV IN=632.21 W 12" RCP FROM 10709 INV OUT=631.91 E 12" RCP TO 10596
10709	RIM=635.59 INV OUT=632.46 E 12" RCP TO 10708
10747	RIM=635.72 INV OUT=632.60 S 12" RCP TO 10770
10770	RIM=637.75 INV IN=633.40 N 12" RCP FROM 10747 INV OUT=633.35 E 12" RCP TO 10598
10800	RIM=636.59 INV IN=630.87 NE 36" RCP FROM INV OUT=630.74 SW 48" RCP TO 11015
10814	RIM=638.42 INV IN=631.85 N 18" RCP FROM 10817 INV IN=631.66 W 48" RCP FROM INV IN=631.46 E 48" RCP FROM INV OUT=631.85 S 18" RCP TO 10952
10817	RIM=638.44 INV IN=631.96 N 18" RCP FROM 10831 INV IN=632.84 W 12" RCP FROM INV OUT=631.53 S 18" RCP TO 10814
10831	RIM=637.18 INV IN=631.62 N 18" RCP FROM 10850 INV IN=631.64 NE 12" RCP FROM 10871 INV IN=632.63 E 12" RCP FROM INV OUT=631.41 S 18" RCP TO 10817
10850	RIM=637.63 INV IN=631.47 N 18" RCP FROM 10851 INV IN=631.47 W 12" RCP FROM 10868 INV IN=632.26 E 12" RCP FROM INV OUT=631.53 S 18" RCP TO 10831
10851	RIM=637.81 INV IN=631.97 W 12" RCP FROM 5020 INV IN=621.91 W 24" RCP FROM 20309 INV OUT=631.77 S 18" RCP TO 10850
10859	RIM=636.73 INV OUT=632.76 W 12" RCP TO 10861
10861	RIM=637.36 INV IN=632.30 E 12" RCP FROM 10859 INV OUT=632.26 SW 12" RCP TO 10851
10868	RIM=635.93 INV IN=631.87 W 12" RCP FROM 5019 INV OUT=631.71 E 12" RCP TO 10850
10871	RIM=636.31 INV IN=631.82 W 12" RCP FROM 5026 INV OUT=632.01 E 12" RCP TO 10831
10908	RIM=635.93 INV IN=630.79 N 15" RCP FROM 5440 INV IN=0.00 W 33" RCP FROM 10667 INV OUT=629.21 E 48" RCP TO 10931
10924	RIM=635.77 INV IN=629.07 N 12" RCP FROM 10924 INV IN=629.01 W 48" RCP FROM 10908 INV OUT=629.01 E 48" RCP TO 10952
10952	RIM=636.93 INV IN=630.17 N 18" RCP FROM 10814 INV IN=629.43 W 48" RCP FROM 10931 INV OUT=629.43 E 48" RCP TO 10996
10996	RIM=636.01 INV IN=628.53 W 48" RCP FROM 10952 INV OUT=628.53 E 48" RCP TO 11015
11015	RIM=637.37 INV IN=629.82 W 48" RCP FROM 10996 INV IN=0.00 NE 48" RCP FROM 10800 INV OUT=629.82 E 48" RCP TO
11067	RIM=638.35 INV IN=633.73 SW 12" RCP FROM INV IN=628.74 NW 33" RCP FROM INV IN=632.54 S 12" RCP FROM 11069 INV OUT=628.75 E 33" RCP TO 10908

STORM STRUCTURE DATA	
Structure Name	Structure Details
11068	RIM=637.11 INV IN=628.53 S 48" RCP FROM INV OUT=628.49 N 48" RCP TO
11069	RIM=637.99 INV IN=632.73 S 12" RCP FROM 11070 INV OUT=632.71 N 12" RCP TO 11067
11070	RIM=638.11 INV OUT=633.11 N 12" RCP TO 11069
20028	RIM=644.28 INV IN=628.87 N 21" CONC FROM 20305 INV IN=627.73 W CONC FROM 20309 INV IN=627.83 E
20034	RIM=634.73 INV IN=628.83 E 24" RCP FROM 20062
20062	RIM=635.90 INV IN=631.25 N 15" RCP FROM 20078 INV OUT=627.73 E 12" RCP TO
20078	RIM=635.98 INV OUT=631.56 S 15" RCP TO 20062
20113	RIM=635.90 INV OUT=631.72 E 12" RCP TO
20136	RIM=636.26 INV OUT=630.76 NW 12" RCP TO
20295	RIM=636.03 INV OUT=632.08 N 12" RCP TO
20296	RIM=641.20 INV IN=622.92 W 24" RCP FROM 20319 INV OUT=622.70 E 24" RCP TO 20300
20300	RIM=641.85 INV IN=621.91 W 24" RCP FROM 20296 INV IN=622.33 N 24" RCP FROM INV OUT=622.25 E 24" RCP TO 20303
20303	RIM=642.35 INV IN=621.91 W 24" RCP FROM 20300 INV OUT=621.79 E 24" RCP TO
20305	RIM=635.46 INV OUT=630.76 N 12" RCP TO
20309	RIM=645.02 INV IN=627.81 E 48" RCP FROM INV IN=631.10 S 12" RCP FROM 71 INV OUT=627.98 W 48" RCP TO 20313
20313	RIM=646.87 INV IN=627.85 E 48" RCP FROM 20309 INV OUT=627.75 W 48" RCP TO 20315
20315	RIM=647.23 INV IN=627.36 E 48" RCP FROM 20313 INV IN=628.11 W 48" RCP FROM
20319	RIM=644.93 INV IN=623.50 W 24" RCP FROM 20327 INV OUT=623.43 E 24" RCP TO 20296
20327	RIM=632.57 INV IN=625.15 NW 12" RCP FROM 20328 INV OUT=623.75 E 24" RCP TO 20319
20328	RIM=632.82 INV OUT=627.24 SE 12" RCP TO 20327
20463	RIM=630.68 T/P 627.48

PROPERTY DESCRIPTION

AS PROVIDED BY CLIENT IN TITLE WORK BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT No: 844447 AND DATED MARCH 08, 2019

Land in the City of Livonia, Wayne County, MI, described as follows:

PARCEL I:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence
South 00 degrees 18 minutes 53 seconds East, 1,319.07 feet along the East line of said section and the centerline of Middlebelt Road (120 foot right of way) to the extended South line of Bel-Aire Gardens; a subdivision according to the plat thereof as recorded in Liber 75 of Plats, page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West, 1,486.60 feet along said extended North line to the Point of Beginning; thence North 89 degrees 51 minutes 00 seconds West, 713.41 feet along said North line extended; thence North 00 degrees 10 minutes 14 seconds East, 354.63 feet; thence South 89 degrees 49 minutes 46 seconds East, 116.62 feet; thence South 11 degrees 24 minutes 45 seconds East, 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East, 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East, 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East, 134.12 feet; thence South 00 degrees 19 minutes 25 seconds West, 155.23 feet; thence South 89 degrees 40 minutes 35 seconds East, 403.00 feet; thence South 00 degrees 19 minutes 25 seconds West, 734.81 feet to the Point of Beginning. Containing 471,602 sf and/or 10.83 acres of land.

PARCEL II:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 162.20 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West, 60.00 feet to the South right of way line of said Plymouth Road and the Point of Beginning; thence along a curve to the right 177.47 feet, said curve having a radius of 269.27 feet, a central angle of 37 degrees 45 minutes 41 seconds, and a chord bearing South 45 degrees 04 minutes 20 seconds East, 174.72 feet to the West right of way line of Middlebelt Road (120 foot right of way); thence South 00 degrees 18 minutes 53 seconds East, 252.74 feet along the said right of way line; thence North 89 degrees 40 minutes 35 seconds West, 573.01 feet; thence North 00 degrees 19 minutes 25 seconds East, 62.02 feet; thence North 40 degrees 40 minutes 13 seconds West, 72.66 feet; thence North 00 degrees 10 minutes 14 seconds East, 256.92 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 494.47 feet along said right of way line to the Point of Beginning. Containing 221,715.6 sf and/or 5.09 acres of land.

ALSO
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of said Plymouth Road; thence South 00 degrees 10 minutes 14 seconds West, 60.00 feet to the South right of way line of said Plymouth Road and the Point of Beginning; thence South 00 degrees 19 minutes 25 seconds West, 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West, 241.25 feet; thence South 57 degrees 56 minutes 01 second West, 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds, and a chord bearing South 73 degrees 23 minutes 07 seconds West, 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West, 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West, 71.69 feet; thence South 00 degrees 19 minutes 25 seconds West, 74.78 feet; thence North 89 degrees 40 minutes 35 seconds West, 403.00 feet; thence North 00 degrees 19 minutes 25 seconds East, 155.23 feet; thence South 89 degrees 49 minutes 46 seconds East, 98.71 feet; thence North 00 degrees 09 minutes 51 seconds East, 368.44 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 883.85 feet along said right of way line to the Point of Beginning. Containing 321,119.7 sf and/or 8.29 acres of land.

PARCEL III:
Part of the Northeast ¼ and the Northwest ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Beginning at a point distant North 89 degrees 49 minutes 46 seconds West, 2,010.15 feet along the North line of said Section 35 and South 00 degrees 10 minutes 14 seconds West, 60.00 feet from the Northeast corner of said Section 35; thence South 00 degrees 10 minutes 14 seconds West, 1,051.85 feet; thence North 89 degrees 51 minutes 00 seconds West, 30.00 feet; thence North 11 degrees 24 minutes 45 seconds West, 149.72 feet; thence North 89 degrees 49 minutes 46 seconds West, 537.75 feet; thence North 00 degrees 14 minutes 03 seconds East, 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East, 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East, 240.18 feet (calculated) 240.00 feet (recorded); thence South 89 degrees 49 minutes 46 seconds East, 416.81 feet (calculated) 416.75 feet (recorded) to the Point of Beginning. Containing 504,080.3 sf and/or 11.57 acres of land.

EXCEPTIONS

- 11 Water Easement in favor of Board of County Road Commissioners of the County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 5221, page 394, Register #C614552. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 12 Underground Permit in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10350, page 692, Register #D444586, as to Parcel IV. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 13 Agreement to Right of Way in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 13843, page 598, Register #E394605. (CANNOT DETERMINE LOCATION DUE TO POOR UNREADABLE DOCUMENT)
- 14 Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 14112, page 572, Register #E480956, Liber 14112, page 576, Register #E480957, and in Liber 14112, page 581, Register #E480958. (AS SHOWN ON SURVEY)
- 15 Release of Right-of-Way in favor of County of Wayne and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 14186, page 497, Register #E506328, as to Parcels I, II and IV. (SHOWN ON SURVEY)
- 16 Terms and Conditions contained in Warranty Deed as disclosed by instrument recorded in Liber 16839, page 70, Register #F334920, as to Parcel IV. (NOT PLOTTABLE)
- 17 Terms and Conditions contained in Easement Right of Way as disclosed by instrument recorded in Liber 17264, page 746, Register #F493791, as to Parcel III. (SHOWN ON SURVEY)
- 18 Easement in favor of Consumers Power Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10201, page 533, Register #G32769, as to Parcel II. (SHOWN ON SURVEY)
- 19 Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21396, page 129, Register #G693495. (SHOWN ON SURVEY)
- 20 Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 21396, page 130, Register #G693496 and Modification of Right of Way recorded in Liber 21645, page 636, Register #G736037. (SHOWN ON SURVEY)
- 21 Grant of Easement in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 22458, page 91. (SHOWN ON SURVEY)
- 22 Terms and Conditions contained in Easement Agreement as disclosed by instrument recorded in Liber 23507, page 725. (SHOWN ON SURVEY)
- 23 Terms and Conditions contained in Well Easement Agreement as disclosed by instrument recorded in Liber 24145, page 804, Liber 24145, page 812, Liber 24145, page 816, Liber 24145, page 820, Liber 24145, page 824, Liber 24145, page 828, Liber 24145, page 832, Liber 24145, page 836, Liber 24145, page 840, Liber 24145, page 844, Liber 24145, page 848, Liber 24145, page 852, Liber 24145, page 856, Liber 24145, page 860, Liber 24145, page 864, Liber 24145, page 868, Liber 24145, page 872, and in Liber 24145, page 876. (AS SHOWN ON SURVEY)
- 24 Highway Easement Release for signal pole in favor of Michigan Department of Transportation and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 24610, page 483, as to Parcel II. (SHOWN ON SURVEY)
- 25 Terms and Conditions contained in Beautification Easement Agreement as disclosed by instrument recorded in Liber 34068, page 321, and in Liber 34069, page 339. (SHOWN ON SURVEY)
- 26 Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 35211, page 153, as to Parcel IV. (SHOWN ON SURVEY)
- 27 Easements, Terms and Conditions contained in Easement as disclosed by instrument recorded in Liber 45464, page 1201, as to Parcels I and II. (NOT PLOTTABLE)
- 28 Terms and Conditions contained in Grant of Easement as disclosed by instrument recorded in Liber 45464, page 275, as to Parcel I and II. (NOT PLOTTABLE)
- 29 Terms and Conditions contained in Operation and Easement Agreement as disclosed by instrument recorded in Liber 45505, page 375, and in First Amendment to Operation and Easement Agreement as disclosed by instrument recorded in Liber 46492, page 914. (SHOWN ON SURVEY)
- 30 Terms and Conditions contained in Declaration of Covenants, Conditions, Restrictions, and Easements as disclosed by instrument recorded in Liber 46878, page 103, as to Parcel IV. (SHOWN ON SURVEY)
- 31 Detroit Edison Underground Easement (Right of Way) in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 48970, page 708, as to Parcel IV. (SHOWN ON SURVEY)
- 36 Survey by Hubbell, Roth and Clark, Inc., dated February 27, 2003, Job No. 20030115, discloses the following:

a. Theater is built over 10 foot gas main, which has been abandoned. (N/A)

b. Party Wall between the enclosed mall and the Target Store. (N/A)

c. Power lines overhead at various locations.

d. Asphalt paving over the easement areas, gas mains, water, sewer, telephone and electrical lines.

e. Building designated as the Montgomery Wards Building encroaches onto the Easement Parcel at various points. (N/A)

f. Building designated as Ward's Automotive Center is built over the easement for sanitary sewer recorded in Liber 14112, page 572, Wayne County Records

NOTE: (THE FOLLOWING WAS SHOWN ON HRC JOB No. 20090336.04, WITH A REVISION DATE OF 07/23/09.)

EASEMENTS SCHEDULED FOR TERMINATION PER DEVELOPER INFORMATION AND EASEMENT DRAWING OF HUBBELL, ROTH & CLARK DEPICTION DATED 02-09-06-- FINAL REVISION 03-02-06.

6' WIDE GAS EASEMENT, L13843, P.598

10' WIDE GAS EASEMENT, L13843, P.598 (ABANDONED LINE)

12' WIDE STORM SEWER EASEMENT, L14112, P.572

24' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572

30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.572

12' WIDE SANITARY SEWER EASEMENT, L14112, P.572

12' WIDE WATER MAIN EASEMENT, L14112, P.576

12' WIDE WATER MAIN EASEMENT, L14112, P.576

20' WIDE WATER MAIN EASEMENT, L14112, P.576

30' WIDE STORM SEWER AND WATER SYSTEM EASEMENT, L14112, P.576

30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576

30' WIDE SANITARY, STORM, WATER MAIN EASEMENT, L14112, P.576

24' WIDE SANITARY SEWER AND WATER MAIN EASEMENT, L14112, P.576

12' WIDE STORM SEWER EASEMENT, L14112, P.576

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 9, 11, 13, 14, 16, 17, OF TABLE A THEREOF.

GARY M. CHALICE
PROFESSIONAL SURVEYOR No. 55939



Schostak
BROTHERS & COMPANY



HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE
BLOOMFIELD HILLS, MICH.

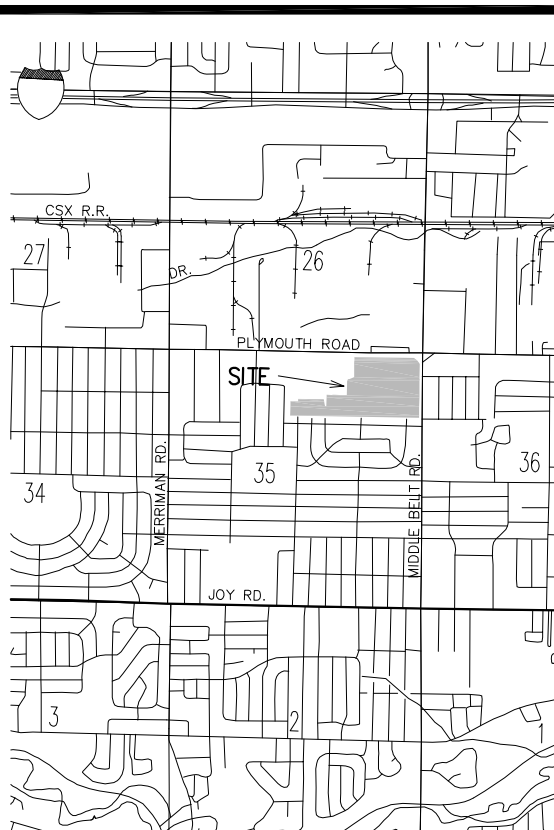
P.O. BOX 824
48303 - 0824

PHONE: (248) 454-6300
FAX (1st Floor): (248) 454-6312
FAX (2nd Floor): (248) 454-6359

WEB SITE: [http:// www.hrcengr.com](http://www.hrcengr.com)



DATE		ADDITIONS AND/OR REVISIONS	
DESIGNED			
DRAWN		B.PIGGOTT	
CHECKED		G.CHALICE	
APPROVED		G.CHALICE	



CITY OF LIVONIA

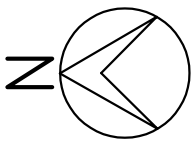
WONDERLAND MALL

ALTA/NSPS
LAND TITLE
SURVEY

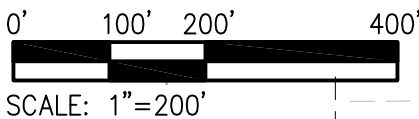
HRC JOB NO. 20190258	SCALE 1"=100'
DATE June 2019	SHEET NO. 2 OF 2

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CURRENT PARCEL CONFIGURATION



SCALE: 1" = 200'

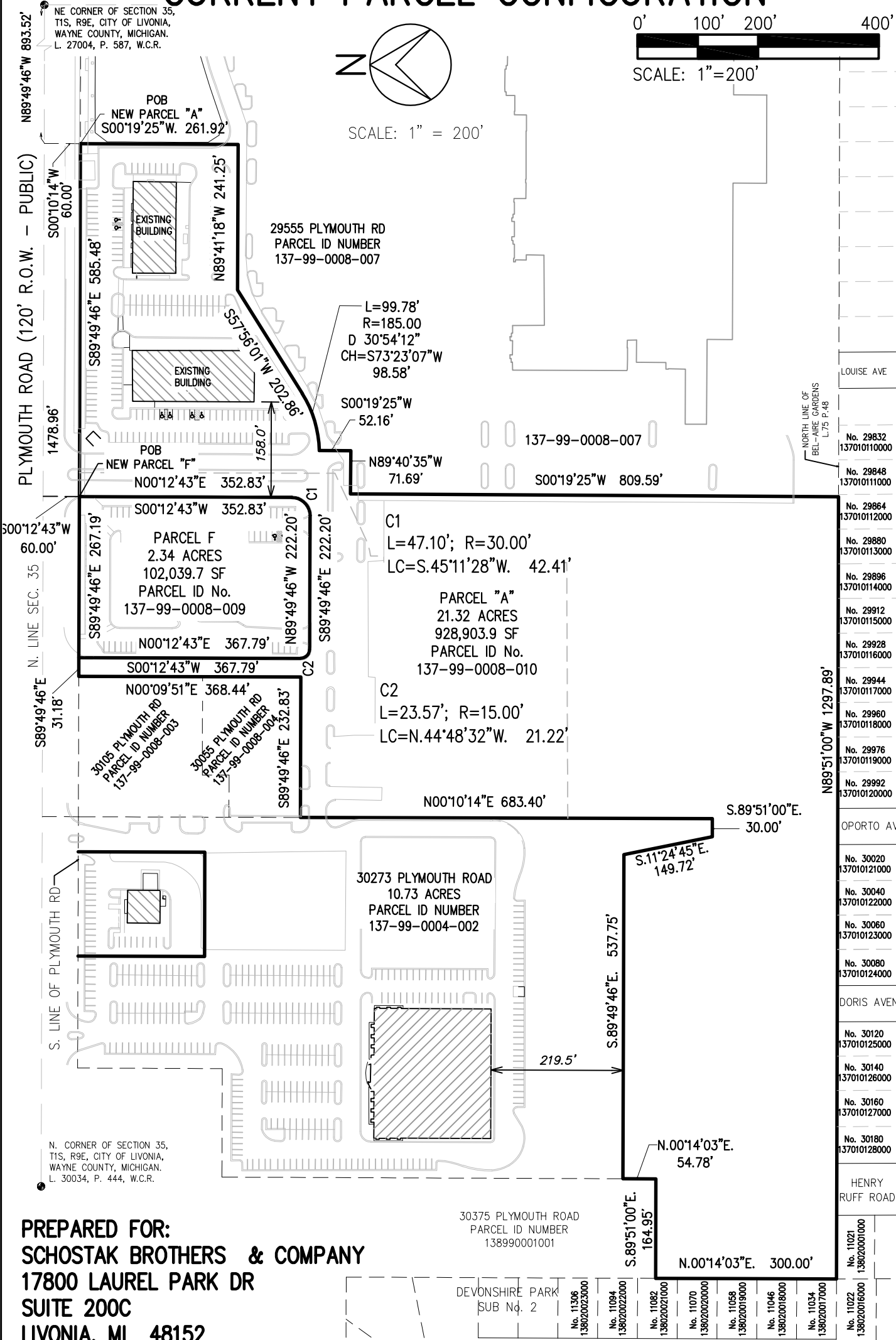


SCALE: 1" = 200'

6/2/2020 9:01 AM

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Piggott, Robert



PREPARED FOR:
SCHOSTAK BROTHERS & COMPANY
17800 LAUREL PARK DR
SUITE 200C
LIVONIA, MI 48152

REVISED 05/28/2020

JOB NO.
20190419
DATE
03-11-2020

HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE
BLOOMFIELD HILLS, MICH.
P.O. BOX 824
48303 - 0824
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FAX (1st. Floor): (248) 454-6312
FAX (2nd. Floor): (248) 454-6359
WEB SITE: <http://www.hrcengr.com>

SHEET NO.
1
OF
4

CURRENT PARCEL DESCRIPTIONS

PROPERTY DESCRIPTION PARCEL "A"

Land situated in the City of Livonia, County of Wayne, State of Michigan, described as follows:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South Right of Way line of Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West 241.25 feet; thence South 57 degrees 56 minutes 01 seconds West 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds and a chord bearing South 73 degrees 23 minutes 07 seconds West 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West 71.69 feet; thence South 00 degrees 19 minutes 25 seconds West 809.59 feet to the north line of “Bel-Aire Gardens”, a subdivision of part of the South ½ of the North ½ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, as recorded in Liber 75 of Plats, Page 48, Wayne County Records; thence North 89 degrees 51 minutes 00 seconds West 1297.89 feet along said subdivision line; thence North 00 degrees 14 minutes 03 seconds East 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East 164.95 feet; thence North 00 degrees 14 minutes 03 seconds East 54.78 feet; thence South 89 degrees 49 minutes 46 seconds East 537.75 feet; thence South 11 degrees 24 minutes 45 seconds East 149.72 feet; thence South 89 degrees 51 minutes 00 seconds East 30.00 feet; thence North 00 degrees 10 minutes 14 seconds East 683.40 feet; thence South 89 degrees 49 minutes 46 seconds East 232.83 feet; thence North 00 degrees 09 minutes 51 seconds East 368.44 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East, 31.18 feet along said right of way line; thence South 00 degrees 12 minutes 43 seconds West 367.79 feet; thence 23.57 feet along a curve to the left, having a radius of 15.00 feet and a long chord which bears South 44 degrees 48 minutes 32 seconds East 21.22 feet; thence South 89 degrees 49 minutes 46 seconds East 222.20 feet; thence 47.10 feet along a curve to the left, having a radius of 30.00 feet and a long chord which bears North 45 degrees 11 minutes 28 seconds East 42.41 feet; thence North 00 degrees 12 minutes 43 seconds East 352.83 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East 585.48 feet to the POINT OF BEGINNING. Containing 928,903.9 sf and/or 21.32 acres of land. Subject to all easements and restrictions of record.

DESCRIPTION OF PROPERTY (137-99-0004-002) (NO CHANGES)

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 2010.15 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the south right of way line of said Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 10 minutes 14 seconds West 1051.84 feet; thence North 89°51'00" West 30.00 feet; thence North 11 degrees 24 minutes 45 seconds West 149.72 feet; thence North 89 degrees 49 minutes 46 secodns West 537.75 feet; thence North 00 degrees 14 minutes 03 seconds East 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East 240.18 feet; thence South 89 degrees 49 minutes 46 seconds East 185.80 feet; thence South 00 degrees 10 minutes 14 seconds West 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 173.00 feet; thence North 00 degrees 10 minutes 14 seconds East 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 58.01 feet to THE POINT OF BEGINNING. Said parcel contains 10.737 acres, more or less.

REVISED 05/28/2020

JOB NO. 20190419	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 03/11/2020		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http: // www.hrcengr.com		2
				OF 4

PROPOSED ZONING W/ NEW PARCEL CONFIGURATION

DESCRIPTION OF NEW ZONING R8

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 1439.16 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South line of Plymouth Road; thence continuing South 00 degrees 10 minutes 14 seconds West 411.54 feet ; thence North 89 degrees 57 minutes 47 seconds West 34.00 feet to the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 779.21 feet; thence North 89 degrees 44 minutes 39 seconds West 713.60 feet; thence North 00 degrees 10 minutes 14 seconds East 284.57 feet; thence South 89 degrees 49 minutes 46 seconds East 148.20 feet; thence North 00 degrees 10 minutes 14 seconds East 158.97 feet; thence South 89 degrees 49 minutes 46 seconds East 30.48 feet; thence North 00 degrees 10 minutes 14 seconds East 335.09 feet; thence South 89 degrees 46 minutes 36 seconds East 537.00 feet to the POINT OF BEGINNING. Containing 473,257.9 SF and/or 10.86 acres.

PROPERTY DESCRIPTION PROPOSED PARCEL "A" TO REMAIN SAME ZONING

Land situated in the City of Livonia, County of Wayne, State of Michigan, described as follows:
Part of the Northeast ¼ of Section 35, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast corner of said section; thence North 89 degrees 49 minutes 46 seconds West, 893.52 feet along the North line of said section and the centerline of Plymouth Road (120 foot right of way); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South Right of Way line of Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 261.92 feet; thence North 89 degrees 41 minutes 18 seconds West 241.25 feet; thence South 57 degrees 56 minutes 01 seconds West 202.86 feet; thence along a curve to the right 99.78 feet, said curve having a radius of 185.00 feet, a central angle of 30 degrees 54 minutes 12 seconds and a chord bearing South 73 degrees 23 minutes 07 seconds West 98.58 feet; thence South 00 degrees 19 minutes 25 seconds West 52.16 feet; thence North 89 degrees 40 minutes 35 seconds West 71.69 feet to point "A"; thence North 00 degrees 19 minutes 25 seconds East 38.35 feet; thence North 89 degrees 46 minutes 36 seconds West 537.00 feet; thence North 00 degrees 10 minutes 14 seconds East 42.68 feet; thence South 89 degrees 49 minutes 46 seconds East 232.83 feet; thence North 00 degrees 09 minutes 51 seconds East 368.44 feet to a point on the South line of Plymouth Road; thence along said South line South 89 degrees 49 minutes 46 seconds East 31.18 feet; thence South 00 degrees 12 minutes 43 seconds West 367.79 feet; thence 23.57 feet along a curve to the left, having a radius of 15.00 feet and a long chord which bears South 44 degrees 48 minutes 32 seconds East 21.22 feet; thence South 89 degrees 49 minutes 46 seconds East 222.20 feet; thence 47.10 feet along a curve to the left, having a radius of 30.00 feet and a long chord which bears North 45 degrees 11 minutes 28 seconds East 42.41 feet; thence North 00 degrees 12 minutes 43 seconds East 352.83 feet to the South right of way line of said Plymouth Road; thence South 89 degrees 49 minutes 46 seconds East 585.48 feet to the POINT OF BEGINNING; also commencing at said point "A"; thence South 00 degrees 19 minutes 25 seconds West 740.86 feet to A POINT OF BEGINNING; thence continuing South 00 degrees 19 minutes 25 seconds West 68.74 feet; thence North 89 degrees 51 minutes 00 seconds West 1297.89 feet; thence North 00 degrees 14 minutes 03 seconds East 300.00 feet; thence South 89 degrees 51 minutes 00 seconds East 164.95 feet; thence North 00 degrees 14 minutes 03 seconds East 54.78 feet; thence South 89 degrees 49 minutes 46 seconds East 419.13 feet; thence South 00 degrees 10 minutes 14 seconds West 284.57 feet; thence South 89 degrees 44 minutes 39 seconds East 713.60 feet to the POINT OF BEGINNING. Containing 467,096.2 SF and/or 10.72 acres.

DESCRIPTION OF PROPERTY (137-99-0004-002) TO REMAIN SAME ZONING

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:
Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 2010.15 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the south right of way line of said Plymouth Road and the POINT OF BEGINNING; thence South 00 degrees 10 minutes 14 seconds West 746.18 feet; thence North 89 degrees 49 minutes 46 seconds West 30.48 feet; thence South 00 degrees 10 minutes 14 seconds West 158.97 feet; thence North 89 degrees 49 minutes 46 seconds West 568.13 feet; thence North 00 degrees 14 minutes 03 seconds East 665.00 feet; thence South 89 degrees 49 minutes 46 seconds East 180.00 feet; thence North 00 degrees 14 minutes 03 seconds East 240.18 feet; thence South 89 degrees 49 minutes 46 seconds East 185.80 feet; thence South 00 degrees 10 minutes 14 seconds West 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 173.00 feet; thence North 00 degrees 10 minutes 14 seconds East 210.00 feet; thence South 89 degrees 49 minutes 46 seconds East 58.01 feet to THE POINT OF BEGINNING. Containing 456,269.5 SF and/or 10.47 acres.

REVISED 08/06/2020 REVISED 05/28/2020	JOB NO. 20190419	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: http:// www.hrcengr.com	P.O. BOX 824 48303 - 0824	SHEET NO.
	DATE 03/11/2020				4 OF 4

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
CITY ENGINEER

DAVID W. LEAR, P.E.
ASST. CITY ENGINEER



MAUREEN MILLER BROSNAN
MAYOR

DONALD R ROHRAFF
DIRECTOR OF PUBLIC WORKS

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2571
FAX: (734) 466-2195

September 1, 2020

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2020-08-01-06 – #29707 & #30273 Plymouth Road

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no objections to the proposed rezoning at this time. The parcels are assigned the addresses of **#29707 and #30273 Plymouth Road**. The legal description submitted by the owner for the proposed rezoning appears to be correct, and should be used to describe the parcel if approved.

The proposed development is currently serviced by water main, sanitary and storm sewers, which may need to be extended to service any new development. The submitted drawing does not indicate any utility connections, so we do not have any knowledge of impacts to the existing systems at this time. The existing site has a mix of public and private utilities, which may require additional easements to provide sanitary and water service to a new parcel.

It should be noted that should the project move forward the proposed construction will be required to meet the Wayne County Stormwater Ordinance, including detention requirements. A full review of the proposed development will be completed when plans are submitted for permitting.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you can e-mail either of us at dlear@ci.livonia.mi.us or tzilincik@ci.livonia.mi.us.

Sincerely,

David W. Lear, P.E.
Assistant City Engineer

cc: 2020 Petition File

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
CITY ENGINEER

DAVID W. LEAR, P.E.
ASST. CITY ENGINEER



MAUREEN MILLER BROSNAN
MAYOR

DONALD R ROHRAFF
DIRECTOR OF PUBLIC WORKS

12973 FARMINGTON ROAD
LIVONIA, MICHIGAN 48150
(734) 466-2571
FAX: (734) 466-2195

October 1, 2021

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2020-08-01-06 – #29707 & #30273 Plymouth Road

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no objections to the proposed rezoning at this time. The parcels are assigned the addresses of **#29707 and #30273 Plymouth Road**. The legal descriptions submitted by the owner for the proposed rezoning appears to be correct, and should be used to describe the parcel if approved.

The proposed development is currently serviced by water main, sanitary and storm sewers, which may need to be extended to service any new development. The submitted drawings do not indicate any utility connections or calculations, so we do not have any knowledge of impacts to the existing systems at this time. The existing site has a mix of public and private utilities, which may require additional easements to provide sanitary and water service to a new parcel.

It should be noted that should the project move forward, the proposed construction will be required to meet the Wayne County Stormwater Ordinance, including revised detention requirements. A full review of the proposed development will be completed when plans are submitted for permitting.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you can e-mail either of us at dlear@livonia.gov or tzilincik@livonia.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Lear", is written over a horizontal line.

David W. Lear, P.E.
Assistant City Engineer

cc: 2021 Petition File

DEPARTMENT OF FINANCE

Michael T. Slater
DIRECTOR OF FINANCE

Connie Kumpula
CHIEF ACCOUNTANT



MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2260
FAX: (734) 421-1807

August 24, 2020

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2020-08-01-06 – 29707 & 30273 Plymouth Rd – Middlebelt Plymouth Venture LLC

Dear Mr. Miller,

I have reviewed the address connected with the above noted petition. As there are no outstanding amounts receivable (general or water and sewer), I have no objections to the proposal.

Please contact me if you have any further questions.

Very truly yours,


Connie Kumpula
Chief Accountant

CK: jw

DEPARTMENT OF FINANCE

Michael T. Slater
DIRECTOR OF FINANCE

Connie Kumpula
CHIEF ACCOUNTANT



MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2260
FAX: (734) 421-1807

July 19, 2021

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2020-08-01-06 - 29707 & 30273 Plymouth Road Middlebelt Plymouth Venture LLC

Dear Mr. Miller,

I have reviewed the address connected with the above noted petition. The following amounts are due to the City of Livonia:

Unpaid water and sewer charges (as of 7/19/21): (\$1,307.99 past due, \$1,453.09 current)	\$ 2,761.08
--	-------------

Total Due City of Livonia	\$2,761.08
---------------------------	------------

Please contact me if you have any further questions.

Very truly yours,


Connie Kumpula
Chief Accountant

CK: jw

DEPARTMENT OF FINANCE

Michael T. Slater
DIRECTOR OF FINANCE

Connie Kumpula
CHIEF ACCOUNTANT



MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2260
FAX: (734) 421-1807

October 5, 2021

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2020-08-01-06 - 29707 & 30273 Plymouth Road

Dear Mr. Miller,

I have reviewed the address connected with the above noted petition. The following amounts are due to the City of Livonia:

Unpaid water and sewer charges:	\$ 3,725.43
Total Due City of Livonia	\$ 3,725.43

Please contact me if you have any further questions.

Very truly yours,

Connie Kumpula
Chief Accountant

CK: jw

Transaction Statement

Service Address

30273 PLYMOUTH
LIVONIA, MI 48150

Mailing Address

LA FITNESS #00478
C/O ENGIE INSIGHT - MS #3137P
PO BOX 2440
SPOKANE, WA 99210-2440

Account Number

000600205-001

Amount Due

\$3,725.43

Account Number From - Through

000600205-001 03/27/2021 - 09/27/2021

Services

Water & Sewer - Metered

Service Address

30273 PLYMOUTH
LIVONIA, MI 48150

Beginning Balance

\$1,069.64

Date	Type	Amount	Description
04/06/2021	Payment	(\$1,069.64)	Charge
04/14/2021	Bill	\$1,454.12	Due Date 05/10/2021
04/30/2021	Payment	(\$1,454.12)	Charge
05/14/2021	Bill	\$1,341.98	Due Date 06/10/2021
06/02/2021	Payment	(\$1,341.98)	Charge
06/16/2021	Bill	\$1,269.89	Due Date 07/09/2021
07/14/2021	Penalty	\$38.10	
07/15/2021	Bill	\$1,453.09	Due Date 08/10/2021
07/28/2021	Payment	(\$1,269.89)	Charge
08/10/2021	Payment	(\$1,453.09)	Charge
08/13/2021	Penalty	\$1.14	
08/16/2021	Bill	\$1,616.09	Due Date 09/10/2021
09/03/2021	Payment	(\$1,617.23)	Charge
09/14/2021	Penalty	\$1.14	
09/15/2021	Bill	\$3,686.19	Due Date 10/11/2021

Total Due

\$3,725.43

Transaction Statement

Account Number

000600205-001

Transaction Statement

Service Address

30273 PLYMOUTH
LIVONIA, MI 48150

Mailing Address

LA FITNESS #00478
C/O ENGIE INSIGHT - MS #3137P
PO BOX 2440
SPOKANE, WA 99210-2440

Account Number

000600205-001

Amount Due

\$0.00

Account Number

000600205-001

From - Through

04/08/2021 - 10/08/2021

Services

Water & Sewer - Metered

Service Address

30273 PLYMOUTH
LIVONIA, MI 48150

Beginning Balance

\$0.00

Date	Type	Amount	Description
04/14/2021	Bill	\$1,454.12	Due Date 05/10/2021
04/30/2021	Payment	(\$1,454.12)	Charge
05/14/2021	Bill	\$1,341.98	Due Date 06/10/2021
06/02/2021	Payment	(\$1,341.98)	Charge
06/16/2021	Bill	\$1,269.89	Due Date 07/09/2021
07/14/2021	Penalty	\$38.10	
07/15/2021	Bill	\$1,453.09	Due Date 08/10/2021
07/28/2021	Payment	(\$1,269.89)	Charge
08/10/2021	Payment	(\$1,453.09)	Charge
08/13/2021	Penalty	\$1.14	
08/16/2021	Bill	\$1,616.09	Due Date 09/10/2021
09/03/2021	Payment	(\$1,617.23)	Charge
09/14/2021	Penalty	\$1.14	
09/15/2021	Bill	\$3,686.19	Due Date 10/11/2021
10/08/2021	Payment	(\$3,725.43)	Charge

Total Due

\$0.00

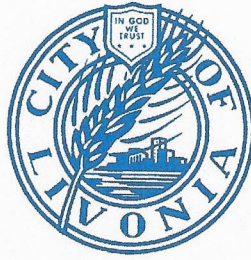
Transaction Statement

Account Number

000600205-001

OFFICE OF THE TREASURER

LYNDA L. SCHEEL
CITY TREASURER



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3060
(734) 466-2245
FAX: (734) 421-7230

August 25, 2020

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

Re: Petition 2020-08-01-06

29707 & 30273 Plymouth Road
Middlebelt Plymouth Venture LLC

Dear Mr. Miller,

In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time there are taxes due, but they are not delinquent as long as they are paid by September 14, 2020, therefore I have no objections to the proposal.

Sincerely,


Lynda L. Scheel
Treasurer, City of Livonia

OFFICE OF THE TREASURER

LYNDA L. SCHEEL
CITY TREASURER



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3060
(734) 466-2245
FAX: (734) 421-7230

~~August 25, 2020~~
July 1, 2021

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

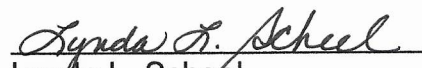
Re: Petition 2020-08-01-06

29707 & 30273 Plymouth Road
Middlebelt Plymouth Venture LLC

Dear Mr. Miller,

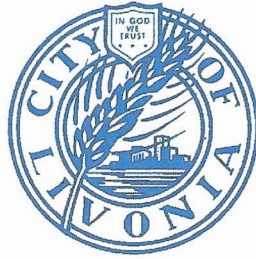
In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time there are taxes due, but they are not delinquent as long as they are paid by September 14, 2021, therefore I have no objections to the proposal.

Sincerely,


Lynda L. Scheel
Treasurer, City of Livonia

OFFICE OF THE TREASURER

LYNDA L. SCHEEL
CITY TREASURER



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3060
(734) 466-2245
FAX: (734) 421-7230

~~August 25, 2020~~
~~July 1, 2021~~
September 28, 2021

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

Re: Petition 2020-08-01-06

29707 & 30273 Plymouth Road
Middlebelt Plymouth Venture LLC

Dear Mr. Miller,

In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time there are no taxes due, therefore I have no objections to the proposal.

Sincerely,

Lynda L. Scheel
Treasurer, City of Livonia

OFFICE OF THE MAYOR

Maureen Miller Brosnan
MAYOR

Linda Gosselin
ASSESSOR



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2201
mayor@ci.livonia.mi.us

September 10, 2020

Scott Miller
Planning Department

SUBJECT: Petition 2020-08-01-06 - 29707 & 30273 Plymouth

The Department of Assessment has reviewed the proposal to rezone parts of properties 29707 & 30273 Plymouth Road. Parcel 137-99-0008-010 29707 Plymouth Rd. was a newly created parcel for 2020 and is still waiting approval from DTE for some easement issues. This parcel along with parcel 137-99-0004-002 30273 Plymouth Road would have to be split into at least 2 parcels.

Based on the rezoning plans it appears a small portion of parcel 137-99-0004-002 will be utilized in the site plans for the newly proposed R8 zoning parcel.

The Lot Split procedures can be found on our Website @ Livonia.gov
Please feel free to contact the Assessor's Office with any further questions.

Kindest Regards,

Kathie Siterlet

OFFICE OF THE MAYOR

Maureen Miller Brosnan
MAYOR

Linda Gosselin
ASSESSOR



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2201
mayor@ci.livonia.mi.us

June 30, 2021

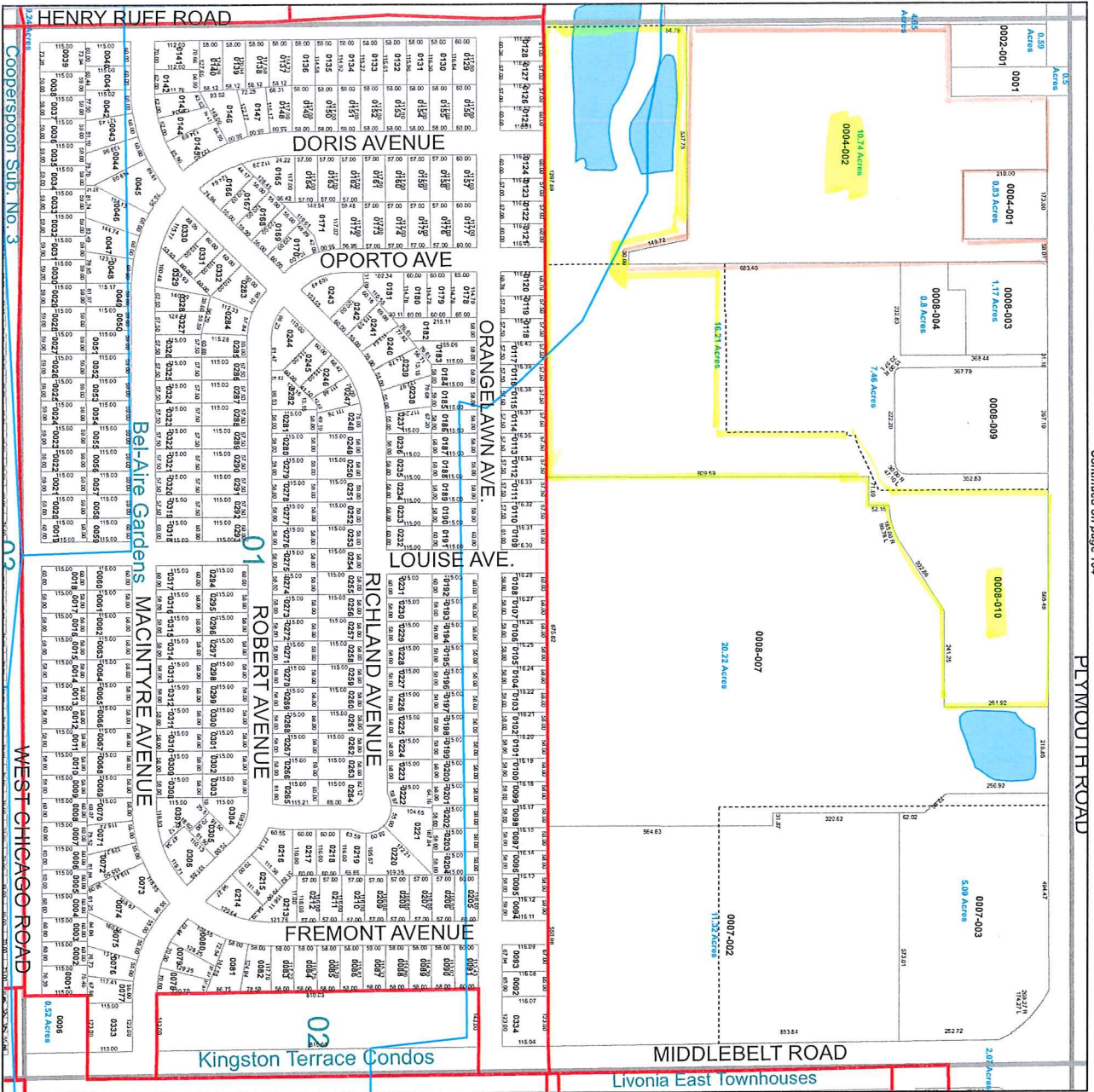
To: Planning Department

Re: **Petition 2020-08-01-06 - 29707 & 30273 Plymouth**

A second request has been submitted by Middlebelt Plymouth Venture LLC to rezone parts of 29707 & 30273 Plymouth Road from C-2 to R-8. A plat map has been included to show the current parcel lot lines for the parcels involved. A Lot Split will need to be initiated to change the lot lines for both parcels.

Kindest Regards,

Kathie Siterlet
Residential Appraiser

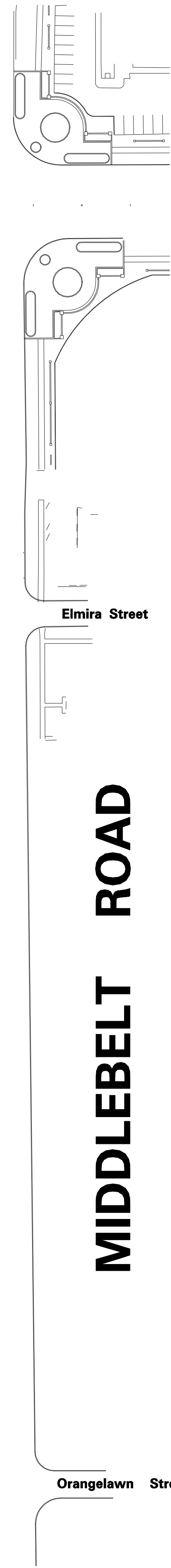


Location NE. 1/4 Section 35
City of Livonia
T. 1 south, R. 9 east
Wayne County, Michigan
Copyright 2020, City of Livonia



Information herein deemed reliable
but not guaranteed
Updated: January 2021

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



MIXED DEVELOPMENT CENTER

Mixed development centers should be redeveloped into higher-density mixed-use cores of activity, addressing residents desire for walkable neighborhoods and to create gathering spaces. The mixed development centers should provide engaging streetscapes with varied storefronts and activities, residential options that include townhomes, upper-story lofts, and apartments, and easy access to public transit or transit network company services, with parking and other essential infrastructure hidden off of the street. Mixed Development Centers are envisioned in four primary locations: Plymouth/Middle Belt, Farmington/Seven Mile, Middle Belt/Seven Mile, and Six Mile/Newburgh.

The character envisioned is consistent with traditional Michigan architecture: first floor commercial development with higher intensity multi-family housing intermixed. Mixed-use buildings are encouraged particularly with upper-story residential uses. Existing residential uses are encouraged to develop first floor retail spaces or professional offices. All uses are to be designed to maximize pedestrian and bicycle connectivity and circulation. New development could be of a slightly higher development in scale and massing than the existing development.



Table 2.7:
Mixed Development Center Guidelines

Lot Dimensions and Density		
minimum lot area		n/a
minimum lot width		n/a
frontage in build-to area		n/a
maximum density		20 du/ac
maximum attached dwelling unit %		100%
Building Setbacks		
arterial street	min.	10 ft.
	max.	30 ft.
local street	min.	0 ft.
	max.	15 ft.
side (one)		none
side (total of both)		none
rear		25 ft.
from adjacent residential districts		25 ft.
Building Height		
minimum		1 story
maximum		5 stories

Appropriate Land Uses include office, general retail commercial, food service, and attached and upper-story residential uses. Automotive oriented uses such as gas stations, auto repair, or drive-through facilities are not appropriate in the mixed development areas.

Density. The maximum density recommendation for mixed development areas is 20 dwelling units per acre. All buildings should have a building frontage in build-to area for at least 80% of the lot width.

Connectivity. Mixed development areas are large enough that they will include sizeable internal street systems. The street system should create walkable blocks with a maximum perimeter of 2,000 feet and a maximum length of 650 feet. Mixed development areas are highly connected to surrounding neighborhood, and the street network in the mixed development areas area must continue into surrounding neighborhoods.

Building Location. Buildings in mixed development areas should be located close to the street to create a walkable, pedestrian friendly environment.

Building Design. Buildings should be constructed out of natural building materials or durable synthetic materials that approximate the appearance of a natural material. Garages, if provided, should be located in rear yards, preferably accessed from alleys.

Parking. Parking areas in mixed development areas must be located in rear yards. Interior streets will also feature on-street parking.

SPECIAL PLANNING AREA:

East Plymouth Road Corridor

The East Plymouth Road Corridor has been one of the main commercial centers of Livonia for nearly a century. Today, the corridor has a variety of small to medium sized commercial uses, and in some areas moderate vacancy and aging building stock. Plymouth road as a whole was identified as an area that needs consideration how it will develop in the future. Specifically, the eastern segment of the corridor between Middle Belt and Inkster was selected as an area that would benefit from being studied as a special planning area. It is important to note that while this area was identified as a priority, it represents many of the same opportunities and challenges present throughout the larger corridor, and thus should be considered as a template or model for how future growth and development may occur throughout the corridor.

Figure 2.15: East Plymouth Road Corridor – Existing Zoning



EXISTING CONDITIONS

The corridor is currently made up of a variety of zoning types and land uses. The result is an uncoordinated look and feel, with uses ranging from industrial, commercial, and residential. In some instance, this mix can be desirable for the form and site orientation that is inconsistent between the uses, and results in a patchwork throughout the corridor.

The corridor also is auto-oriented, with few areas that are truly pedestrian-oriented. This is largely due to frequent vehicle access and curb cuts that create a significant amount of conflicts for the pedestrian and bicyclist on the corridor.

Another key element of the existing conditions in the corridor is the significant amount of surface parking and lack of identifiable and purposeful greenspace. This creates an environment that lacks comfort and accentuates the auto orientated nature of the existing development pattern.

Figure 2.14: East Plymouth Road Corridor – Existing Land Use

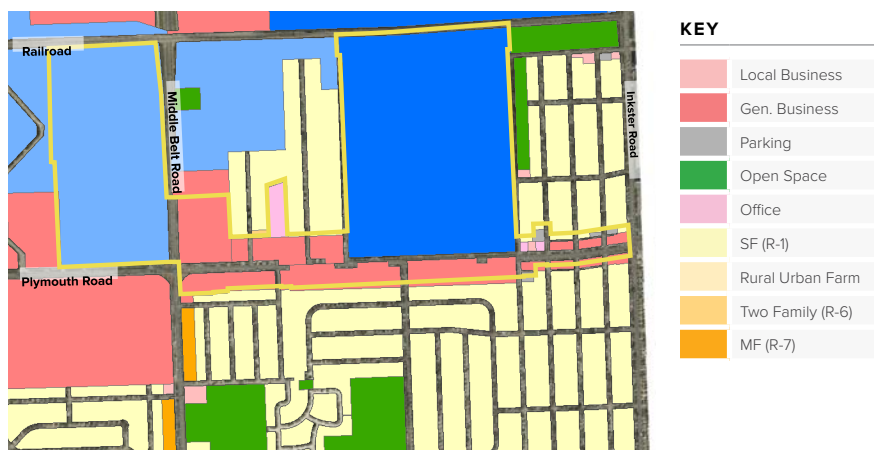
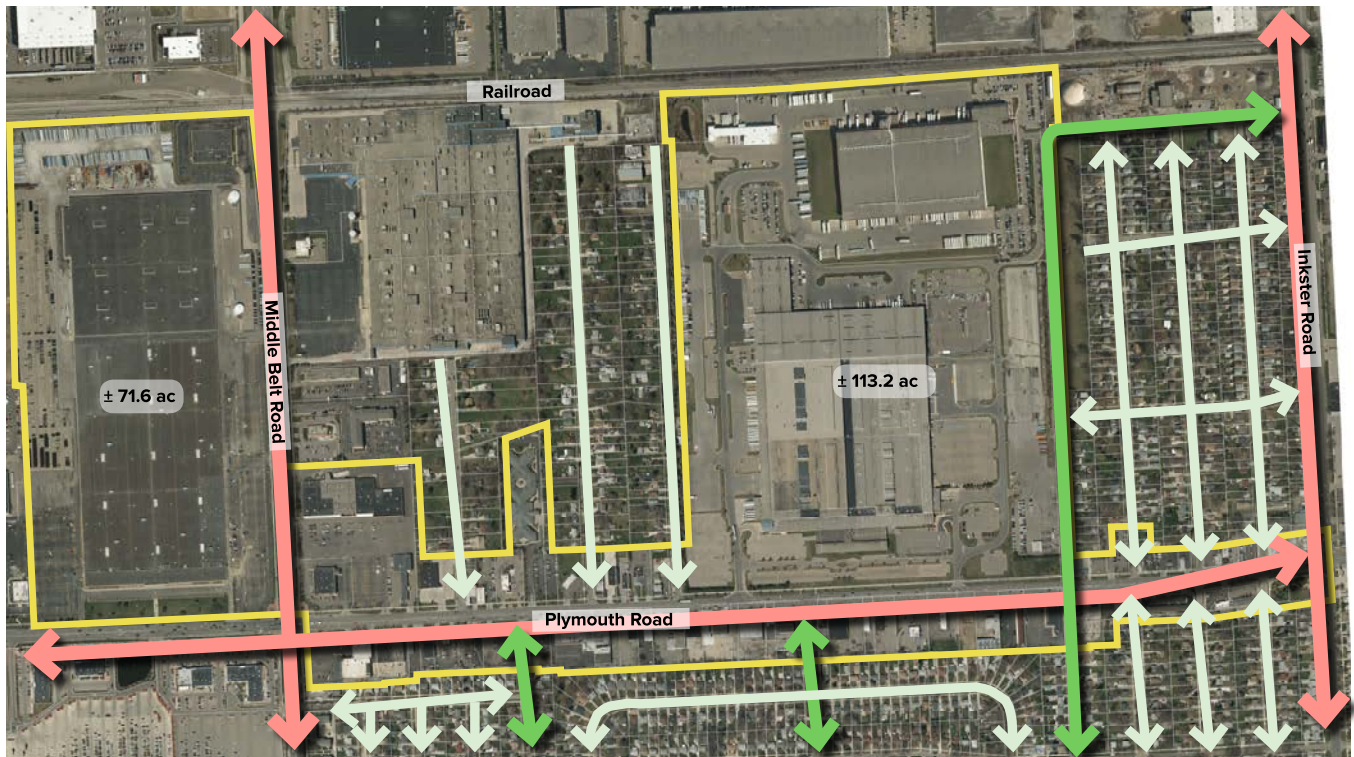


Figure 2.16: East Plymouth Road Corridor – Existing Access



MARKET CONSIDERATIONS

To create a site concept that is rooted in market conditions and trends, the following considerations were given to future development of Plymouth Road. These considerations were both the reflections of the market as well as best practices in planning and urban design. One of the key considerations with this special planning area was the need to better create a sense of place, and ‘human oriented’ development pattern that would attract a mix of uses in a distinct and walkable pattern. This shift in the design and planning of the corridor aligns the vision with market demand for vibrant places with a mix of uses.



Consider solutions to better integrate the larger industrial uses.



Explore ways to collectively grow nodes by combining small and shallow parcels to create larger development sites that can accommodate a variety of use in a walkable and mixed-use setting.



Examine the aggregation of uses to establish key development sites.



Embrace the street / streetscape by moving buildings closer the street and creating outdoor spaces for work, play, and entertainment.



Break down the corridor into specific nodes to concentrate development with a focus on entertainment uses, creating clusters of activity.

THE VISION *for the* EAST PLYMOUTH ROAD CORRIDOR

A vibrant and viable corridor that embodies the spirit and resiliency of Livonia and supports multimodal transportation.

Figure 2.17: East Plymouth Road Corridor – Concept Plan

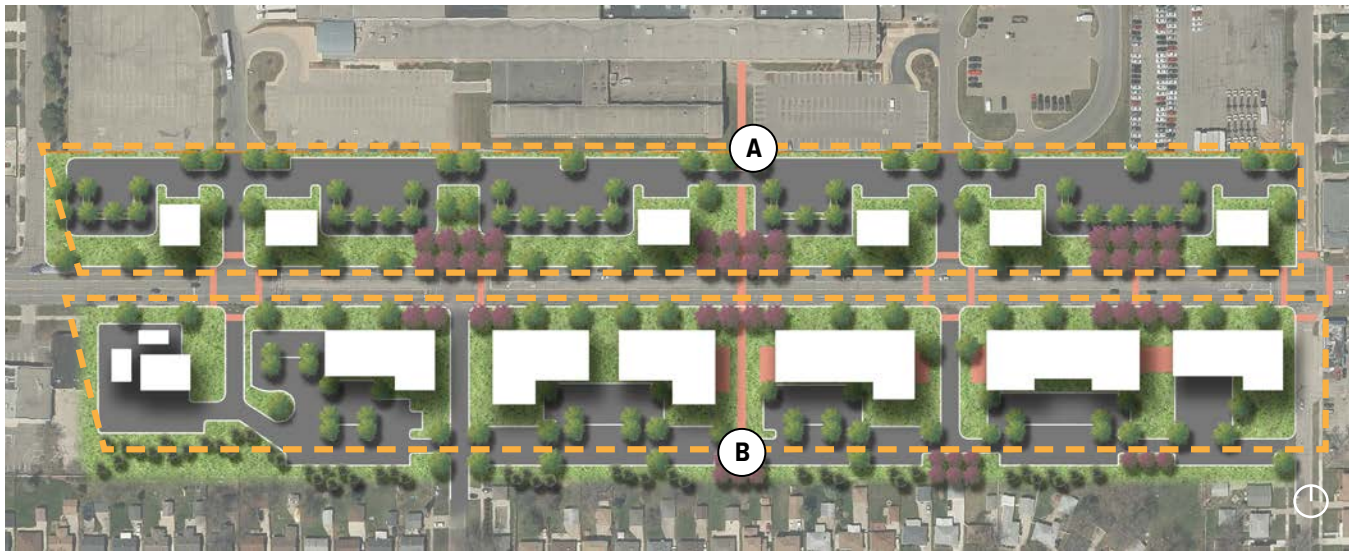


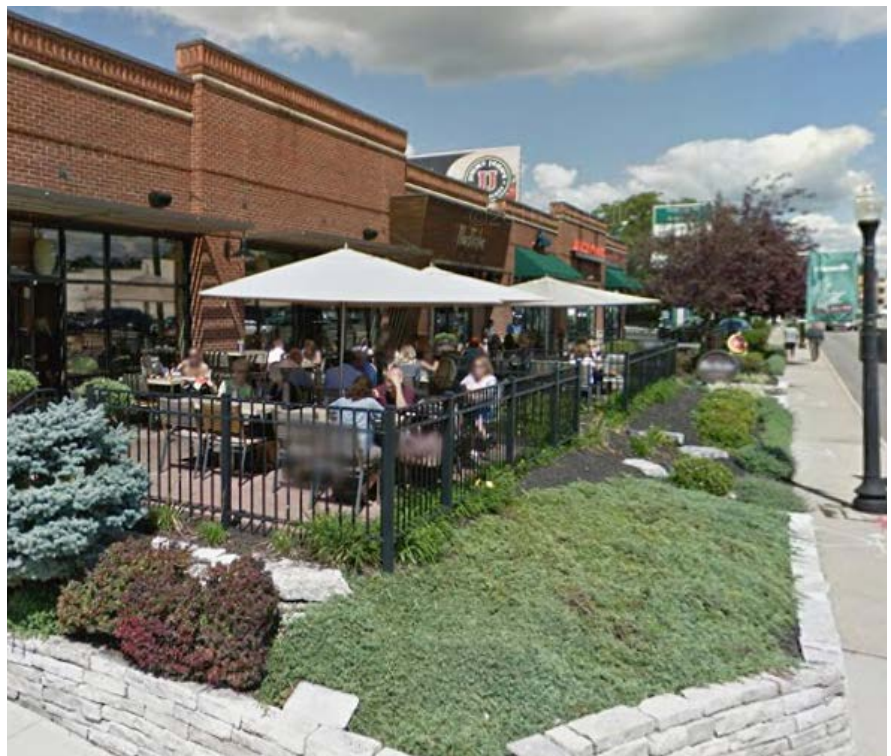
Table 2.12:
East Plymouth Road Corridor
– Site Development Data

A. Commercial Out-lots

- 6 Possible Sites
- +/- 9 acres
- 20,000 sq. ft.

B. In-line Retail / Office

- +/- 10 acres
- 72,000 sq. ft. (mixed commercial)



This development illustrates the intended development pattern for the future of the corridor

EAST PLYMOUTH ROAD CORRIDOR DEVELOPMENT PRINCIPLES



1

Provides an attractive and cohesive mix of residential and commercial uses.



2

Establishes identifiable “nodes” at key intersections to facilitate orderly redevelopment and creates a “sense of place”.



3

Organizes the structures to enhance the visual character of the corridor and minimize the visual impact of parking areas.



4

Encourages the use of shared access points to enhance safety and reduce the effect of numerous connections to the busy roadway.



5

Provides pedestrian connections to the adjacent neighborhoods and connectivity for nearby residents.



6

Creates opportunities to for private investment on the sites and surrounding properties.

These principles should inform how the form and character of future development may occur within the special planning area, or for any zoning code updates that are made. They are intended to be a guide and general in nature.

A Model for the Future of Plymouth Road

CREATING A FRAMEWORK

The special planning area recommendations contained in this section were designed to be a large transformative vision for the east section of the corridor. While this section of Plymouth Road is important, it is also important that the corridor as a whole is healthy. The vision and principles outlined here should therefore be applied to other areas of the corridor. The corridor would also benefit from a more comprehensive corridor plan that examines, outlines, and aligns a collective strategy. It will be extremely important for the City to consider planning for the corridor as a whole as a next step. Lasting success will be a result of how the individual segments/districts along the corridor are developed over time.

To plan for the corridor comprehensively, a framework that includes seven specific elements was created. These elements represent key development considerations that should be applied throughout the corridor. When collectively addressed, the overall vision for the special planning area will grow throughout the corridor, resulting in a more comprehensive revitalization of Plymouth Road.

IMPLEMENTING THE FRAMEWORK

The next step to plan for the corridor is to begin the hard work and start the journey through individual 'steps.' This will take both public and private support/involvement. The City must start the process by setting the tone and expectations for the private sector. The private sector must consider and apply the vision and hold other neighbors accountable for following the same vision and level of quality in their development efforts. The community must hold both the City and private sector accountable.

Figure 2.18: Plymouth Road – Framework Areas



RECOMMENDATIONS

Create New Outlots

The space between Plymouth Road and the existing Roush property should be re-apportioned to include commercial out-lots with buildings organized in a similar pattern to the new development on the south side of Plymouth Road. These new sites and businesses would have limited access from Plymouth Road. The existing ingress/egress locations from Deering Road and just to the West of Harrison Road can provide connectivity and circulation to both the out-lot businesses and the existing parking for the main Roush facilities.

Aggregate the Development

Through public and private collaboration, properties should be acquired to facilitate the development of new structures and parking facilities. The combined redevelopment of properties can provide the benefit of consistent architectural details and cohesive appearance. Assembling small parcels will also create more attractive development opportunities to accommodate larger scale infill projects.

Reduce Visual Impact of Parking Areas

New Buildings shall be oriented and organized on the sites to create a defined visual corridor along the street. Landscape and buffer treatments should be utilized where there are gaps in the buildings. Common access agreements amongst all property owners/ developers should be established in areas between intersecting public streets.

Improve Access Management

Parking should be provided at the rear of the properties with limited access points to Plymouth Road. As properties are acquired and developed, each block should be studied to determine a few (2-3) most effective points to access the parking areas behind the buildings. This can reduce the opportunity for vehicular crossings and accidents.

Define Pedestrian Connections and Crossings

A few, select, crossing points should be added between existing street intersections to establish specific locations for pedestrian activity. These areas should be consistently spaced and augmented with landscape and hardscape treatments to accentuate the importance of these spaces. Through the use of elements on the ground plane and along the street, drivers will identify these areas as locations for pedestrian activity.

Cohesive Streetscape Character

A diverse yet cohesive landscape and amenities palette should be created for Plymouth Road. Benches, fences, railings, landscape and lighting should be consistent through the corridor to unify the corridor.

Create New Zoning Standards That Apply to the Whole Corridor

New zoning regulations should be developed to unify the form, character, style, and mix of uses in the corridor. Generally the form and character should be aligned, and a variety of uses should be considered as allowable uses throughout the corridor.

From: [Simmons, Jennifer](#)
To: [Mayor Staff](#)
Cc: [Planning](#)
Subject: FW: Land Rezoning
Date: Tuesday, March 16, 2021 10:52:58 AM

Jennifer Simmons

Clerk Typist II
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@livonia.gov

From: jim grad <jim_grad@yahoo.com>
Sent: Tuesday, March 16, 2021 10:31 AM
To: Mayor Maureen Miller Brosnan <mayor@livonia.gov>
Subject: Land Rezoning

Hello Ms. Mayor,

As a very long term Livonia resident and voter I am sending this email to you on a matter of great importance to me and my family. We want to object to the proposed rezoning on Plymouth Road by Middlebelt initiated by Schostak Brothers and Company. This vacant land between Walmart, LA Fitness and a plasma donation center is currently zoned General Business and is all business, restaurants and the like. Rezoning this property to High Rise Housing would be very poor planning for the city and it's residents.

Rezoning and development is not appropriate for this property. Rezoning will significantly increase traffic and crime in an area where both are already high. We are asking you and the Planning Commission to put the voices of your constituents before the profit motives of private developers, most of whom do not live in Livonia.

We will be sending similar emails to the planning Commision to voice our opposition to this proposed rezoning. Some of us will be virtually attending upcoming Planning Commission Meetings for the same reason. Keeping Livonia Families First should be more than just a saying seen on signs as people enter our Great City. Thank you for reading this and doing the right thing for Livonia by rejecting this rezoning request. All the best,

Jim Grad and Family

From: [Simmons, Jennifer](#)
To: [Planning](#)
Subject: FW: Online Form Submittal: Planning Inquires
Date: Wednesday, March 10, 2021 1:09:50 PM

Good afternoon,

We received this message this afternoon via the website.

Thank you,

Jennifer Simmons

Clerk Typist II
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@livonia.gov

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 10, 2021 12:16 PM
To: support <support@livonia.gov>
Subject: Online Form Submittal: Planning Inquires

Planning Inquires

This form is for any questions, comments, or concerns you may have for the City in regards to planning. If you leave contact information, the City will reply within 2 business days. If this is an emergency, please dial 9-1-1.

First Name	James
Last Name	Grad
Email Address	jim_grad@yahoo.com
Phone Number	7345913496
Describe your issue, concern, or question.	My wife and I want to go on file as opposing Schostak Brothers request to rezone the vacant land on Plymouth Road between Walmart, LA Fitness and the Plasma donation center from General Business to High Rise Multi-family Housing (apartments). This zoning is not appropriate for this location in Livonia. please listen to your resident voters instead of Schostak Brothers who only see profits and do not live here. We want to

stay in Livonia but this will definitely push us away.
Thanks, Jane and James Grad

Date of Concern

3/10/2021

Attachment (Optional)

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

March 2, 2021

Dear Mayor Broeman,

Re Rezoning Vacant land on Plymouth Rd
Bet. Walmart & L.A. Fitness

My family is apposed to this rezoning
development. Crime in this area
will increase tremendously.

I've seen this happen several times
in the last 40 years.

This area is surrounded by Shopping
Centers and close to freeway, to a
criminal's delight.

Surely there is a much better
location for high rise apartments.
Isn't Iwona restricted on height of
buildings?

Sincerely,
Rosemary Wood



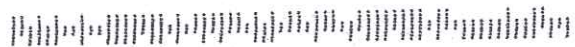
RETROPLEX MI 480

15 MAR 2021 PM 7 L



Mayor Maureen Miller Brosman
33000 Civic Center Drive
Livonia, Michigan 48154

48154-306000



3/4/21

Livonia Planning Commission

Re: rezoning

I am writing to protest the rezoning of property owned by Schostak Brothers and located on Plymouth Road near Middlebelt and Walmart. Rezoning to allow apartments and/or multi-family would not be appropriate in this area.

I have lived in this city since the 60s, and I am becoming disillusioned with what the city allows. In my Rosedale neighborhood you have permitted 3 'MANSIONS' on Cranston, which are certainly not in harmony with the neighborhood. Now you want to do it again!

PLEASE DO NOT REZONE THIS PROPERTY! There is more to a city than making more money in taxes. Would you, on this commission, vote yes if the zoning was in your neighborhood? I think not.

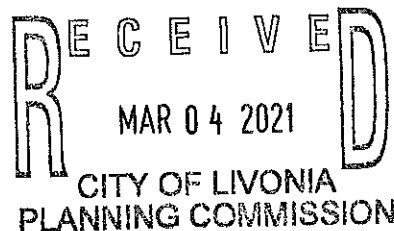
Yours truly,

Thelma Ruckhaber



11036 Cranston, Livonia 48150

7344224799



From: [Simmons, Jennifer](#)
To: [Planning](#)
Subject: FW: Apartment Development
Date: Monday, March 1, 2021 9:00:30 AM

Jennifer Simmons
Clerk Typist II
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@livonia.gov

-----Original Message-----

From: Madeline Viergutz <madelinegrace1995@gmail.com>
Sent: Saturday, February 27, 2021 8:55 PM
To: Mayor Maureen Miller Brosnan <mayor@livonia.gov>
Subject: Apartment Development

Hi Mayor Brosnan!

My name is Madeline Viergutz, I'm a fairly new resident of Livonia. My fiancé and I moved to Old Rosedale Gardens July of 2020. Today we got a note from one of our neighbors urging us to contact you and the zoning team about a possible housing development on Plymouth Rd by LA Fitness and Walmart. My neighbor would like us to oppose the housing development, which I think is incredibly racist and classist. You might be getting a lot of letters and emails opposing the building of more affordable housing in Livonia but I just wanted to voice my support of the rezoning.

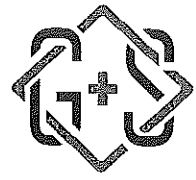
Thank you for your consideration!
Madeline Viergutz

Sent from my iPhone

778

Sent to P.C.
individually

2020-08-01-06



**GRAD &
SHOEMAKER**
CPA Firm

35951 FIVE MILE ROAD
LIVONIA, MICHIGAN 48154
TELEPHONE: (734) 462-6161
FAX: (734) 462-6059
www.gradshoemaker.com

January 29, 2021

Ian Wilshaw

RE: Rezoning Request for Residential Apartments at Wonderland Village

Dear Ian,

These are tough times and I can only imagine how busy you are, so I appreciate you taking time to read this letter. As a life-long Livonia resident that currently lives in Rosedale Gardens, and a Livonia business owner, I am deeply entrenched in the Livonia community.

Recently, I read in the local newspaper that Schostak Brothers & Company has put in a request for rezoning of the property in Wonderland Village next to the Walmart on Plymouth Road. The proposal calls for a zoning change from business to residential. I am vehemently against this rezoning as I don't believe multi-family dwellings are appropriate for this location and don't fit with existing residents' plan for the future. I have spoken about this rezoning proposal with many neighbors in the Rosedale Gardens neighborhood and also with friends who live in the Devonaire neighborhood, and every single family was against this rezoning proposal.

Per communication with the Livonia Planning Department, I was made aware of a petition that includes over 130 residents in the immediate surrounding neighborhood that oppose this rezoning. I plan on speaking to the Planning Commission at the appropriate commission meeting, but I also wanted to communicate in advance to you how widespread the opposition is within our community.

With limited areas left in Livonia for development, I think it is very important that any significant changes to our community be supported by current Livonia residents. It is very evident that the Livonia residents living in South Livonia do not want this development. I trust that the planning commission will make a decision that supports the overwhelming majority of the area residents. After all, the commission is the voice of Livonia residents in these types of matters.

Schostak Brothers & Company is a Livonia company and has many developments in Livonia so I understand it probably has a good relationship with the planning commission, but it is important that the commission supports the voice of the residents instead of the profit motives of a private company.

Thank you for taking the time to read this letter. I appreciate the dedication you have made to the city through your service in the planning commission. If you would like to contact me, my address is below, my cell # is 734-846-0013 and my email address is jeff.grad@gradshoemaker.com.

Best Regards,

Jeff Grad
11325 Blackburn St.
Livonia, MI 48150

RECEIVED
FEB 01 2021
CITY OF LIVONIA
PLANNING COMMISSION

From: [Simmons, Jennifer](#)
To: [Planning](#)
Subject: FW: Online Form Submittal: City Council Inquiries
Date: Tuesday, December 15, 2020 12:00:25 PM

Hello,

This message was sent to us via the website (we have a new system now!).

Thank you,

Jennifer Simmons

Clerk Typist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@livonia.gov

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, December 14, 2020 11:28 PM
To: support <support@livonia.gov>
Subject: Online Form Submittal: City Council Inquiries

City Council Inquiries

This form is for any questions, comments, or concerns you may have for the City in regards to city council meetings or other city council inquiries. If you leave contact information, the City will reply within 2 business days. If this is an emergency, please dial 9-1-1.

First Name	Laura
Last Name	Alves
Email Address	Laurajalves@yahoo.com
Phone Number	7347512285
Topic	Other City Council Inquiry
Date of Issue	12/14/2020
Attachment (Optional)	<i>Field not completed.</i>
Comments	I just wanted to say how concerned I am about the possibility of

apartments being built near the Plymouth rd Walmart. It would not be good for the City and for the near by neighborhood. Putting it near a Walmart and a blood bank would not draw a good class of residents.,

Email not displaying correctly? [View it in your browser.](#)

November 10, 2020

Livonia Mayor
Livonia City Council
Livonia Planning Commission



RE: Petition # 2020-08-01-06

After receiving the notice about this petition from the city, many living in this neighborhood and this area were greatly concerned about the impact this might have.

This is just a sampling of what long-time Livonia residents think about this proposal. They all feel that our neighborhood and surrounding area is in jeopardy, and are all totally against a re-zoning of this property.

Respectfully,
Devon-Aire Sub Neighborhood Residents

PROTEST PETITION
PETITION 2020-08-01-06

Notice of request to RE-ZONE General Business Property adjacent to Walmart.....to become a Multiple Family High Rise Residential.

No pre-plan of this property proposal has been given to residents impacted by this construction AND they wish to re-zone without any input from Livonia Residents.

An explanation and complete disclosure is necessary for residents to "YAY" or "NAY" to any re-zoning. Planning Commission and City Council need to hear from residents. Hold this till we are well informed, and voices heard.

WE SAY "NO" TO REZONE

DATE	ADDRESS	SIGNATURE
9-23-20	29944 Orangelawn 48150	Jeanne Sullivan
9-23-20	29928 Orangelawn 48150	Nancy Hamilton
9-23-20	29928 ORANGELAWN 48150	Nicholas
9/23/20	29896 Orangelawn 48150	Mike
9/23/2020	29896 Orangelawn 48150	Joe
9/23/2020	29880 Orangelawn 48150	William
9-23-2020	29864 Orangelawn 48150	Chris
9-23-2020	29864 Orangelawn 48150	Chris
9-23-2020	29832 Orangelawn 48150	Mark
9-23-2020	29832 Orangelawn 48150	Robert
9-23-2020	29760 Orangelawn 48150	John
9-23-2020	29528 ORANGELAWN 48150	John
9-23-2020	29960 ORANGELAWN 48150	Victoria
9-23-2020	29960 ORANGELAWN 48150	Victoria
9-23-2020	29992 ORANGELAWN 48150	Jennifer
9-23-2020	29992 ORANGELAWN 48150	Mark
9-23-2020	29992 ORANGELAWN 48150	Mark
9-23-2020	29992 ORANGELAWN 48150	Mark
9-23-2020	29992 ORANGELAWN 48150	Mark
9-23-2020	29944 Orangelawn 48150	Mark
9-24-2020	29961 Orangelawn 48150	Mark
9-24-2020	29961 Orangelawn 48150	Mark

PROTEST PETITION
PETITION 2020-08-01-06

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WE SAY "NO" TO REZONE

DATE	ADDRESS	SIGNATURE
9-24-20	9970 OPORTO ST. LIVONIA, MI 48150	FR
9-24-20	30040 Orangelawn, Livonia, MI 48150	Bundy Ehl
9-24-20	30060 Orangelawn St rent 48150	Ang Gust
9-24-20	30060 Orangelawn Street 48150	Paul Marc
9-24-20	30080 ORANGELAWN 48150	Richard Piper
9-24-20	30080 ORANGELAWN 48150	Carol Piper
9-24-20	30120 orangelawn St	Jason R. Garrett
9-24-2020	30140 Orangelawn	Rob Hogg
9-24-2020	29704 Orangelawn	Rob Hogg
9-24-2020	9904 mil Burn	Rob Hogg
9-24-2020	30140 Orangelawn	Winkle Wyatt
9-24-2020	30160 Orangelawn	Reginald Copely
9-24-2020	30880 Orangelawn	DA
9-24-2020	9971 DORIS, LIVONIA, MI	Gay Snell
9-24-2020	9971 DORIS LIVONIA MI	Kurt Am

PROTEST PETITION
PETITION 2020-08-01-06

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WE SAY "NO" TO REZONE

DATE	ADDRESS	SIGNATURE
9-25-20	29976 Onangelawn	Ronan Cabblo
9-25-20	2749 Kovich p.	11070 Hillcrest
9-25-20	Goyle Kelly	11094 HILLCREST
9/25/20	Sh E Kelly	11094 HILLCREST
9/25/20	11330 Hillcrest	Marijo Chatterjee
9/25/20	11301 Hillcrest	Keith Lauer
9/25/20	30042 W Chicago	Curt D Kous
9/25/20	11053 Hillcrest	Broke Wade
9/25/20	11053 Hillcrest	Lisa Wade
9/25/20	11053 Hillcrest	Lester Wade
9/25/20	11021 Hillcrest	Mr Wood
9/25/20	11021 Hillcrest	Barbara Wood

ROUTED TO THE

An explanation and complete disclosure is necessary for residents to "YAY" or "NAY" to any re-zoning. Planning Commission and City Council need to hear from residents. Hold this till we are well informed, and voices heard.

WE SAY "NO" TO REZONE

[illegible]

PETITION 2020-08-01-06

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WE SAY "NO" TO REZONE

DATE	ADDRESS	SIGNATURE
9.27.20	11286 HARRISON	Laura W. Rapp
9-27-20	11286 HARRISON	Virginia M. Rayda
9-27-2020	32209 JAMISON CT LIVONIA 48154	Victoria Plunkett
9.27.20	29983 MAC INTYRE	Dick S. Szyg
9.27.20	29983 Mac Intyre	Dick Szyg
9-27-20	9816 Blackburn Livonia 48150	Kath A. Bue
9-27-20	9816 BLACKBURN Livonia 48150	Dan J. Bell
9-27-20	11306 HILCREST LIV 48150	Donna Ashenkamh
9-27-20	11306 HILCREST Liv 48150	John H. Habel
9/27/20	28912 WESTFIELD ST	Judy Roberts
9/27	28912 WESTFIELD ST.	
9/27	8985 Flord Liv. Mi 48150	Kim G. Loh
9/27	25559 Elba Redford mi 48239	Th. M. M. M.
4/27	25559 Elba Redford mi 48239	Joseph Roberts

PETITION 2020-08-01-06

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WE SAY NO TO REZONE!

DATE	ADDRESS	SIGNATURE
9/27/20	31210 Grandon St Livonia 48150	Aue J. Work
9-27-20	31230 GRANDON, LIVONIA, MI 48150	May V. W. /
09/27/20	31230 Grandon Livonia 48150 MI	Julie Van
9/27/20	31211 Grandon Livonia 48150	Gregory
9-24-20	30661 GRANDON LIVONIA 48150	Lee
9/27/20	31211 GRANDON ST LIVONIA 48150	TR
9-27-20	31190 Grandon St Liv 48150	John
10/10/20	31131 GRANDON LIV 48152	
10/10/20	31041 Grandon Liv 48150	Reginald J. Kears
10/10/20	31071 Grandon Livonia 48150	Sue Kears
10/10/20	31191 Grandon Livonia 48150	C. Ciccaulli
10/10/20	31191 Grandon Livonia 48150	Michael Pasco
10/10/20	31231 Grandon Livonia 48150	Mike L. Bell
10/10/20	31251 Grandon Livonia 48150	Kristal Pasternak
10/10/20	31270 Grandon Livonia 48150	Donna
10-11-20	31170 Grandon Livonia 48150	Donald Grutger
10-11-20	31171 Grandon Livonia 48150	Diane Gilbert
10-11-20	31291 Grandon Livonia 48150	

PETITION 2020-08-01-06

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WE SAY NO TO REZONE!

DATE	ADDRESS	SIGNATURE
10/11/20	31291 Grandon St. Livonia MI 48150	Kristen A.
10/11/20	31311 Grandon St Livonia MI 48150	[Signature]
10/11/20	31311 Grandon St. Livonia MI 48150	Chen J.
10/11/20	31311 Grandon St Livonia MI 48150	Juan Guevara
10/11/20	31330 Grandon St. Livonia MI 48150	[Signature]
10-11-20	30020 ORANGERAWN LIVONIA MI.	[Signature]
10/11/20	30180 Orange lawn St	Mary esher

— — —

Notice of request to RE-ZONE General Business Property adjacent to Walmart.....to become a Multiple Family High Rise Residential.

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WE SAY NO TO REZONE!

DATE	ADDRESS	SIGNATURE
9/30/2020	9873 HENRY RUFF	Robert Schuchow

PETITION 2020-08-01-06

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WE SAY NO TO REZONE!

DATE	ADDRESS	SIGNATURE
9/27/2020	11342 HILLCREST	Michael E. Juh
9/27/20	11342 HILLCREST	Catherine E. Swatank
9/27/20	8926 Harrison	Melissa Morante
9/27/20	9192 Gillman St	Ryan J. F. F.
9/27/20	4937 Williams	Ryan J. F. F.
9/30/20	14911 Flamingo, Livonia, MI 48154	Jack Todd
10/1/20	30039 RICHLAND Livonia MI 48150	Mari E. Lewandowski
10/1/2020	30039 Richland Livonia 48150	Marilyn Smith
10/3	THOMAS RAMSEY	Judy C. Smith
	29911 ORANGELAWN	Thom C. Ramsey
10/11	Kristin Cable	Kristin Cable
	9851 Fremont	
	Livonia MI 48150	
10/17	Gillian Haverland	Gillian Haverland
	16277 Hubbard	Michael
	Livonia, MI 48154	

PROTEST PETITION
PETITION 2020-08-01-06

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WE SAY NO TO REZONE!

DATE	ADDRESS	SIGNATURE
9-26-20	29721 Orangelawn, Livonia 48150	Barbara Brown
9/25/2020	24601 Orangelawn Livonia 48150	May [Signature]
9/25/20	29460 ORANGE LAWN LIV 48150	[Signature]
9/25/2020	29544 Orangelawn Livo 48150	Daniel Sakawa
9/25/20	29582 Orangelawn Livonia 48150	Dan Cony
9/25/20	29583 ORANGELAWN LIV. 48150	Paul [Signature]
9/25/20	29583 Orangelawn Liv. 48150	Sherry DeGrazis
9/25/20	29618 Orangelawn Livonia 48150	[Signature]
9/25/20	29636 Orangelawn Liv. 48150	[Signature]
9/25/20	29720 ORANGELAWN LIV 48150	[Signature]
10/1/20	29670 Orangelawn Livonia 48150	Jody [Signature]

PROTEST PETITION
PETITION 2020-08-01-06

Notice of request to RE-ZONE General Business Property adjacent to Walmart.....to become a Multiple Family High Rise Residential.

No pre-plan of this property proposal has been given to residents impacted by this construction AND they wish to re-zone without any input from Livonia Residents.

An explanation and complete disclosure is necessary for residents to "YAY" or "NAY" to any re-zoning. Planning Commission and City Council need to hear from residents. Hold this till we are well informed, and voices heard.

We Say NO TO REZONE!

DATE	ADDRESS	SIGNATURE
25 SEPT	29929 ORANGELAWN GEORGE NEWTON	George Newton
25 Sept	29912 Orangelawn Lisa Mobus	Lisa A. Mobus
25 Sept	29912 Orangelawn Sarah K. Weldon	Sarah K. Weldon
26 SEPT	29881 ORANGELAWN Michele DAUGHTERTY	Michele Daughterty
26 Sept	29848 Orangelawn	Susan Micallef
26 Sept	29848 Orangelawn St.	Salvino J. Micallef
26, Sept	29847 Orangelawn St	Michelle Sarsin
26, Sept	29831 Orangelawn St	Justin Tudek
26, Sept	29761 Orangelawn St	Gregory J. J. J. grzebeck@gmail.com
26 SEPT	29815 ORANGELAWN " " "	John R. Maddison Myrna Maddison

2020-08-01-06

An explanation and complete disclosure is necessary for residents to “YAY” or “NAY” to any re-zoning. Planning Commission and City Council need to hear from residents. Hold this till we are well informed, and voices heard.

* LIVONIA AREA RESIDENTS MORE THAN 300 FEET

WE SAY "NO" TO REZONE

DATE	ADDRESS	SIGNATURE
9-27	11902 HRCOLA ST	BURR

From: [Jen Hagerty](#)
To: [Planning](#)
Subject: New apartments
Date: Sunday, November 29, 2020 1:02:26 PM

I am in support of the multi family dwellings to be built on Middlebelt and Plymouth. I welcome the diversity.

Thank you!

Best,

Jen Hagerty

From: [Henry Morelli](#)
To: [Planning](#)
Subject: petition 2020-08-01-06 rezoning C2 to R8 Wonderland Mall
Date: Monday, November 9, 2020 7:08:33 PM

Dear Planning Commision,

I have been a lifelong resident of Livonia and remember shopping at Wonderland Mall when it was an outdoor mall over 40 years ago. The location on the Plymouth Rd Corridor is and always has been a commercially zoned district. I recently saw the signage that the zoning request to change to Residential was very confusing to me. Then I did some research, and the proposal is to put a residential apartment building sandwiched between the LA Fitness and Walmart. As a current resident of Livonia, and Shopper of the Wonderland Village. I would like to propose my objection to this absurd addition to the shopping district. If you think of the additional traffic congestion and potential hazards of people walking dogs, children playing in the lot with semis and cars zipping through the lot makes me very uncomfortable. There are so many areas in Livonia with abandoned buildings, entirely abandoned strip malls and vacant land that would be more suitable for residential apartments. I am strongly advocating that you reject the builders proposal and keep the property zoned commercial.

Regards,
Henry Morelli
191146 Shrewsbury Dr.
Livonia, MI 48152

From: [Nancy Haverland](#)
To: [Planning](#)
Subject: Rezoning c2 to R8
Date: Monday, November 9, 2020 7:49:33 PM

Planning Commission,

I am so concerned about the rezoning of the area between Walmart & LA Fitness. This does not even make sense. I feel there are more things that are wrong about this than right. I cannot believe this builder would put residential let alone a 4 story building looking in our backyards. They traffic, parking lot lights, more people more crime. Dangers with a retention pond & children. 24 hour traffic in & out. My husband & I have been here 40+ years. He is a disabled Vietnam Veteran who would have a difficult time moving let alone it would be financially difficult. Please vote against this. Please again think with your hearts. Do u want to live behind that. Looking in your home climbing the berm. On & on. Thank you, Nancy Haverland
29928 Orangelawn Livonia Mi

Sent from my T-Mobile 4G LTE Device

From: [Frank Lupu](#)
To: [Planning; Taormina, Mark](#)
Cc: [Toy, Laura](#); [White, Cathy](#)
Subject: Petition 2020-08-01-06
Date: Monday, November 9, 2020 9:02:01 PM

Honorable members of the Livonia Planning Commission,

We live on Orangelawn and our property backs up to Wonderland Village and we are against this proposal. This proposed building will be directly behind our house allowing the residents of this building to look directly into our houses and back yards.

The berm which was put up to offer a buffer between our houses and Wonderland Village has failed to do that. When it was proposed before we had concerns with people using the berm as a walk way. We were told that there were going to be enough trees to stop the use of it as a walk way. The trees were only doubled planted up to the edge of the Walmart property and then just a single row from there west thus allowing people to use it as a place to walk their dogs. We were told that there would be security to stop people from using it for that purpose. There have been many times people have been walking along looking into our yards. There have been times when we had to call the police department because there have been groups of teens congregating creating a disturbance to the point we couldn't be out in our own yard with our grandchildren. The residents of this proposed project would continue to use the berm as a recreational area.

We were told that there was not to be any semi trucks to be parked along the south end of the property. We have been in a constant battle with Walmart and the City regarding semi trucks being parked directly behind our house, sometimes even running. When they are running you can feel the house shake. My wife is constantly calling the Police Department to have them move the trucks from there. Sometimes we are successful and then there are other time they will do nothing because they are not running. There are signs posted about no truck parking but they are not enforced. There have also been campers and motor homes parked there also. My wife has been in constant contact with an assistant city attorney who has told her that he had been in contact with the Police Department and advised her to contact them when the trucks were there. Like I previously stated that has come with mixed results. Currently there has been a semi trailer parked there for a week with no tractor attached. With the state of things in this country it definitely raises ones anxiety levels not knowing what or who is inside of these vehicles.

The addition of the proposed building will add a large increase of traffic to the area creating more issues than we already have now. It will also increase foot traffic at Wonderland creating an issue with the pedestrians and vehicles.

This property should remain commercial and not rezoned to residential. Last year I remember hearing of a developer wanting to put, I believe, a four story long stay hotel on the property of Doc's Sports Bar, 7 Mile and I-275. The residents on the south side of 7 Mile complained of the increased traffic in would create in the area. The plans were denied because it was stated that the development was not a good fit for the area. How could that project not fit in that area but this proposed project is fine here.

We have been through two upgrades/renovations of the Wonderland property. Each time Mr Schostak has been untruthful with the residents on what he would do and what he actually did.

We strongly urge you to deny this proposal as it is not a good fit for the area.

Thank you

Cheryl and Frank Lupu
29864 Orangelawn

From: jts@aol.com
To: [Planning](#)
Subject: Petition #220-08-01-06
Date: Monday, November 9, 2020 2:51:00 PM

Ian Wilshaw, as chairman, I respectfully request that you look deeply at this proposal. This is a business zone. Our community/neighborhood has endured the Mall demolition, the mall rebuild, Target building, Walmart building, now the plasma center building. Now here is a proposal to rezone a hunk of property right smack in the middle of this business zone to residential. Last year the Planning Commission scrapped a proposal for a high-rise apartment building citing it was not the landscape Livonia wanted. What has changed? do you think a building higher than City Hall is a good fit for the residents of our neighborhood? Do you believe people in a high-rise want to pay big money to look over at Walmart AutoZone, or people at the plasma center, or check out what's new and happening in our backyards? Are you willing to chance an exodus of long time residents out of the city we love and have supported for years? Realtors have already been called "just in case". Our privacy, our security, our community / neighborhood is important to us and hopefully to you who we have supported. Keep business and residential zones separate.

From: [Amy Goodlesky](#)
To: [Planning](#)
Cc: [Leonard](#)
Subject: Opposed to high rise proposal
Date: Monday, November 9, 2020 1:05:35 PM

Good afternoon! My husband and I live on Orangelawn Street directly behind this proposed high rise. We are both very much against this high rise being built. We do not want people living directly behind us. We also do not want our wall behind our house raised higher. We also are against the additional noise this will bring. Our street is quiet and want to keep it that way. We also believe this high rise has the potential to bring in more criminal activity. Our safety is of the utmost important to us. We do not welcome people being that close to our property. Thank you for your time!

Amy and Leonard Goodlesky

Sent from my iPhone

From: [Felix Rudberg](#)
To: [Planning](#)
Subject: Plymouth Road rezoning petition 2020-08-01-06
Date: Monday, November 9, 2020 12:11:53 PM

To whom it may concern,

As a resident and active voter I highly propose denying the request to rezone this property to residential. I live across the street from this property and LA Fitness is already an eye sore covering up a skyline. Building a residential building up to four stories would make this even worse. People on the third and fourth floor would be able to easily see in our backyards and neighborhood and we would be looking at a building instead of a beautiful skyline.

Commerce Township recently built a 3 story apartment complex at Union Lake and Elizabeth Lake road and it towers over everything in sight and stands out. Please have a look at this before considering this rezoning, anything over 2 stories will be hideous. We already have a bunch of 2 story condos in the area that work just as well and do not stand out like a sore thumb.

Thank you,
Felix Rudberg
248-320-9342

From: [michael haverland](#)
To: [Planning](#)
Subject: Rezoning Petition 2020-08-01-06, C2 to R8, Wonderland Mall.
Date: Sunday, November 8, 2020 6:38:51 PM

I have great concern about above Petition as this would impact greatly my home of over forty years .We believe this would disrupt the peace and quiet that we have enjoyed over the many years. This Petition would create issues as 24 hour night and day traffic, night time parking lot lighting, trash collection, people and children playing on the Bern which has been placed behind our homes when the mall as built. There is also questions about security as Livonia Police are called daily to Walmart now. This tall of a building 300 feet behind our homes would allow people to look directly into windows of our homes and back yard eliminating total privacy. This proposal would greatly impact out neighborhood. Please consider this as you make your decision. Thank you, Michael Haverland, 29828 Orangelawn St.

From: [Nancy Haverland](#)
To: [Planning](#)
Subject: Rezone
Date: Sunday, November 8, 2020 6:30:12 PM

PLEASE no rezoning at Plymouth & Middlebelt!!

Sent from my T-Mobile 4G LTE Device

From: [Nancy Haverland](#)
To: [Planning](#)
Subject: Petition 2020 08 01 06
Date: Sunday, November 8, 2020 6:07:52 PM

Another letter to you with concerns about residential living behind us in a commercial zone. Really there are so many other places you could put this. We do not need traffic all night long, parking lot lights, people on the berm. There is a retention pond that could be so dangerous to families with children. Please think about what you want to do. How would you feel?? Truly think with your

Sent from my T-Mobile 4G LTE Device

From: [michael haverland](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06 Rezoning C2 To R8, Wonderland Mall
Date: Monday, October 19, 2020 2:49:38 PM

To the Planning Commission, I live directly behind the prosed building site and this apartment building would allow people to look onto my windows of my home and we would lose our privacy. Our peace and quiet as we know it would be gone. Other problems would be night time parking lot lighting, 24 hour traffic coming and going, we have a berm behind our home and people and kids would be wandering up and down looking into our homes, increase in possible crime as Livonia Police are called daily to Walmart for problems. Decrease in property value is a possibility. There is a retention pond on the property that may be a problem. Please consider this email and others that you may have received when deciding this issue. Thank you, Michael Haverland, 29928 OrangelawnSt St.

From: [Nancy Haverland](#)
To: [Planning](#)
Subject: Rezoning 2020-08-01-06
Date: Sunday, October 18, 2020 7:04:16 PM

Very curious about why u think that would be ok in our back yard? Would you want that overlooking in your yard? I'm so sad. My husband is a disabled Vietnam Veteran that has lived here 40+ years. This will cause us to uproot & leave our nice home, it will be hard to do physically & with finance too. If you do this will you be willing to come to our home and explain?

I hope so.

Sent from my T-Mobile 4G LTE Device

From: [alex toth](#)
To: [Planning](#)
Subject: Planning
Date: Tuesday, October 13, 2020 3:03:04 AM

We really do not need a high rise apartment building in the middle of business zone next to Walmart. Please rethink zoning it that way.

From: [Lori Masters](#)
To: [Planning](#)
Subject: Rezoning next to Walmart
Date: Monday, October 12, 2020 8:36:29 AM

To the rezoning board,

You continue to disrespect the RESIDENTS of this city. There is enough destruction going on in our area. Stop chasing \$\$\$\$\$. You have a responsibility to keep your residents safe and property values to attract families. This does not stand for our interests or values. Who is paying you off?

It is a shame what your doing to the Middlebelt corridor. Thirty years here in this area and very dissatisfied with your decisions. Your decisions are crucial to our lives. Please give some thought to loyal Livonia residents, decrease in our values both property and safety is your responsibility!

Lori Masters

Sent from my iPhone

From: [Angela Ruane](#)
To: [Planning](#)
Subject: Please...NO Rezoning: re: Petition 2020-08-01-06
Date: Friday, October 9, 2020 11:16:36 AM

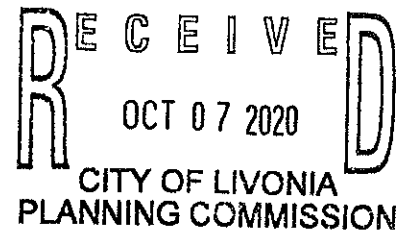
To Whom It May Concern;

As new residents, we have some concerns regarding the above captioned petition. Speaking for myself and our family, also, admittedly, with limited knowledge of the proposal, it would seem apparent that traffic and parking is already congested there. The roads can get very congested as things are. Developing a high rise in the middle of a Target and Walmart (if I read that correctly) and notably, very near where there's already a few apartment complexes changes the portrait and landscape of the family oriented "feel" of this established community neighborhood (which is why we (and many others) desired to purchase property and live here!). How much and how long to develop necessary roads/roadways/ entrance and exit points? How and how much would it change commute and commute times, taxes, property values, etc? How does rezoning improve value, amenities and contribute to the homes and families in this surrounding community? How would it affect EMS, policing and fire services and availability? How would it affect public transportation, busses and other transportation, our schools and class sizes, etc.?, ...How would it feel having a hi-rise and related construction and all those considerations right in many of our quiet backyards?...I guess I have some questions and the list grows the more we think about it... Please do not approve this project. We are new residents and were attracted to this area due to the family oriented, quiet, established neighborhoods and community. This project would seem to diminish these important considerations in rather unpredictable and rather negative ways, immeasurably.

Thank you for your time and consideration on these important matters.

John and Angela Ruane and The Ruane Family

City of Livonia Planning Commission
33000 Civic Center Drive
Livonia, Mi 48154



RE: #2020-08-01-06 PETITION TO REZONE

As members of the planning commission, I sincerely hope that our city, and it's landscape and livability, are of the utmost importance to you.

Please, please look deeply into this petition/for proposed rezoning. The area in question is a business zone. It also contains our retention pond, which is an important feature for our neighborhood.

We have seen our mall built, torn down, rebuilt, our walls raised, the building of Target, the building of Walmart, a Plasma Center, and now you want to rezone to put a high rise apartment building in our backyards.

Think about this! Do you think this is a good fit for our Livonia? Do you think a high rise apartment building here, overlooking Walmart Auto Zone, the semi-trucks loading and unloading behind Target and Walmart, their garbage dumpsters, their trash compactors, the Plasma Center, the huge rail/cargo containers that line the area during peak seasons, are what people want to view out the windows of their new high rise apartment? Or perhaps do you think they will be entertained by the activities in our backyards that will no longer be private?

Livonia has height restrictions. How is this even a consideration? We acknowledge the city needs to continue to grow, but this growth might well cause a decline in our neighborhood.

Our lives, our privacy, our security will all be impacted by this. Unfortunately, neighbors are already contacting realtors "JUST IN CASE".

Respectfully,
Jeanne Sullivan

From: [debbie golick](#)
To: [Planning](#)
Subject: RE: Petition # 2020-08-01-06
Date: Tuesday, October 6, 2020 11:03:37 PM

Hi,

As a resident of this community for over thirty years I am against the rezoning for a residential/apartment development in this area. I feel this would not support the surrounding family neighborhood community. Please do not support this and vote NO.

Thank you,

Debbie Golick

From: [Vickie Andreasen](#)
To: [Planning](#)
Subject: Hi-Rise
Date: Monday, October 5, 2020 1:08:50 PM

Plymouth Rd has become an eyesore with all the buggy's thrown about and empty buildings. With this new development it will only make matters worse. Not to mention the additional traffic with it and the plasma building. Don't see all the congestion on the mile roads going north. We do not need a residential hi-rise surrounded by businesses. Would be the only one in the area. Seems like Livonia is only concerned with how nice the north end looks. Whatever happened to having a voice in Livonia....most residents in the area do not want this development.

Vickie Andreasen

From: [Pat Gaden](#)
To: [Planning](#)
Subject: High rise next to Walmart
Date: Monday, October 5, 2020 8:51:20 AM

The area intended for this project is not a responsible location for a high rise apartment structure!!
The area is already congested due to local business. To add that many more people/ cars is wrong.
Do you live in this are? It is all ready strewn with trash, poorly kept landscaping near street.
As a homeowner I will probably sell my home if this project goes through. Even though my property value will go down dramatically with a high rise apartment in the neighborhood.
Sent from my iPhone

From: [Sylvia Northrup](#)
To: [Planning](#)
Subject: Petition #2020-08-01-06
Date: Sunday, October 4, 2020 5:20:29 PM

You are making money.
We are moving from OUR home of 45 years. We
raised 4 children here. Livonia Public Schools, etc.
You have ruined our life. You have ALLOWED
South Livonia to be ruined.
Good Luck with your Maker.

Sylvia Kirby Northrup
11200 Oxbow St.
Livonia, Mi. 48150-3193
734 427-0655

From: [Nancy Haverland](#)
To: [Planning](#)
Subject: Rezone Petition 2020-08-01-06
Date: Saturday, October 3, 2020 11:25:43 AM

Hi my name is Nancy Haverland, I live right behind where they are wanting to put a 4 story apartment building, yes right in my back yard. I will be looking at this from my window & from my backyard where we sit all summer & entertain. I can see lights in the parking lot, dumpsters, high traffic , which will be all hours of the night.

Decreased safety

Increase in crime

Decrease in our property, people on our burm and able to see in our yards

And on & on!

Really would you want to live like that? So sad these are our homes & lives.

Please say NO TO REZONE!

Sent from my T-Mobile 4G LTE Device

From: [Lori Nichols](#)
To: [Planning](#)
Subject: Rezoning for apartments at Wonderland.
Date: Saturday, October 3, 2020 10:34:39 PM

I have lived in Livonia for 66 years. I have spent 55 of those years in the Devonaire subdivision. I have witnessed all the changes over the years at Wonderland. Sticking an apartment building there is the stupidest thing I have heard. The area will become more congested with the added traffic. Livonia has always been geared towards families. I was privileged to grow up in the city with neighborhoods. Having Walmart and Target as your neighbor is unthinkable. I see no justifiable reason for this type of rezoning. Keep our retail area just what it is. Keep industrial just what it is. Keep residential, with residential.

Lori Nichols
9019 Hugh
Livonia, Mi. 4i150

Sent from Lori's iPad

From: dfd829@sbcglobal.net
To: [Planning](#)
Subject: 2020-08-01-06 Petition
Date: Sunday, October 4, 2020 9:45:42 AM

I am against the rezoning of this property.

Ken Lauer
32630 Meadowbrook
Livonia Mi 48154

Sent from my iPhone

From: [Jeremy Hartman](#)
To: [Planning](#)
Subject: Rezoning petition 2020-08-01-06
Date: Friday, October 2, 2020 2:03:51 PM

Good afternoon. This email is being sent in efforts to express my opinion regarding the proposed rezoning of commercial property next to Walmart on Plymouth road that would allow for the construction of an apartment complex.

As a long time city residents who lives on Orangelawn street, which is the first street behind the commercial site, I am completely opposed to and against this rezoning.

My concerns and reasons for being against this apartment complex are potential and expected decrease to the value of my real estate property due to the addition of apartment complex that would then immediately sit behind the line of long-standing houses. Another large concern would be an substantial increase of traffic in an already overwhelmed area of town.

Please do NOT let this rezoning take place. The o ly people that I have met who are in favor of this do not live in the area that is directly affected by it.

Sincerely

Jeremy Hartman
29653 Orangelawn
Livonia, mi. 48150
734-262-2975

From: [Lori Masters](#)
To: [Planning](#)
Subject: The Middlebelt corridor
Date: Friday, October 2, 2020 12:41:39 PM

Planning commission STOP. You are destroying the east end of this city. Have you not been riding or driving the 96 north and south area of Middlebelt. This area is like a war zone. The road is deteriorating, the shopping carts are everywhere except the stores, empty office space, nursing/assisted living on steroids, traffic and the disrespect of our area is absolutely the worst. As a matter of fact, I am moving as soon as I can. You have destroyed this area and continue to make bad decisions. Livonia is not the Livonia it used to be. I am extremely disappointed in your decisions.

Do what you will and see how you take this city down. Your doing a fine job at that!

All of you need to be fired!

I have been a resident of Livonia since 1985, you have degraded our area and property value. Good luck in the future Redford.

Lori Masters

From: [Angela Ruane](#)
To: [Planning](#)
Subject: Please...NO Rezoning: re: Petition 2020-08-01-06
Date: Friday, October 2, 2020 11:22:58 AM

To Whom It May Concern;

As new residents, we have some concerns regarding the above captioned petition. Speaking for myself and our family, also, admittedly, with limited knowledge of the proposal, it would seem apparent that traffic and parking is already congested there. The roads can get very congested as things are. Developing a high rise in the middle of a Target and Walmart (if I read that correctly) and notably, very near where there's already a few apartment complexes changes the portrait of the family oriented "feel" of this established community neighborhood. How much and how long to develop necessary roads/roadways/ entrance and exit points? How and how much would it change commute and commute times, taxes, property values, etc? How does rezoning improve value, amenities and contribute to the homes and families in this surrounding community? How would it affect EMS, policing and fire services and availability? How would it affect public transportation, busses and other transportation, our schools and class sizes, etc.?, ...How would it feel having a hi-rise and related construction and all those considerations right in many of our quiet backyards?...I guess I have some questions and the list grows the more we think about it... Please do not approve this project. We are new residents and were attracted to this area due to the family oriented, quiet, established neighborhoods and community. This project would seem to diminish these important considerations in rather unpredictable and rather negative ways, immeasurably.

Thank you for your time and consideration on these important matters.

John and Angela Ruane and The Ruane Family

From: [Simmons, Jennifer](#)
To: [Mayor Staff](#)
Cc: [Planning](#)
Subject: FW: PETITION TO REZONE #2020-08-01-06
Date: Friday, October 2, 2020 10:20:51 AM

Ms. Sullivan sent an email yesterday as well...

Jennifer Simmons

Clerk Typist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@ci.livonia.mi.us

From: Jeanne Sullivan <sullivanjeanne2@gmail.com>
Sent: Friday, October 2, 2020 10:19 AM
To: Mayor Maureen Miller Brosnan <mayor@ci.livonia.mi.us>
Subject: PETITION TO REZONE #2020-08-01-06

Mayor Bronsan, please please look deeply at this proposal this is a business zone our community / neighborhood has endured the Mall demolition the mall rebuilding, Target building, Walmart building, now the plasma center building. Now a proposal to rezone a chunk of property right smack in the middle of this business district to residential. last year the city scrapped the proposal for a high-rise apartment building, siding that it was not the Livonia landscape Livonia wanted. What has changed? do you think a building higher than City Hall is a good fit for the residents of our neighborhood. ? Do you believe people in a high-rise want to pay big money to look at our Walmart AutoZone, or people at the plasma center, or check out what's new and happening in our backyards? Are you willing to chance and exodus of long time residents out of the city we love and have supported for years? Realtors have been contacted already, "just in case". Our privacy, our security, our community / neighborhood is important to us and hopefully to you who we have supported. Please no rezoning. Respectfully,
Jeanne Sullivan

From: [Pat Gaden](#)
To: [Planning](#)
Subject: Rezoning
Date: Thursday, October 1, 2020 7:23:50 PM

Please, please pay attention to what the residents of south Livonia are saying.

We do not need or want a high rise apartment complex

Next to Walmart on Plymouth road.

The neighborhood already looks bad, so many empty storefronts and buildings.

Drive down middlebelt south to Plymouth Rd look at the trash and weeds, now look at the landscaping the city put in, it is not cared for they are over grown and look terrible!! Check out the target/Walmart carts at bus stop.

We pay our Livonia taxes just like the people in the north end do. Why don't you put the section eight housing some where up at 5 mile and Farmington. Where the landscaping is pristine and the are no weeds and no trash collecting anywhere!!

Please treat us better than what you as a city currently are. We deserve better.

Patricia Gaden

Sent from my iPhone

From: [merle smith](#)
To: [Planning](#)
Subject: Rezoning property on Plymouth rd.
Date: Thursday, October 1, 2020 7:22:14 PM

Please consider voting no on the property rezoning on Plymouth Road from a business to residential 8 .
When the proposed zoning change comes to a vote.
If you would like you could email me back for any reasoning or call me at 248-240-1515. I appreciate you taking the time to look at this. My name is Merlyn Smith

Sent from my iPhone

From: [FRANCES BRADY](#)
To: [Planning](#)
Subject: Rezoning petition
Date: Thursday, October 1, 2020 6:47:34 PM

I do not want this rezoning to occur in my neighborhood.

[Sent from Yahoo Mail on Android](#)

From: chrissieminton@ameritech.net
To: [Reece, Stephanie](#)
Subject: RE: rezone
Date: Friday, October 2, 2020 8:39:44 AM

To whom it may concern,

I am asking that you not rezone the property on Plymouth Road near Middlebelt Road for housing. That area is a very congested area already. There are so many other places that would accommodate new housing better. Thank you.

Sincerely,

Christina Minton

On Oct 1, 2020 4:48 PM, "Reece, Stephanie" <SReece@ci.livonia.mi.us> wrote:

If you would be so kind to send me an email with the correct information, I will be glad to add it in to the record. Thank you

Stephanie Reece
Program Supervisor
City of Livonia | Planning Department
(734) 466-2288
SReece@ci.livonia.mi.us
www.livonia.gov

From: Chrissie Minton <chrissieminton@ameritech.net>
Sent: Thursday, October 1, 2020 4:46 PM
To: Reece, Stephanie <SReece@ci.livonia.mi.us>
Subject: Re: rezone

Yes. I'm so sorry that I pasted the wrong address. Thank you!

On Thursday, October 1, 2020, 12:48:23 PM EDT, Reece, Stephanie <sreece@ci.livonia.mi.us> wrote:

Hello,

I am clarifying your statement. The address you reference is the address for City of Livonia City Hall. Is this opposition for the Wonderland Village rezoning? Please let me know so I can get it to the appropriate record. Thank you.



Stephanie Reece
Program Supervisor
City of Livonia | Planning Department
(734) 466-2288
SReece@ci.livonia.mi.us
www.livonia.gov



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From: Chrissie Minton <chrissieminton@ameritech.net>
Sent: Thursday, October 1, 2020 12:43 PM
To: Planning <Planning@ci.livonia.mi.us>
Subject: rezone

To whom it may concern,

I am asking that you not rezone the property at 33000 Civic Center Drive, Livonia, MI 48154 for housing. That area is a very congested area already. There are so many other places that would accommodate new housing. Thank you.

Sincerely,

Christina Minton

From: [Centers, Janice](#)
To: [Planning](#)
Subject: FW: Rezoning Proposal #2020-08-01-06
Date: Thursday, October 1, 2020 4:51:27 PM

Janice Centers

Executive Assistant to the Mayor - Program Supervisor
City of Livonia | Mayor's Office
(734) 466-2206
jcenters@ci.livonia.mi.us

From: Simmons, Jennifer <jsimmons@ci.livonia.mi.us>
Sent: Thursday, October 1, 2020 4:32 PM
To: Mayor Staff <MayorStaff@ci.livonia.mi.us>
Subject: FW: Rezoning Proposal #2020-08-01-06

Jennifer Simmons

Clerk Typist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@ci.livonia.mi.us

From: Jeanne Sullivan <sullivanjeanne2@gmail.com>
Sent: Thursday, October 1, 2020 4:12 PM
To: Mayor Maureen Miller Brosnan <mayor@ci.livonia.mi.us>
Subject: Rezoning Proposal #2020-08-01-06

Mayor Bronsan, please, please, please, look deeply into this petition. Last year the city scrapped a high-rise apartment building, citing that it was not the look we wanted for Livonia residents. Now a builder is petitioning the city to rezone a business district to residential so that they may build a high-rise apartment building. We have lived through the mall being torn down, the mall being rebuilt, targets being built Walmarts being built.

Just who do you think will want to live in an apartment building that overlooks Walmart's automotive department? what kind of impact is this going to have on our retention pond? Our safety and security, people being up on the berm in the apartment buildings looking down into our backyards, where is our sense of security. Neighbors are already contacting realtors, in the event that this building proceeds. I don't want to lose my community, my city, my neighborhood, or my neighbors. We want our city to prosper, not decline.

Respectfully,
Jeanne Sullivan

From: [Carrie Sirola](#)
To: [Planning](#)
Subject: Rezone petition 2020-08-01-06
Date: Thursday, October 1, 2020 4:03:09 PM

To : Livonia city planning commission

Regarding rezoning petition 2020-08-01-06 to allow a high rise multiple family residential district to be built in the area on south side of Plymouth road between Walmart and LA Fitness, I am AGAINST this petition. I have lived in the neighborhood behind this location for 30 years, and ever since the Walmart was put in the crime and traffic in this area has gone up. Also I don't think the idea of a 4 story apartment building looking down onto houses right behind it is a good idea, and will most likely make our house property values go down.

Sincerely,
Carrie Sirola

From: [Karen Hall](#)
To: [Planning](#)
Subject: High rise apartments
Date: Thursday, October 1, 2020 3:52:34 PM

Hello, I have lived behind Wonderland for 32 years. I do not want to see a high rise apartment building of any kind next to Walmart. There is plenty empty land in Livonia that is zoned for residential living, why put it in the middle of a business area. This is not a good idea for the residents in the area! Thank you!
Sent from my iPhone

From: [Nancy Evans](#)
To: [Planning](#)
Subject: Petition #2020 08-01-06
Date: Thursday, October 1, 2020 2:53:31 PM

To whom it may concern,

I oppose the rezoning for multi family apartments at the wonderland location. A high-rise four-story is not a good fit with our neighborhood, a two-story condo situation is a much better fit adding to families and values of Livonia. I have lived in Livonia for 50 some years and seen such a great deterioration once the Walmart has come into the area.

Sincerely,

Nancyevans

Nancyevans1025@yahoo.com

9875 Hillcrest st.

Livonia, 48150

Sent from my iPhone

From: jts@aol.com
To: [Planning](#)
Subject: REzone Petition #2020-08-01-06
Date: Thursday, October 1, 2020 12:15:12 PM

This neighborhood is coming together because a high rise apartment bldg. in the middle of al zoned business area is just wrong for Livonia. We have endured all the building at this site, removing the mall, rebuilding the area. Now you want to build a high-rise right in our backyards? Last year the city scrapped a high rise proposal, citing that it was not the Livonia landscape it wanted. What changed? What about the retention pond that protects our neighborhood? What about Livonia's height restrictions? Add business to business, and leave residential for the longtime residents who love Livonia.
Jeanne Sullivan

From: [Linda Shipley](#)
To: [Planning](#)
Subject: Wonderland Village Proposal
Date: Thursday, October 1, 2020 1:15:21 PM

There is information of a proposal going around where plans are being put into works to rezone the middle of Wonderland Village mall into residential so that a 4 story apartment building can be built. I do not live within 300 ft of the location but within a block behind the mall and I think this is totally ridiculous. There are plenty other locations that would fit this purpose more than this mall. Where have you seen an Apartment building put between a Walmart's and a gym before? I know Schostak owns the NW corner of 7 Mile and Farmington Rd and also the NE corner of Plymouth and Middlebelt that are sitting pretty much abandoned that would fit this purpose better because you are not putting a large complex looking directly down onto other peoples homes that the owners pay Livonia taxes for unlike the tenants that will be moving into the apartments. If the mall had been done properly then we may have more places to shop there other than just Walmart's and Target. The plans I thought were to have the mall like the area in downtown Farmington where all the store fronts are facing one another with more places to shop and eat. I have lived in that area since 1988 and I had an uncle that lived directly across Middlebelt when it use to be the open and enclosed Mall of Wonderland. Let's keep that mall commercial building only and get some other stores or store in there that will service the community better than what is being purposed. You have housing being placed at Joy and Farmington Rd., Harrison and W. Chicago that I am aware of currently. I am sure that there are plenty more in the works that will add more families and you have already closed a lot of Livonia schools so we can then just overcrowd the current schools with more students. Also, the traffic is crazy already around the Middle Belt/Schoolcraft area but we continue to add more and more businesses but nothing that can be done about the traffic. Just think how you would feel to have someone looking right down into your backyard or back window from their 4th story apartment? Thank you for listening since we can't partake in the council meetings live.

Sincerely,
Linda Shipley
29983 McIntyre
Livonia, MI 48150

From: [Robert Maguire](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06
Date: Sunday, September 6, 2020 12:12:56 PM

Friends,

The rezoning requested in this petition is a very bad idea.

Traffic is already too congested here, on both Plymouth and Middlebelt. The EB Plymouth left-turn lane onto Middlebelt already overlaps severely with the WB left-turn lane into Walmart. This is just one example; traffic is also already too thick on Middlebelt itself.

Please deny this petition.

Thank you!

Sincerely,

Robert C. Maguire

11031 Hillcrest St, Livonia, MI 48150

From: [Julie Leon](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06
Date: Tuesday, September 8, 2020 10:53:06 AM

To Whom It May Concern;

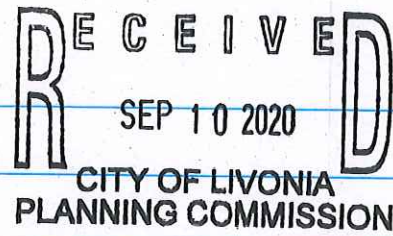
We live at 11084 Sunset St., Livonia, 48150. We have read the proposed petition 2020-08-01-06 in regards to putting in a high rise multi family unit at 29070 & 30273 Plymouth Rd. We are admittedly against this. Any property in that area should not be for rental properties for multi family properties. IF they were to zone it as properties people would OWN, that would be different and bring revenue to the city. That area is quite busy as it is and we think other areas of Livonia would be better suited for this type of property.

Thank you for your time,

Julie Furchi (formerly Leon)

Scan/File

9-9-20



City Planning Commission
Re - rezoning petition 2020-08-01-06

We are long time Livonia residents living in Devonaire subdivision. We remember the open air mall then the enclosed mall with the movie theater. Movies would end at 12 AM then the noise would start - car horns, music, shooting, whiskey bottles in our back yard. Now we live behind Walmart & have to deal with diesel trucks running up against the berm. My husband cannot sit in the back yard when this is happening as the fumes are no good for his COPD. So now you want to build a high rise. Here are our concerns.

1. Is this low income? Will this affect our property values and tax rate?
2. Is this going to lead to an ↑ in crime?

(1)

3. Tenants need to sign an acknowledgment that the berm is not their back yard. Do not need dog barking, parties, fighting etc that has gone on in the past.
4. Parking lot needs to be in front of building not backed up to the berm.
5. We would need a WORKING management number we can call for problems before we call the police.
6. We understand the need to develop the property but there should be something else more user friendly. For a change think about the people, not the money-novel idea.

Susan & Sam Micallett
29848 Orangelawn
Liv Mi 48150

734 427-4296

PS Strange this came up now when no one can attend in person.

From: [Karen Waldo](#)
To: [Planning](#)
Subject: NO Re-zoning 2020-08-01-06
Date: Sunday, September 20, 2020 7:37:54 AM

Please say NO on this Rezoning for residential, section 8 housing.
Livonia is a terrific city, in part due to less apartment/rental housing.
I do NOT want apartments constructed in our city.

Thank you,
Karen Waldo
Livonia resident

Sent from my iPad

From: [Jennifer Petoskey](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06 support
Date: Monday, September 14, 2020 2:57:00 PM

Hi:

I live at 29620 Minton, the neighborhood somewhat behind this rezoning area for this petition. I support this rezoning for several reasons:

1. It will increase housing density in the City.
2. It will increase housing affordability in the City.
3. It will increase diversity in the City.

Thank you,
Jennifer Petoskey
734-637-1284

From: [Craig Grzech](#)
To: [Planning](#)
Subject: Fwd: Middlebelt Plymouth Venture LLC rezoning request Views
Date: Monday, September 14, 2020 5:56:43 PM

----- Forwarded message -----

From: **Craig Grzech** <ctgrzech@gmail.com>
Date: Mon, Sep 14, 2020 at 5:54 PM
Subject: Middlebelt Plymouth Venture LLC rezoning request Views
To: <planning@ci.livoniamt.us>
Cc: <sbahr@ci.livonia.mi.us>, <jjolly@ci.livonia.mi.us>, <kmcintyre@ci.livonia.mi.us>, <rdonovic@ci.livonia.mi.us>, <ltoy@ci.livonia.mi.us>, <cwhite@ci.livonia.mi.us>, <mayor@ci.livonia.mi.us>

I own a home located at 29761 Orangelawn Street. One house removed from back of Target store. I have some concerns to voice regarding the request for rezoning to make way for High Rise Multiple family Residential District next to Wal-Mart.

Physical Appearance Concerns

- Based on the map in notice of public hearing it seems the set back of the building looks to be inadequate.
- Proposed building can be erected at a maximum 4 stories. These proposed specifications would create an eyesore for the residence on Orangelawn street and 2 plus stories would be visible over the berm/wall.
- Could reduce sunlight to some residential properties
- If there were to be any proposed balconies, occupants would be able to see into the yards/windows of Orangelawn street residences homes.

I believe a reasonable setback would be 20'. And because 80' is the distance one can recognize a person, each story should be set back to accommodate the 80' distance. There should be no mechanical equipment or dumpsters allowed in the rear of the building and the building should be no more than 2 stories in height. If considering balconies the rails should be at a minimum 50% screened visibility.

Home Value Concerns

- Studies should be conducted on how a mixed used area (Fitness center, Two large retail stores, Multi family residential, Plasma center) affects crime, traffic, loitering, noise, etc.
- Area directly across Plymouth road does not seem financially stable as there are no strong "anchor" tenants and quite a few store fronts which have been vacant for a while.
- Traffic has seemed to increased significantly since the addition of Wal-Mart and Menards. Middlebelt from 96 to Plymouth Road is a very dangerous thoroughfare. Not sure how much more traffic increases it can handle without reconstructing the turn lanes.

My home value and the home values in and around me have definitely come back since the crash of 2008. In my opinion some contributing factors are crime rates remain low, retail vacancies have remained the same, and livonia continues to invest in our schools. If done the right way a multiple family residential could

work with the right type of dwellings.

The cost of rent as a percentage of total household income is a valuable measure of financial health for an area. (The higher the proportion of rent payments to total household income is a sign of greater financial stress.) The below chart shows Livonia maintains households with lower financial stress than Westland and Garden City and also does it with a higher rent rate.

	Livonia	Farmington	Farmington Hills	Garden City	Westland
Largest portion of rent rates for two bedroom apartments	\$1,000 - \$1,499	\$1,000 - \$1,499	\$1,000 - \$1,499	\$500 - \$750	\$500 - \$750
Cost of rent as a percent of household income 20% or less	30%	38%	33%	22%	17%
Cost of rent as a percent of household income 30% or more	38%	32%	41%	47%	59%

Source: towncharts.com

If set back restrictions, 2 story height maximum and higher rent rates can be established the rezoning may be a decent plan for this plot of land. However, I hope this planning commission considers how permanent this rezoning may negatively affect the immediate area if the proper ordinances are not written into the rezoning request.

I ask that you let me know if this public hearing will be rescheduled and if not please advise me as to when the decision is scheduled to be made.

I thank you for your time in this manner,

Craig Grzech
734.812.1201

--

"We can all do better"
ctgrzech@gmail.com

From: [Nancy Haverland](#)
To: [Planning](#)
Subject: Petition 20-08-01-06
Date: Saturday, September 19, 2020 1:05:18 PM

Please do not do this to us!! We are not against the idea just the location. We are at 29928 Orangelawn. How can you put a 4 story building behind us?? This is so wrong. We you want this in your back yard??

Sent from my T-Mobile 4G LTE Device

From: [rbrown3115](#)
To: [Planning](#)
Subject: 4 story apartments
Date: Sunday, September 20, 2020 1:14:26 PM

Please do not put an ugly 4 story apartment building by walmart, or by a neighborhood, put it at 7 mile and Farmington rd. leave the south side of livonia alone, is it because we are not as rich as the north side? Just please don't build it. Richard and Katherine Brown. 9925 Merriman

Sent from my Samsung Galaxy smartphone.

From: [Vicki](#)
To: [Planning](#)
Subject: 4 story apartment bldg.
Date: Tuesday, September 22, 2020 3:10:24 PM

I would not want a 4 story apartment bldg near my home in Livonia or anywhere else. The amount of added people in that area will greatly increase the congestion in that already very congested area. I already avoid that intersection due to traffic and increase in crime in that area. As a matter of fact, there has been much more crime in Livonia in the last 5 years. I know the city is interested in gaining taxes from this proposal, but it is not worth the problems that will come with the deal. If this proposal goes through, then I would suggest not having windows and doors on the rear of the bldg and the bldg would not be more than 2 stories. Thank you

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone
Get [Outlook for Android](#)

From: [Julie Leon](#)
To: [Planning](#)
Subject: 2020-08-01-06
Date: Thursday, October 1, 2020 9:59:21 AM

Please do NOT rezone, petition #2020-08-01-06.

Thank you for your time

From: [Centers, Janice](#)
To: [Planning](#)
Cc: [Mayor Staff](#)
Subject: Wonderland Opposition
Date: Monday, September 28, 2020 3:28:08 PM

Good Afternoon,

Michael Haverland (734.262.9716) called to express his opposition to the rezoning and development of the Wonderland property. He lives directly behind this property and is not pleased that there might be an apartment building within 300 feet of his house. He also noted that there will be at least 40 residents displeased, and they have started a protest petition.

Finally, he asked where the Mayor stands on this issue.

Thank you,

Janice Centers

Executive Assistant to the Mayor - Program Supervisor
City of Livonia | Mayor's Office
(734) 466-2206
jcenters@ci.livonia.mi.us

From: [Greg](#)
To: [Planning](#)
Cc: [Greg](#)
Subject: Petition #2020-08-01-06
Date: Monday, September 21, 2020 8:15:04 PM

I would like to add my comments to the many already voiced about the proposed four story apartment building plan near Wonderland. The negative impact it will have on the neighborhood's property value's is chilling. The probable traffic and crime increase is not what the citizens of Livonia want. Livonia's motto of "Family First" is still the most important factor.

In August on 2019 your commission scrapped a proposed four story luxury apartment building at 7 Mile and Newburg. You sited that "you can not imagine so many units in that space and went on to say "it is not an appropriate place for an apartment building" (Hometown Life 8/28/19). We all feel the same way about shoehorning in apartments on Plymouth road next to a Walmart and in front of a White Castle. It is not an appropriate place for an apartment building.

Greg & Sue Cohen
29925 Minton

Sent from [Mail](#) for Windows 10

From: [michele daugherty](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06
Date: Monday, September 28, 2020 11:01:26 AM

Whom It May Concern:

I am writing with great concern to Petition #2020-08-01-06. I live at 29881 Orangelawn and have been here for over 40 years. We have always had a great and quiet neighborhood. I DO NOT want to look out my front door and see a 4 story building!!

I am definitely against a proposed high rise residential district! I feel it will bring a lot more noise, traffic and possible crime to the area, it will be a 24/7 problem. At least if it is commercial property, any new stores or restaurants have operating hours. Feel it will also bring down our property values.

There are many more property's in Livonia that would not affect residents, such as 7 Mile and Farmington and 7 Mile and Middlebelt. I see property at 7 Mile and 275 for sale, where there are high rise buildings. Those properties have been empty for some time. Why not look at places like that Instead of disrupting and disrespecting a happy healthy neighborhood.

The residents have made this a great Neighborhood to live In for many years and would like to keep it that way!

Thank you
Michele Daugherty
29881 Orangelawn

[Sent from AT&T Yahoo Mail for iPad](#)

[Sent from AT&T Yahoo Mail for iPad](#)

From: [Centers, Janice](#)
To: [Planning](#)
Cc: [Mayor Staff](#)
Subject: Opposition to Wonderland Rezoning
Date: Monday, September 28, 2020 3:14:57 PM

Good Afternoon,

Livonia resident of 47 years, Vickie Johnson (734.928.5617), called today to express her opposition to the rezoning of Wonderland for a 4-story apartment building. Specifically, she cited the possibility of it being low-income housing as a reason there will be more crime and we will need more police.

She also asked if I knew the date this issue will be on the Planning agenda. If you let me know, I can get back to her.

Thank you,

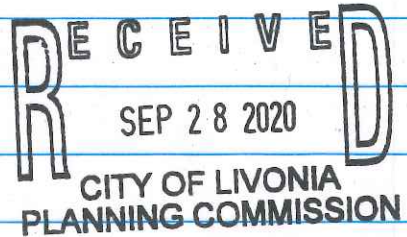
Janice Centers

Executive Assistant to the Mayor - Program Supervisor
City of Livonia | Mayor's Office
(734) 466-2206
jcenters@ci.livonia.mi.us

From: [michael haverland](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06
Date: Wednesday, September 30, 2020 5:02:39 PM

To whom it may concern, my name is Michael Haverland and my address is 29928 Orangelawn St. Livonia, Mi.. I'm totally against the rezoning and here are some reasons why. You are going to put up a building that is FOUR stories 300ft. from the property line our homes are built on, 24 hour noise, unsafe conditions with a natural retention pond (that falls under DNR) and they are investigating the situation currently, trash collection, where are the dumpsters location, No physical barrier between homes and building property, kids playing on berm which we have behind our homes, 24 hr. traffic coming and going destroying our peaceful and quiet neighborhood, all night lighting for parking , traffic control and fire safety are a few of the items. We already have safety and security concerns with Walmart Building as Livonia Police are always being called there as vehicles are stolen vehicles daily from the parking lot and for people creating serious problems, again this is DAILY. This is just a few key points and again let me ask each of you would you like people being able to look down into your home windows and backyard 24 hours a day , there goes your privacy and peaceful family life. I served my country as a United States Marine, have serious combat injuries returned home and have built a beautiful family home in Livonia for over forty years and someone thinks for tax revenue this is a great place to stuff an apartment building, That person or land developer (and you and I both know who we are talking about, has a lot of properties and money) and he's in with the city people and he DOES NOT LIVE HERE AND HE DOES NOT CARE ABOUT US. TELL IT LIKE IT IS!! For the sake of we homeowners DO NOT VOTE YES ON THIS APPROVAL. You will destroy another Livonia family neighborhood. Upset homeowner Michael Haverland

9-28-20



City of Livonia

Planning Commission

Petition # 2020-08-01-06

This is our 2nd letter. By now I am sure you are aware (or should be) of the complete dissatisfaction with this rezoning by those of us whose property backs up to the wall.

You are planning on turning a decent stable neighborhood in one of the oldest subdivisions in Livonia, into a circus - all for money. Shame on you!!!

At the very least, the wall needs to be extended to the height of the property so that our privacy & safety are assured.

I am sure you can find other, less disruptive uses for this property.

Sam & Sue Micallett
29848 Orangelawn, Livonia

Smicallett48@yahoo

From: [Simmons, Jennifer](#)
To: [Planning](#)
Cc: [Mayor Staff](#)
Subject: Resident Objection - Wonderland
Date: Monday, September 28, 2020 11:41:57 AM

Good morning,

Ms. Susan Micallef (734-427-4296 or smicallef48@yahoo.com) both called the Mayor's Office with her objection, as well as sent a message into the website:

Rezoning of wonderland for 4 story residential in my back yard AmVERY opposed to it 4 a variety of reasons letter was already sent to planning committee

Thank you,

Jennifer Simmons
Clerk Typist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@ci.livonia.mi.us

From: [Larry Rajda](#)
To: [Planning](#)
Subject: Rezoning of property on Plymouth rd.
Date: Tuesday, September 29, 2020 9:14:00 AM

I am sending this email regarding the proposed rezoning of property at 29707 and 30273 Plymouth Rd. From C-2 to R-8, As Livonia residents for 40 years we are opposed to this rezoning. This high density 4 story building is not appropriate for that spot. This area is already very congested this proposal will only make this congestion worse with people and traffic. When a high rise building was proposed on 7 mile just west of Newburgh, those plans were dropped as not being appropriate for Livonia, so lets use the same reasoning and lets keep Livonia livable. We will also be contacting Mayor Brosnan and other elected city officials. Sincerely. Larry and Ginny Rajda. 11286 Harrison. Livonia
Get [Outlook for iOS](#)

From: kaboyle313@aol.com
To: [Planning](#)
Subject: Rezone petition #2020-08-01-06
Date: Thursday, October 1, 2020 10:24:45 AM

My name is Kathleen Shivers. I live on West Chicago in the Devonaire Subdivision.
I am writing in regard to the rezone plan in the area of Plymouth and Middlebelt road.

Please do not approve this rezoning.

When we purchased our home, we did so because of the neighborhood and the area surrounding our home. The addition of apartments will bring more traffic, which the area does not need.

We do not need more housing/apartments packed in the area. I would think the new housing going up around Clements Circle would be enough.
My children go to the schools, we do NOT need more students in the area schools.

Putting a 4 story building directly behind a neighborhood is not a good fit. The city has voted down other plans for "high-rise" apartments because they don't fit. Why would this one be approved?

I would also like to know what kind of apartments are these going to be? "High end" next to the Walmart and plasma center? I bet not.

Please leave the area for commercial use, as it was intended to be and always has been.

Kathleen Shivers

From: [Tina Sabbadin](#)
To: [Planning](#)
Subject: no rezone
Date: Thursday, October 1, 2020 10:41:54 AM

To whom it may concern,

As a lifelong citizen of Livonia & a lifelong homeowner (same home my grandparents owned), please i must ask of you to NOT rezone the old wonderland area . as it has become a bit trashy & nobody really takes care of it well.

I can look out my windows & see sometimes garbage, sometimes people over the wall.....the kids trying to get over the wall ruining people's fences & things is ridiculous... why make things worse?

What Livonia could really use would be maybe something like a four seasons park.....food trucks (with them being responsible for their space), holiday themes (when its holiday time), summer splash park..... our city needs things for kids & adults to use together....make this back to a family friendly area that families would enjoy & partake in the joys of family friendly fun!!!!

please reconsider the REZONE.....it don't fit!!!!!!

thanks for your time,

the Sabbadin family
9971 Oporto
Livonia

From: [Jen Noricks](#)
To: [Planning](#)
Subject: In favor of rezoning at Plymouth/Middlebelt
Date: Thursday, October 1, 2020 11:09:44 AM

To whom it may concern:

I am writing to express my support of the planned rezoning of property near the southwest corner of Plymouth & Middlebelt Roads. I am a resident of the Devon Aire neighborhood that is adjacent to the property. I favor plans for residential zoning, as it will increase financial opportunities for the city while increasing the number of housing options available to those interested in living here.

Sincerely,
Jennifer Noricks
8948 Denne St, Livonia, MI 48150

--

Jennifer Noricks
Pronouns: she/her/hers



Virus-free. www.avg.com

From: [Centers, Janice](#)
To: [Planning](#)
Cc: [Mayor Staff](#)
Subject: Wonderland Re-Zoning Disapproval
Date: Thursday, October 1, 2020 11:37:12 AM

Good Morning,

George Newton (734.762.3428) of 29929 Orangelawn Street called to express his concern and disapproval of the re-zoning of the Wonderland property for the purpose of a 4-story apartment building. He says that if build, his house will face directly into this new building. He is not pleased with this possibility.

Thank you,

Janice Centers

Executive Assistant to the Mayor - Program Supervisor
City of Livonia | Mayor's Office
(734) 466-2206
jcenters@ci.livonia.mi.us

From: [Simmons, Jennifer](#)
To: [Mayor Staff](#)
Cc: [Planning](#)
Subject: Wonderland Project Opposition
Date: Thursday, October 1, 2020 2:36:09 PM

Hello,

Mr. George Newton (734-762-3428 or ganeewtree@yahoo.com) sent the following message via the website:

Rezoning of property from C-2 to R8 Petition 2020-08-01-06. This rezoning would depreciate the value of the houses that back up to the properties and the homes facing north (My address is 29929 Orangelawn facing north, and would truly effect my property.) to have multi-family multi-story structure placed on said site. Please do not approve this change in zoning. There are many sites within the city that could accommodate the dwellings proposed that would not impact a neighborhood as severely as this would.

Jennifer Simmons

Clerk Typist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@ci.livonia.mi.us

From: lwr815@yahoo.com
To: [Planning](#)
Subject: Re-zoning
Date: Thursday, October 1, 2020 2:17:00 PM

>

> Hello

> I am a homeowner in the Devonaire neighborhood between middlebelt and merriman south of Plymouth rd. I have owned my house for nearly 20 years.

> I have absolutely no issue with the vacant lot next to the wonderland Walmart being rezoned as residential. Apartments are an important part of adding housing to a city and will hopefully attract more families and children for our school. I'd rather it be housing than another mini-mall.

>

> Thank you

> Laura Roaden

> 30000 Minton

> (734)890-1807

> Sent from my iPhone

From: mangomortgage@gmail.com
To: [Planning](#)
Subject: Vote no For : 29707 & 30273 Plymouth Road Development for 3 story apartments
Date: Friday, July 9, 2021 7:45:15 PM
Attachments: [image001.png](#)

Hello Planning Team,

We are owner of the property 30120 Orange lawn , which is just on southside of this development. Our Vote is to stop this development for multi-story zone.

Reasons Why No:

1. This development is not similar to one currently happening on 8 Mile and Farmington in Kroger parking lot which is a single story development.
2. Multi story apartment complex is going to impact view of skyline in our back yard and also Privacy , as the walls of this apartment will be very close.
3. 300 feet distance of buildings from Residential NEIGHBOUR HOOD Will increase noise level and traffic at night and will impact family life and kids life in nearby subdivision on Orange lawn. Hill Crest and and Elmira street.
4. We are ok with single level development of senior or age above 55 or assistant living so value of property, life style of neighbor will not be impacted.
5. In the event if you pursue with multi story development, we strongly oppose any Balcony or projections on southside of building, just design to have windows only(North of Orange lawn) . We are worried about baby gun or some kind of weapons shooting from this apartment to Orange lawn side in the event of any fight or drug trafficking issue.

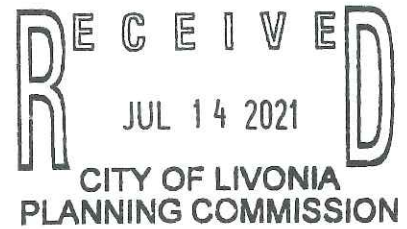
Hope you have a GREAT day!
Thanks

Hemant Shah, MBA
Kellogg School of Business
Office: 248.888.8181
Fax: 248.471.2199
Email: hello@mymangomortgage.com
[Mango Mortgage - Testimonials \(mymangomortgage.com\)](#)
www.mymangomortgage.com



7/10/21
July 10, 2021

City of Livonia Planning Commission
33000 Civic Center Drive
Livonia, MI 48154



Re: Petition 2020-08-01-06, and *the traffic*

Friends,

Putting a 4-story residential building between LA Fitness and Walmart is a very bad idea. The traffic flows along those stretches of both Plymouth and Middlebelt are already often sluggish and glutted. The middle lane on Plymouth often has WB cars turning left into Walmart struggling for space against EB cars turning left onto Middlebelt.

Please deny this petition.

Better would be to raze the strip mall where Office Depot used to be and put the High Rise there.

Sincerely,

Robert Maguire and Patricia Schniers

Robert C. Maguire & Patricia Schniers

11031 Hillcrest
Livonia, MI 48150

From: [Craig Grzech](#)
To: [Planning](#)
Cc: [Toy, Laura](#); [Mayor Maureen Miller Brosnan](#); [Bahr, Scott](#); [Jolly, Jim](#); [McIntyre, Kathleen](#); [Donovic, Rob](#); [White, Cathy](#); [michael.haverland47@gmail.com](#); [michaelhaverland47@gmail.com](#)
Subject: Fwd: Middlebelt Plymouth Venture LLC rezoning request Views
Date: Sunday, July 25, 2021 5:38:47 PM

After reading the notes from the July 17th meeting regarding the similar re zoning of the property at seven mile and Newburgh Rd., I made some revisions to my original e mail about my concerns over the zoning of properties 29702 & 30273 Plymouth Road. Revisions can be found in below in copy of original email.

I will be at the public meeting July 27th.

Thank you for your time,

Craig Grzech
29761 Orangelawn Street
734.812.1201

----- Forwarded message -----

From: **Craig Grzech** <ctgrzech@gmail.com>
Date: Mon, Sep 14, 2020 at 5:54 PM
Subject: Middlebelt Plymouth Venture LLC rezoning request Views
To: <planning@ci.livoniamt.us>
Cc: <sbahr@ci.livonia.mi.us>, <jjolly@ci.livonia.mi.us>, <kmcintyre@ci.livonia.mi.us>, <rdonovic@ci.livonia.mi.us>, <lttoy@ci.livonia.mi.us>, <cwhite@ci.livonia.mi.us>, <mayor@ci.livonia.mi.us>

I own a home located at 29761 Orangelawn Street. One house removed from back of Target store. I have some concerns to voice regarding the request for rezoning to make way for High Rise Multiple family Residential District next to Wal-Mart.

Physical Appearance Concerns

- Based on the map in notice of public hearing it seems the set back of the building looks to be inadequate. **100' set back as discussed in 7.17.21 mtg seems to be sufficient. Placing parking in the back starting at 100" would be even better**
- Proposed building can be erected at a maximum 4 stories. These proposed specifications would create an eyesore for the residence on Orangelawn street and 2 plus stories would be visible over the berm/wall.
- Could reduce sunlight to some residential properties
- If there were to be any proposed balconies, occupants would be able to see into the yards/windows of Orangelawn street residences homes.

I believe a reasonable setback would be 20'. And because 80' is the distance one can recognize a person, each story should be set back to accommodate the 80' distance. There should be no mechanical equipment or dumpsters allowed in the rear of the building and the building should be no more than 2 stories in height. If considering balconies the rails should be at a minimum 50% screened visibility.

Home Value Concerns

- Studies should be conducted on how a mixed used area (Fitness center, Two

large retail stores, Multi family residential, Plasma center) affects crime, traffic, loitering, noise, etc.

- Area directly across Plymouth road does not seem financially stable as there are no strong "anchor" tenants and quite a few store fronts which have been vacant for a while.
- Traffic has seemed to increased significantly since the addition of Wal-Mart and Menards. **And soon to be Chik-Fil-A.** Middlebelt from 96 to Plymouth Road is a very dangerous thoroughfare. Not sure how much more traffic increases it can handle without reconstructing the turn lanes.

My home value and the home values in and around me have definitely come back since the crash of 2008. In my opinion some contributing factors are crime rates remain low, retail vacancies have remained the same, and livonia continues to invest in our schools. If done the right way a multiple family residential could work with the right type of dwellings.

The cost of rent as a percentage of total household income is a valuable measure of financial health for an area. (The higher the proportion of rent payments to total household income is a sign of greater financial stress.) The below chart shows Livonia maintains households with lower financial stress than Westland and Garden City and also does it with a higher rent rate.

	Livonia	Farmington	Farmington Hills	Garden City	Westland
Largest portion of rent rates for two bedroom apartments	\$1,000 - \$1,499	\$1,000 - \$1,499	\$1,000 - \$1,499	\$500 - \$750	\$500 - \$750
Cost of rent as a percent of household income 20% or less	30%	38%	33%	22%	17%
Cost of rent as a percent of household income 30% or more	38%	32%	41%	47%	59%

Source: towncharts.com

If set back restrictions, 2 story height maximum and higher rent rates can be established the rezoning may be a decent plan for this plot of land. However, I hope this planning commission considers how permanent this rezoning may negatively affect the immediate area if the proper ordinances are not written into the rezoning request.

I ask that you let me know if this public hearing will be rescheduled and if not please advise me as to when the decision is scheduled to be made.

I thank you for your time in this manner,

Craig Grzech
734.812.1201

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"We can all do better"

ctgrzech@gmail.com

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"We can all do better"

ctgrzech@gmail.com

City of Livonia Planning Commission
Livonia City Council

July 23rd, 2021

To Our City's Esteemed Decision Makers,

I am respectfully writing this letter to express my concern and trepidation with Petition 2020-08-01-06. I apologize that I am unable to attend the live meeting and share my feedback with you in person, and I hope this letter aptly expresses the anxiety, displeasure, and concern I have with the proposal to rezone. I live at 29980 Orangelawn Street, so this rezoning proposal would quite literally be right behind my house. As you are aware, we have had many months to think about this proposal, and I have done so with an open mind to the greatest extent possible. I would like to share with you the various concerns which have weighed on my mind since first hearing of this possible initiative. I see these concerns broken down into three major categories, which I will outline below: **Personal Safety & Standard of Living Implications, Property Value & Tax Implications, & Future City Vision.**

Before I share my concerns, I'd like to share a very brief overview of myself so you can understand my perspective a bit better. I am a mid-30s female, I reside with my boyfriend (the homeowner) and our dogs. I have lived many places, including abroad, and have called Livonia home for the last 5 years. I have previously been a homeowner of my own home in Livonia. My boyfriend was born and raised in Livonia, where he attended Franklin High School. I am a C-Level executive at a local software company, where I currently work out of my home, and my office faces the property in question. I walk the neighborhood every morning and most evenings. We intend in the future to have a family of our own. I say this to build a picture of my perspective and what matters to me as a citizen of our community.

As stated, I have broken down my major concerns into three main areas:

Personal Safety & Standard of Living Implications

This is first as it is the most important and vulnerable to me and my family. As I mentioned, I work from an office that has a direct view out the window to the property in question. While it is rare right now, it is very disconcerting when I see people walking the burm. They have a direct view into my backyard, and can easily access our homes main entry points, whether we are home or not, they can get a sense of our property and aesthetic by viewing our backyard, and could easily maneuver into my backyard without much effort. We have a rather large and impressive dog, and I have witnessed people taking pictures of the dog or of my property when they walk by if he is outside. I have also seen trash left on the hill and I have no way to clean it up since I cannot easily get up into the burm. The trees that were planted are quite short and single lined, which means there is a LOT of space for onlookers. I am honestly terrified of having multi-family apartments in my backyard, as the amount of traffic, and in turn, the potential for danger, loss of property, property damage, noise concerns.

Furthermore, as a woman who walks every morning and many evenings in this neighborhood, it is critical that I feel a sense of personal safety and security. Right now, I have come to know many neighbors and have a sense of the various types of families living in the neighborhood. Children ride their bikes and go to the park on their own. Women walk their dogs and their children without fear of being accosted or catcalled. As a woman, this level of safety is truly invaluable. When I am conceptualizing the idea of building an apartment building to house several hundred new residents, and

up to 4 stories in height, it is truly upsetting to think that I could unknowingly have someone peering into my home right from their windows, a larger volume of people with access to the back yard, and in turn, directly into my back yard and property, and ultimately, a higher likelihood of crime due to more people living in close conditions.

Finally, my bedroom window also faces this same direction. I am very sensitive to light and sound when sleeping. I have been grateful to have the WalMart lights mostly not interfere with my enjoyment of my home and bedroom. My assumption is that light and sound disruptions (cars, people, music, trash collection, etc) will greatly increase having an apartment complex essentially directly in my back yard.

Property Value & Tax Implications

I would be remiss to not address my concern of the property value of our home decreasing. I am admittedly NOT an expert on property taxes. My minimal understanding is that property valuation is based upon like properties in the area plus other general guidelines. I can attest that everyone in this area is under the belief that our home valuations will decrease. Assuming this is true, not only will I be living in a home which I feel watched, less safe, with more noise and light, but the value of my home is also likely to decrease. This does not leave me with a sense of ease.

Future City Vision

While this is a bit more obscure and long-term, I am truly questioning what Livonia wants to be as a city. Cities around us are acknowledging the cultural shift toward local restaurants and eateries, locally sourced foods, smaller shops, etc. Livonia has definitely made it clear we are “big box / franchise friendly.” While this does not suit my personal taste and preference, we have remained in Livonia both because my boyfriend was raised here and his family lives here, and also because it is a quiet, safe, stable city. I have been content to stay here and have thought of Livonia as home. Should this rezoning occur and I find myself with a view of an apartment building directly in my back yard, I can assure you we will look to relocate.

To be perfectly honest and frank, should these apartments go up in our backyard, there is a very high chance we will move much more quickly than we would have otherwise. Further, and perhaps most importantly, if we move, I would most likely NOT look to continue living in Livonia. I would feel failed by the city – as I personally believe that having affordable housing in the city is critical, but putting it in a place so close to single family homes when there are several other spots in the city that would likely be appropriate for this are available. I recognize I am not the expert in evaluating this, so take that for what it is. What I hope to convey is that knowing myself and my neighbors are vehemently opposed to this property and it is likely to move ahead regardless, I will feel that the city has prioritized a different type of citizen. When looking to move (which I assure you, we will if we have an apartment building in our back yard), I am unlikely to raise my family in the same community my partner was raised. Ultimately, this makes me terribly sad, but I am resigned that this letter will not do much to sway the final outcome. I do hope you will consider the feelings of my neighbors and myself, as I believe making this change will not only change the zoning of Livonia, but the footprint, citizenry, and trust of the neighborhood.

With Respect,

Crystal Iverson, 29880 Orangelawn Street

From: [Flexo](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06 - Middlebelt Plymouth Venture
Date: Monday, July 26, 2021 12:15:38 PM

To whom it may concern,

As a resident and active voter I highly propose denying the request to rezone this property to residential. I live across the street from this property and LA Fitness is already an eye sore covering up a skyline. Building a residential building up to four stories would make this even worse. People on the third and fourth floor would be able to easily see in our backyards and neighborhood and we would be looking at a building instead of a beautiful skyline.

Commerce Township recently built a 3 story apartment complex at Union Lake and Elizabeth Lake road and it towers over everything in sight and stands out. Please have a look at this before considering this rezoning, anything over 2 stories will be hideous. We already have a bunch of 2 story condos in the area that work just as well and do not stand out like a sore thumb.

Felix Rudberg
248-320-9342

From: [Frank Lupu](#)
To: [Planning; Taormina, Mark](#)
Cc: [Toy, Laura](#); [White, Cathy](#); [McIntyre, Kathleen](#); [Bahr, Scott](#); [Donovic, Rob](#); [Jolly, Jim](#); [McCullough, Brandon](#)
Subject: Fwd: Petition 2020-08-01-06
Date: Monday, July 26, 2021 9:59:30 PM

Sent from my iPad

Begin forwarded message:

From: Frank Lupu <flupu@att.net>
Date: November 9, 2020 at 9:01:55 PM EST
To: planning@ci.livonia.mi.us, mtaormina@ci.livonia.mi.us
Cc: ltoy@ci.livonia.mi.us, cwhite@ci.livonia.mi.us
Subject: **Petition 2020-08-01-06**

Honorable members of the Livonia Planning Commission,

We live on Orangelawn and our property backs up to Wonderland Village and we are against this proposal. This proposed building will be directly behind our house allowing the residents of this building to look directly into our houses and back yards.

The berm which was put up to offer a buffer between our houses and Wonderland Village has failed to do that. When it was proposed before we had concerns with people using the berm as a walk way. We were told that there were going to be enough trees to stop the use of it as a walk way. The trees were only doubled planted up to the edge of the Walmart property and then just a single row from there west thus allowing people to use it as a place to walk their dogs. We were told that there would be security to stop people from using it for that purpose. There have been many times people have been walking along looking into our yards. There have been times when we had to call the police department because there have been groups of teens congregating creating a disturbance to the point we couldn't be out in our own yard with our grandchildren. The residents of this proposed project would continue to use the berm as a recreational area.

We were told that there was not to be any semi trucks to be parked along the south end of the property. We have been in a constant battle with Walmart and the City regarding semi trucks being parked directly behind our house, sometimes even running. When they are running you can feel the house shake. My wife is constantly calling the Police Department to have them move the trucks form there. Sometimes we are successful and then there are other time they will do nothing because they are not running. There are signs posted about no truck parking but they are not enforced. There have also been campers and motor homes parked there also. My wife has been in constant contact with an assistant city attorney who has told her that he had been in contact with the Police Department and advised her to contact them when the trucks were there. Like I

previously stated that has come with mixed results. Currently there has been a semi trailer parked there for a week with no tractor attached. With the state of things in this country it definitely raises ones anxiety levels not knowing what or who is inside of these vehicles.

The addition of the proposed building will add a large increase of traffic to the area creating more issues than we already have now. It will also increase foot traffic at Wonderland creating an issue with the pedestrians and vehicles.

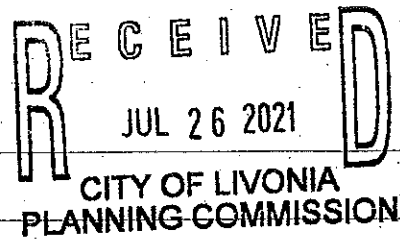
This property should remain commercial and not rezoned to residential. Last year I remember hearing of a developer wanting to put, I believe, a four story long stay hotel on the property of Doc's Sports Bar, 7 Mile and I-275. The residents on the south side of 7 Mile complained of the increased traffic in would create in the area. The plans were denied because it was stated that the development was not a good fit for the area. How could that project not fit in that area but this proposed project is fine here.

We have been through two upgrades/renovations of the Wonderland property. Each time Mr Schostak has been untruthful with the residents on what he would do and what he actually did.

We strongly urge you to deny this proposal as it is not a good fit for the area.

Thank you

Cheryl and Frank Lupu
29864 Orangelawn



7-26-21

I am writing to express my extreme displeasure at the proposal to rezone part of Wonderland.

We have lived on Orangelawn since this was an open air mall & have been through a lot of changes, but this is the worst. I live behind Walmart and am constantly fighting to have the 18 wheeler trucks removed from parking at the berm - blowing their diesel fumes and noise in my back yard.

The city cannot take care of this problem (or doesn't want to) how are they going to take care of the problems that will come with this development?

(and there will be problems)

The berm cannot be used as a playground bring noise, dirt & trouble.

I know because I have called the police a couple of times about berm issues.

(D)

Reasoning -

The wall will need to be built higher
so people cannot look in our yards
and we don't need lights shining
in our bedroom windows at 2am.

There will need to be a 24/7
phone # actually manned by a person
to take complaints and act on them.

What about the ↑ in crime?

this has been a nice, stable, subdivision
44 yrs. LEAVE IT ALONE!

Shame on you for only thinking about
money and not the welfare of your
citizens.

There is a big empty eyesore at 7 mile
and Farmington. Build it there

Sams Sue Micallef

(2)

From: [Peter Shimshock](#)
To: [Planning](#)
Subject: Petition 2020-08-01-06 - Venture LLC
Date: Tuesday, July 27, 2021 10:28:39 AM

I live at 9950 Oporto (very near this petition site) and this petition is NOT good for our community. I am surprised this request is under consideration.

There are several reasons NOT to go forward with this petition. Please review some of these reasons below.

1. TRAFFIC

The traffic at Plymouth and Middlebely is VERY HEAVY almost any time of day. This petition would make this traffic issue even worse.

2. CRIME

The crime at the shopping center has already escalated. This petition would worsen this problem ... and embolden the criminals. Our subdivision already has through traffic from the shopping center scoping out our vehicles, homes and open garage doors. This petition site would allow the renters a perfect view of our investments.

3. PRIVACY/INVESTMENT

I purchased my home WITHOUT a multi-story building looking directly at me. This petition would also greatly impact my investment in my home. Ask yourself if you would want this petition 200 feet from YOUR home.

4. FLOODING

We have recently had many issues with flooding in our community. This petition would greatly ADD to our issues of flooding with no viable plans to correct it. This petition would greatly stress an already limited system.

I have lived in Livonia for most of my life. I always felt our city government was loyal to our citizens and went the extra mile. I DON'T SEE THAT LOYALTY WITH THIS PETITION.

Whatever tax benefit you would receive would be outweighed by the 4 issues I detail above and the decreased public distrust that would follow. This is NOT the Livonia I grew up with.

If you don't vote against the petition I will make sure your votes follow your entire political career.

AGAIN ... WOULD YOU WANT THIS PETITION 200 FEET FROM YOUR HOME?

Sincerely,

Peter Shimshock
9950 Oporto
Livonia

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Friday, July 30, 2021 10:44 AM

To: support <support@livonia.gov>

Subject: Online Form Submittal: Planning Inquires

Planning Inquires

This form is for any questions, comments, or concerns you may have for the City in regards to planning. If you leave contact information, the City will reply within 2 business days. If this is an emergency, please dial 9-1-1.

First Name	KATHRYN
Last Name	CHARNOCK
Email Address	kathy.m.charnock@gmail.com
Phone Number	7346743348
Describe your issue, concern, or question.	I represent a large group of concerned citizens of Livonia that are against the rezoning of at the Wonderland Village site from C-2 general business to R-8 high rise. I would hope that the planning commission understands the concerns of many of its residents and will deny the proposal. We have started a petition and will continue our mission to stop the rezoning and construction of a high rise apartments.
Date of Concern	7/30/2021
Attachment (Optional)	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

UNAPPROVED MINUTES

1

MINUTES OF THE 1,162nd PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, November 10, 2020, the City Planning Commission of the City of Livonia held its 1,162nd Public Hearings and Regular Meeting via Zoom Meeting Software.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7:00 p.m.

Members present:	David Bongero	Sam Caramagno	Glen Long
	Betsy McCue	Carol Smiley	Peter Ventura (late)
	Ian Wilshaw		

Members absent: None

Mr. Mark Taormina, Planning Director, Scott Miller, Planner IV, Stephanie Reece, Program Supervisor, and Debra Walter, Clerk-Typist were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the Petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #1 PETITION 2020-08-01-06 Middlebelt Plymouth Venture

Mr. Caramagno, Secretary, announced the first item on the agenda, Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast $\frac{1}{4}$ of Section 35, from C-2

(General Business) to R-8 (High Rise Multiple Family Residential District – Maximum 4 Stories).

Mr. Wilshaw: This item is one that I do have some updates on. We have received a lot of communication about this petition from residents within the community, emails and letters. We have received all of those, along with a petition on this item. Those are in our packet and because there are so many, it is going to be difficult to read all of those. We won't be able to read all of those, but needless to say, know that they were received, and we also received communication late today from the Petitioner who is asking to have this item tabled. This is a public hearing. It has been posted and published with a date for the public hearing. I know there are people here in the audience tonight that wish to speak on this item. We are going to give you an opportunity to speak because that is why this is a public hearing. Just realize that the Petitioner has asked that this item be tabled. We do honor Petitioners request to do that. This item will be moved to a future meeting date, but we will still hold an opportunity for the audience to speak on this item. Just so that everyone knows, in the audience, that when this item comes back before us, we will also again have an opportunity for people to speak. We are not going to deny anyone the ability to speak on any of these petitions. That is very important for us to have that transparency. Mr. Taormina, we will start with you for background information because this is going to be tabled. If you can give an abbreviated description of this petition for us.

Mr. Taormina: Sure, Mr. Chairman. Hopefully, everyone can see the screen. This is a request to rezone a large portion of the remaining vacant land at the Wonderland Village. The change would be from C-2 (General Business) to R-8 (High Rise Multiple Family Residential District – Maximum 4 Stories). The land area involved measures 10.86 acres. It is located between the Wal-Mart Supercenter and LA Fitness. Bordering the property to the south are single-family homes that are part of the Bel-Air Garden Subdivision. Separating the homes from the subject site is a masonry wall, as well as an eight to ten-foot-high landscape berm. The distance between the wall and the proposed R-8 zoning line is approximately 70 feet. This 70-foot strip of land includes the berm which runs parallel with the wall and the south property line. This area would remain C-2. The purpose of the rezoning is to facilitate the future development of an apartment complex. R-8 zoning allows multiple dwellings over two-stories in height, but not exceeding four-stories in

height. Article XXVII of the zoning ordinance establishes the setback, lot coverage, density, and other minimum standards for R-8 zoning, including a requirement that the site of a multiple family development not be located with 1,000 feet of any other residentially zoned property. The subject location fails to comply with this 1,000-foot separation requirement. Livonia Vision 21 Future Land Use map designates the entire Wonderland development, including the subject land area, as Mixed Development Center. Attached dwellings and apartments are identified as an appropriate land use within a Mixed Development Center, subject to a maximum density of 20 units per acre. Residential options include attached and upper-story units, such as townhomes, lofts, and apartments. Mixed Development Centers are intended to have higher densities and massing, be walkable, pedestrian friendly, and interconnected with surrounding areas and neighborhoods. The concept plan for the apartment complex reflects an overall density of 17.6 dwelling units per acre. With that, Mr. Chairman, I will note that the Planning Department did receive a substantial amount of correspondence on this item. We received emails from residents of at least 37 properties in the vicinity of the rezoning. We also received three letters of support and a petition was presented today that is signed by 129 persons. I will note that we have provided all of the correspondence that we have received to the Commissioners. The protest petition, as I have indicated, was received today. You may not have that available. This is something that we will provide to the Commission as soon as possible. Thank you.

Mr. Wilshaw: We appreciate it, Mr. Taormina. Is there any questions to start off with from the Commissioners for Mr. Taormina? If not, our Petitioner is in the audience. Mr. Duczynski, I believe, is representing the Petitioner. We are going to give him an opportunity to speak first to explain this recent communication we received in regard to wanting to table this item. Mr. Duczynski, are you available? Can you unmute your line and introduce yourself? There is a mute button somewhere that you need to click.

Steve Duczynski, Schostak, I am the authorized representative for Middlebelt Plymouth Venture LLC. As you had addressed, we would ask that this petition that was submitted by Middlebelt Plymouth Venture be tabled to a future date. We would like some additional time to further evaluate our preliminary plans, as well as continuing discussion with the City. However, we do agree that we would be happy to listen to any public comments and

UNAPPROVED MINUTES

4

concerns that we could apply to these additional preliminary designs that we are continuing to work through.

Mr. Wilshaw: Alright, Mr. Duczynski, can I get your business address for our records.

Mr. Duczynski: 17800 N. Laurel Park Drive, Ste. 200C, Livonia, MI 48154.

Mr. Wilshaw: Alright, thank you. Is there any questions from any of the Commissioners in regard to our Petitioner and his request? No questions at this point. Okay. Very good. Mr. Duczynski, please just stay on the line there. We have received your request to table this item and we will give the Commission an opportunity to make that motion. If they do, it is a motion that ends any discussion when that motion is made. Therefore, we do not want to prematurely cut off any opportunity for residents who are here to speak because this is a public hearing and any information that you hear from residents may also be beneficial to you as you continue your work. I also see that Mr. Ventura has joined us. Good evening, Peter.

Mr. Ventura: Good evening, Chairman Wilshaw. We will have the record reflect that you joined the meeting.

Mr. Ventura: Thank you.

Mr. Wilshaw: So, with that, I am going to go to the audience. Is there anyone wishing to speak for or against this item? Realize that we do not have a lot of information that we can...or questions that we can give you at this point, but if you would at least like to let us know your thoughts on this request, we certainly would welcome hearing from you. Please click raise hand in the Zoom application, and that will let us know that you want to speak and then we will give you an opportunity to speak. The first person we have is Mr. Bell, Andrew Bell. You can unmute yourself and please start with your name and address for our records.

Crystal Iverson, 29880 Orangelawn, Livonia, MI. I am actually Andrew Bell's girlfriend. It is right about where the proposed site is beginning if you were looking at the far-right corner. I want to say that I am opposed to this matter. I am very concerned about the...just about having the number of people coming up on the berm and having a higher possibility of crime. If you look at the berm, there is already quite a few people that walk by regularly and they can see directly into our backyards and into our homes. I am really quite....I don't know how to fully express my concern,

but I just appreciate you guys listening and I would ask that you reconsider and move that elsewhere.

Mr. Wilshaw: Thank you, Ms. Iverson. We appreciate your comments and for coming tonight. Just for yourself and anyone else in the audience, know that because this is likely to be tabled, there is going to be a process of republishing the next date when this is going to be heard so that you can attend that meeting and listen to what the Petitioner has to offer in terms of this rezoning. You will then also be able to probably give more detailed comments in terms of your feelings on this once you hear the whole petition. In any case, thank you, Ms. Iverson, for attending. Is there anyone else in the audience wishing to speak on this item? We have some other folks. Great, thank you for clicking raise hand. I am going to go in order. Jeanne is the next person I have wishing to speak, so I am going to let her speak. You just need to unmute yourself. Good evening.

Jeanne Sullivan, 29944 Orangelawn, Livonia, MI 48150. This is directly in the middle of where this proposed building would go. I just want to say that everyone in this area has already lived through the mall being demolished, the mall being rebuilt, the debris, the mess, the rodents, and all of that. Then we went through the rebuilding, and now we have Target, and we have Wal-Mart. We have LA Fitness. Now, we have the new plasma center, and it is like everything back there is business. So, all of the sudden now they want to put in a multi-family high-rise there, which these people would be able to look out there window and see exactly what all of us are doing in our backyards. Also, it seems like they never addressed our retention pond back there. Is that going to be impacted by this building being there? Also, I know they are required to have a green space for however many units they have and their parking. None of that seems to have been addressed. All we got was the petition, but we got nothing about what their plan was for the building. I am wondering, if they table it now, the next time it comes up will they be showing us more of what their intention is? As of right now, we have polled most of the neighborhood and I would have to say 99% of the neighborhood is totally against this building.

Mr. Wilshaw: Thank you, Ms. Sullivan. We appreciate your comments. To answer your question, this process that we go through is kind of a two-step process. First is rezoning to see if the zoning change that they are requesting is appropriate for that area and then we go through a site plan approval process. If that moves

along, the second step is a site plan. That is where we get into the nitty gritty details of the site. I do believe the petitioner's intent is to have a more detailed plan that they can provide to us the next time we talk about this, so we can answer some of your questions. That is certainly our hope. Thank you.

Ms. Sullivan: I am just curious...is it just because there is this large vacant property there that they have decided to rezone? They could always build something back there...hardware, or whatever, keeping it a business district, which the entire area was supposed to be. I am just wondering; did they just pick this because it is a very nice piece of property and now, they want to put multi-family there?

Mr. Wilshaw: That is a great question. That is a question that we are going to ask them when we have the next meeting, because we do want to know the purpose as to why we are switching from commercial to residential zoning in that area. What is their business case for doing that? We will find that out. Stay tuned and keep along with these meetings as you get the notice of future dates and we encourage you to participate.

Ms. Sullivan: For sure. Thank you for letting me speak.

Mr. Wilshaw: Thank you, Ms. Sullivan. Next, we have Mr. Lupu. Let me click here and let you speak.

Cheryl Lupu, 29864 Orangelawn, Livonia, MI. I live right next-door to Crystal. I am totally in agreement with everything she said. It is pretty invasive when we already had issues back here, but you are just creating more for us. We are already at the stress level that you guys can't fix right now and no one has fixed it in years. There has been problems since the Wal-Mart has gone in here anyhow. It just keeps on continuing. You are just going to keep on continuing to add on a major process on all of us that we don't need. Livonia's model is families first and I don't see any point in ...you're not helping any of our families over here. Thank you for listening.

Susan McCullough, and I am Cheryl's neighbor. I have been dealt with Wal-Mart since 2005 and I am still dealing with the truck issue. I have talked to the...whoever does the commission by checking on the...the problems that we have over here. We are still dealing with Wal-Mart and the trucks, okay? I cannot deal with what you think you are going to put up there and having to deal with more...it is just more stress. This is a beautiful subdivision.

UNAPPROVED MINUTES

7

Has been for the 40 years that I have been living here. I just cannot agree with this at all. I would like to know why this can't be maybe moved to the Seven Mile and Farmington area. That place with that extra...that K-Mart up there has been vacant for years. That might be a place to maybe move it to. I don't know, but I don't think it belongs here, I just don't. Thank you.

Mr. Wilshaw: Thank you for your comments. We appreciate you attending this evening. Is there anyone else there that wishes to speak?

Ms. Lupu: Thanks, no we are all set.

Mr. Wilshaw: Thank you for attending and stay tuned. We are not going to go to Ms. Smith. Let me give you the opportunity to speak.

Merlyn Smith, 30039 Richland, Livonia, MI. We are about nine to ten houses over. We are on the next block over from Orangelawn. The way that my street turns, I will be able to see this two or four-story high-rise right out my front window. I just don't believe that it belongs in a residential area. Sure, it would be nice for, ya know, be nice to have families there, but it just don't belong there. So, I am opposed to it. Thank you for listening.

Mr. Wilshaw: Thank you, Mr. Smith. We appreciate your comments. Is there anyone else in our audience wishing to speak on this item? I don't see anyone else raising their hand. Oh, we have a few more. Great. Appreciate you clicking the raise hand button. Next we have Lisa Mobus.

Lisa Mobus, 29912 Orangelawn, Livonia, MI. This is my family home. We are definitely opposed to this. We don't want it delayed and tabled and then come back again. We want this put to rest now and have it go away. We are very concerned that this is...this is directly behind our home. Four stories, two or four would definitely be looking directly behind us into our yards. As Jeanne mentioned we have people walking back there throwing things in the yard, snooping in the yards already. Very concerned over tax value being extremely lowered as a result of this...the crime...the trucks...the parking. Where will parking be, where will dumpsters be located? What type of division...if there is, there has to be some type of division that is put through that we don't see or hear any of the noise. The car alarms. Very concerned over the sewer systems and will it be able to handle it and what will that do to our homes, To back up to all of those people putting who know what into the sewer systems. Again, property value...my brother is here also and he would

like to speak and have some additional information to say for additional details and he heard what I said so he may have some additional...they don't see you.

Mr. Wilshaw: Sure, Ms. Mobus. You can have your brother speak as well.

Stephen Weldon, (inaudible)...all those things. One of those things that they did is they brought in movie center for a while. We had a lot of car alarms and they said it would close after 10:00 p.m. and it would be 2:00 a.m. and the kids would come out throwing beer bottles and everything around. We have had a lot of changes here that have not been good for the residents. One of the things the Schostaks did when they put this whole new mall in back here and everything, the berm was supposed to be 12 feet tall with trees staggered all along the entire length. Schostak's never followed through on their agreement. I don't know if that is your department or someone else's, but they should have made sure because in our section right where this apartment is supposed to go all the way over to the far...looking from our direction would be like looking toward Plymouth Road. There is only one tree alternating across. It doesn't alternate between to block the whole view. So, we only have trees...only one tree per whatever, and in fact, by our house one of the trees is on a 45-degree angle. Not a very pleasant site if we wanted to sell our house. Property values are of concern. I have a brother that had three apartment complexes in different locations. He has a big problem with people who don't know what to put in their toilets or down their garbage disposals. The blockages would always pop up and mess up the whole sewer system there. So, imagine with four stories, I don't know how many apartment complexes were proposed there...you get that many people, we are going to have some sewer problems here. They have already tried to clean out the sewer system before. So, with that many people there, not a good situation. You really need to look at that. Another aspect is if you have ever noticed on the news, at least in the past couple years, especially this past summer, there has been a lot of various location where they are having apartment fires. I have lived through a couple of them myself. When an apartment fire goes up, and these were like two-story complexes, but if you get a four-story, imagine this close to this residential area...we get a lot of wind coming up over that berm. That fire can just devastate a lot of homes in this area. So, you need to look at that as well. So, you have the sewer backup problem, you have the fire potential, and homes in this area...that isn't just one or two that is going to go up, it is going to spread like wildfire especially with the wind.

The other issue is for the parking for that apartment complex. You are going to have...this is not a high rent district, okay? So, you are not going to get high paying people in there. It is going to attract a lot of Section 8. It is also going to attract a lot of kids that are just getting started, trying to get a job, and when they move in to a place...and I have been in these places before, where you sublet your apartment or you get more kids moving into the same apartment complex with you so the rent is cheaper for them that way. They are going to have more cars in that facility. You are going to have more car alarms and people working on cars in that area. There is also no egress that we can noticeably see planned for this so-called development. It is not a real good straight access to get in and out of that apartment complex without maybe transitioning through Wal-Mart parking lot. I don't think they will be thrilled with it either. They might like the people coming into their store, but they are also going to be dealing with all the other issues. Egress out of the parking lot. Are they going to open up the berms to have access to the Orangelawn Street, that runs parallel to that section. We do not want that. We have had at least decent flow of traffic where it is not too bad. They took away the stop light at the end of Orangelawn here at Middlebelt Road. If we get a lot of traffic coming through here, that is going to really mess people up trying to commute back and forth to work and home. Things like that. Quality of life for Livonia families first is not being addressed properly I believe. Another issue is location. This location in a business environment...if they looked over here right on the corner of Plymouth and Middlebelt there is only one store there right. Walgreens closed down. You have the Office Depot basically. That whole section could be an easy access for them to go in and out of an apartment complex if they did that there. I don't think there is any residential area within 1,000 feet as you mentioned earlier. That would be a great location for them, good for the...the Fire Department is even closer if they do have a fire. The only thing you have over there is already...the hotel. You have those kinds of issues. Another issue...sorry, I am talking out of the top of my head and am trying to remember.

Ms. Mobus: The other thing that I wanted to mention is, I believe that this was...there was the one that I believe was at Seven Mile and Haggerty area. That was shot down very quickly by you guys due to not appropriate for the area. So I hope this is given that same consideration, because it is definitely not appropriate for this area. Again, with the traffic...if the people speed up and down this street with all of the stop signs being removed, and if

you add that with more traffic if you are...I heard you mention earlier that opening up those berm areas, the wall area for more traffic to come through this area it is going to be a nightmare. You can't get out on the Middlebelt street from our...if it very hard to get out there depending on the time of day. That is going to be a nightmare with that more additional traffic trying to exit from Orangelawn onto Middlebelt. It is going to be very...just car accidents as well as not going to make it impossible to get there.

Mr. Weldon: Again, what kind of tenancy are you going to have? Those are not necessarily going to be family oriented as much. Again, a lot of this...this is not a high rent area. You are going to get people that can't afford too much so the prices are going to be low to give them full capacity. You are going to have the Section 8, nothing wrong with Section 8, per se, but they are not exactly family driven. Again, my brother has three different complexes, and he has a lot of these issues. You have the sewer back up issues. You are going to have a lot more water being used over there going down and plugging things up. You are going to have also the young kids, the teens that go in there and look for an opportunity to bring in and make their rent cheaper. I am sorry I am going over other areas that we already covered. At the next meeting, is it going to be where things that might not have been discussed at this point will come up?

Mr. Wilshaw: Yes. There is definitely very little...you are hearing very little discussion from us because the petitioner has asked to table this item, so they haven't really given us a full presentation at this point. Because this is a public hearing, we do need to and want to give anyone that is attending an opportunity to speak. That is why we are doing this at this point. You will have another opportunity to speak at the next meeting.

Mr. Eldon: Okay, I would like to impress on all of you to put yourself in this position. Yes, maybe this is a small section compared to Livonia as a whole but again we have been here since 1957. We have lived through a lot of the changes here and most of them have not been for the families. They have been for the developer and while business is good...Livonia, if you look at it, businesses can always make money and do things to change if they need to. Residences here are here committed for the good of the community. You guys need to put yourself in our shoes and say look, is this good or is there better opportunity for them somewhere else and is a four-story apartment complex in the

UNAPPROVED MINUTES

11

best interest, when that out towers all the Wal-Mart and Target that are in this area as well. So, I thank you for listening.

Mr. Wilshaw: Thank you, sir. We appreciate both you and your sister's comments. Again, continue to follow this item and attend the future meetings that are held on this so you can be aware of what is going on. Next on our list of people that have their hand raised is Nancy. We are going to give you an opportunity to speak. You will just need to unmute yourself.

Nancy Haverland, 29928 Orangelawn, Livonia, MI. Basically, I am going to kind of repeat some of the things everybody is saying. For me, one thing is, yes, definitely something looking into our backyard. We use our deck and have family and friends in the summer. I can't imagine having something like that behind us. We would lose so much privacy. I am concerned about all the parking lot lighting that would be back there. Twenty-four traffic coming and going. I also still have concerns about a retention pond. I don't know about safety. I am not real sure about that with families and children being there. Garbage trucks...everybody kind of went over everything I wanted to say. I am concerned about more crime and not saying any certain kind of person, just more crime. It was terrible with the shows back there with people coming into our yard. Drug paraphernalia, bottles...I can't even explain it. It was the late-night things. I hope you really listen, and I am just concerned. I am opposed to this and I hope they don't decide to do this to our neighborhood. Thank you for listening.

Mr. Wilshaw: Thank you for attending. We appreciate your comments. We are keeping notes on everything that we are being told and asked so that these will go into our record and also will be used for our questions as we talk to the petitioner. Thank you for attending. Is there anyone else wishing to speak for or against this item? I don't see anyone else clicking the raise hand button. I do want to go back to Ms. Mobus. If you don't mind, I wanted to ask what your brother's name was so we can attribute his comments appropriately in our minutes.

Mr. Weldon: It is Stephen with a ph and Weldon.

Mr. Wilshaw: Okay, good. Thank you.

Mr. Weldon: One more thing if you don't mind.

Mr. Wilshaw: Sure, go ahead.

- Mr. Weldon: As far as where I mentioned the other area that might be a good development for an apartment complex of this nature with the Walgreens and the Office Depot. If Office Depot were to offer them to relocate here in our business area where that apartment complex is or somewhere in this area there would be a nice tradeoff for them because they don't get a lot of traffic over and they probably get a lot more from the complex here. Then you would have a more wide-open area for, again, development for this apartment complex. They might want to look at that aspect.
- Mr. Wilshaw: Very good. Thank you for that additional comment. We will make note of that. Anyone else wishing to speak on this item? If so, please click raise hand. I don't see anyone else wishing to speak to this item. Is there any questions or comments from anyone on the Commission with regard to this petition for either our petitioner or anyone we have heard from? I don't see any questions.
- Mr. Long: Question for Mr. Taormina. One of the residents made a comment about the berm that was supposed to be, I think, 12-feet with trees. Do we have a record of that and is there...if that is true, do we know where it went off or was that only necessary if certain things were done? Do we have any knowledge on that?
- Mr. Taormina: No. At this time, we would have to investigate the plans from 2005 from when that was approved and then compare that to what is present today and whether it is conforming. In terms of the trees that...yes, there are some additional trees required along the top of the berm on this portion of the property. That is something that will be addressed most certainly with a further review of this property.
- Mr. Long: Thank you.
- Mr. Wilshaw: Any other questions or comments from any Commissioners? We do have Ms. Sullivan. It looks like she wants to make one more comment. I am going to let her do that. If she can unmute herself. Ms. Sullivan?
- Ms. Sullivan: I am really sorry, but I just want to address Mr. Long with his question about the berm and about the wall. They have raised our wall twice and originally it was supposed to be the trees on the berm. There is a sidewalk that runs along that wall that was supposed to be maintained. All of the wall was supposed to be

maintained. It now has graffiti all over it. It has shopping carts thrown back there and quite a bit of garbage along with some groundhogs and some other creatures that are living back there. They have cut the grass but certainly has not been maintained at all. Just wanted to throw that out there for you.

Mr. Wilshaw: Thank you, Ms. Sullivan. We will be looking into that. That is certainly an issue for our Inspection Department to enforce as well if it is not being maintained to the standards that it was supposed to be. We will look deeper into that as we move forward with this petition. Any other questions or comments from the petitioner or any of the Commissioners? Mr. Duczynski, anything else you would like to say before we have a motion?

Mr. Duczynski: No. We appreciate all of the comments and concerns. They will greatly help us when we come back in front of the committee to share our thoughts and hopefully alleviate a lot of the issues that have been brought up this evening.

Mr. Wilshaw: Good. Thank you, Mr. Duczynski. If there are no other comments or questions to be made, I will close the public hearing and ask for a motion.

On a motion by Ventura, seconded by Smiley, and unanimously adopted, it was

#11-55-2020 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on November 10, 2020, on Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast $\frac{1}{4}$ of Section 35, from C-2 (General Business) to R-8 (High Rise Multiple Family Residential District – Maximum 4 Stories), the Planning Commission does hereby table the item at the Petitioners request until a future meeting, date undetermined.

FURTHER RESOLVED, that notice of the above hearing was given in accordance with the provisions of Section 23.05 of Zoning Ordinance #543, as amended.

Mr. Wilshaw: Is there any discussion?

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.

UNAPPROVED MINUTES

1

MINUTES OF THE 1,173rd PUBLIC HEARING AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, July 27, 2021, the City Planning Commission of the City of Livonia held its 1,173rd Public Hearing and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7:00 p.m.

Members present: David Bongero Glen Long Betsy McCue
 Carol Smiley Peter Ventura Ian Wilshaw

Members absent: Sam Caramagno

Mr. Mark Taormina, Planning Director, and Stephanie Reece, Program Supervisor, were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #1 PETITION 2020-08-01-06 Middlebelt-Plymouth Venture

Ms. Smiley, Secretary, announced the first item on the agenda, Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to R-8 (High Rise Multiple Family Residential District – Maximum 4 Stories).

UNAPPROVED MINUTES

2

Mr. Wilshaw: Mr. Taormina, this is a petition that we have recently received a request to have this item tabled from the petitioner. Is that correct?

Mr. Taormina: That is correct. Yesterday we received email correspondence from the petitioner indicating their desire to put this item on the table. There is a representative from the petitioner here this evening. It is at your pleasure how you would like to proceed at this point.

Mr. Wilshaw: In light of that, because this is a very important petition for us and many in our audience are interested in, I would like to ask...instead of going through the entire process of a public hearing and having you read out all of the correspondence and so on, I think what I would like to do is just immediately go to our petitioner. He can speak to his request for a tabling, explain why if we have any questions for him we can do that and then we will also give an opportunity, because we do have residents here and this is a public hearing, to speak to the petition. Although, given the fact if they are requesting a tabling, there is not going to be a tremendous amount of discussion or presentation given by the petitioner tonight. I am going to ask our audience to be patient with us if this is going to get tabled and to continue to follow this so you can come back for a full public hearing, and we can listen to everyone's comments when we get the petition before us.

Mr. Taormina: If I may point out that unless the commission this evening tables this to a date certain, meaning a specific date in the future, then we will readvertise for the hearing if it is to a date uncertain. If the petitioner leaves this open, in terms of a date and when it would come back, the residents will be notified once again in the same manner that they were originally notified.

Mr. Wilshaw: Good. We have received a number of correspondences from residents as well. We want to acknowledge that it has been received and I am sure we will continue to get more, and you are welcome to continue to send that correspondence to us. That way we can notify those people when the item has been reposted for our public hearing. So, with that I am going to go to our petitioner who I believe is in the audience and he can start with his name and address for our record and explain his request to table this item.

UNAPPROVED MINUTES

3

Steve Duczynski, 17800 Laurel Park Drive, Livonia, MI. We would ask that the vote this evening be tabled. After last weeks study session and some additional comments we have received from these revised submission plans, we would like the opportunity to further study our current plan and those comments, which requires additional time. Putting it simply, we have more work to do. We are committed to bringing a quality development to this site and providing the additional time as a result of listening to those concerns with the opportunity to analyze the feasibility and address accordingly. We do apologize for any inconvenience this has caused the city and the community in attendance this evening. Thank you very much.

Mr. Wilshaw: Thank you, Mr. Duczynski. Are there any questions for our petitioners from any of the commissioners? If there is no questions...Mr. Ventura.

Mr. Ventura: Mr. Duczynski, can you tell us...I guess number one, do you intend to change the material way rezoning that you are requesting and the project that you envision?

Mr. Duczynski: Currently we are not thinking of changing the zoning, which is currently R-8. As far as the project in general, there were some comments regarding the densities. There were some comments that we heard regarding the aesthetics and in order to further study those items and listening to those concerns we just would like some additional time to maybe improve those issues and come back after conversations with the city and move forward.

Mr. Ventura: Thank you.

Mr. Wilshaw: Thank you, Mr. Ventura. Any other questions for our petitioner from any of the commission? If not, again, I want to give anyone in the audience an opportunity to speak if they would like to. That being said, you see we haven't heard much from the petitioner about this petition, so if you want to reserve your comments for the next public hearing you are welcome to, but if you would like to speak now you are also welcome to. This is a public hearing, so we definitely want to give you an opportunity. If anyone wishes to speak, they can come forward to the podium. Good evening, sir.

Steven Weldon, 29912 Orangelawn St., Livonia, MI. Good evening. I see that this is the ongoing petition that we keep facing, the southeast corner of Livonia. Every time Schostak has tried to do

something we faced, as a community, the Planning Commission, the City Commissioners, and the Mayor, all seeming to go against what the community wants. We fought many times when they tried to introduce and change and destroy the old retail outlets there and build and construct and we face a lot of issues there. One of the things that they agreed to do was build a 12 foot berm and put alternating trees to prevent people from being able to scale up there and look in our backyards and possibly break in. They built about an eight-foot berm. Part of that...half of that whole section, they didn't put up but a few scraggly trees back there that we have been dealing with. The tree right in back of my house is on a 45-degree angle just about. Not a pretty sight. Not something you would say this is Schostak's best efforts for delivering a quality product to the community. We have had so many meeting for Schostak. Whenever they have a project and it just seems blanket blanket...we will voice our complaints, it gets approved. When they did that theater, they said there would be no shows after 10:00pm. We had showings up to two in the morning. We would have beer bottles, sirens going off all night long. The police would have to show up. Then they had that fun entertainment section for teens. They swore it was just a little family entertainment. There wouldn't be anything...we had teens there. They were drinking. There has been nothing but problems. This was brought up to the City Council and Planning Commission many times. Issues with the trash. All sorts of issues, and yet it gets blanket approval. I don't know why they keep saying Livonia is family's first. You really need to take down that sign, at least in the southeast corner. It is a shame to have to say that it really is. I have been here since 1955 when our family first moved in. I don't know how many of you are long time residents, but this is a shame that we have to fact this kind of a construct that is like us against both our city government and the Schostak's. Now let me address this current rezoning. Without that berm and everything, that detracts from what it is. They don't deliver on what they say. Then our city government doesn't enforce what they were supposed to do. They still have refused to come through and put up those trees or increase the berm. They are not going to deliver on their promises, and it gets overlooked by enforcement. I don't know why that is. What is it that you guys are not providing when you blanket these approvals that they can ignore it? As far as this apartment, let's look at the fact that this is not one of those integrated developments like they have done in Detroit where they have both the apartments and the retail stores built together. This is an adhoc throw in. Schostak has for decades, probably, looked

at getting a big box store in that corner. They can't get anyone to come in there. This is a low-rent, low-income, low property value area. It is one of the first developments of Livonia. You are not going to get a retail in there, so now they are doing a in and around run where they can still generate some income with the property, rental properties. Well, this particular location and for the rent that they would have to charge, they are going to get Section 8, they are going to get low-income teenagers that will then get other teenagers to move in with them to share the rent and they will have more vehicles there than there are supposed to be. That means more police. This is also an area that if you have such a big complex, that is where you are going to have the gang activity. You are going to have drug activity. You are going to have crime starting to pop up. You are going to see...I have already heard, instead of having homes maybe in this area that would be family oriented. You are going to have to have the whole water infrastructure there rebuilt to handle such a massive apartment complex. The retail stores there don't have a big demand for water themselves. It is probably bigger, but it isn't not a massive thing where you are going to have a couple hundred or more residents. My brother had two complexes where he had those issues, where old people Section 8 or any entities....they flush down the toilets and it clogs things up. It is going to start backing stuff up. Have you guys looked at those kinds of issues? So, you have the integration fact that this is a ad in issue that shouldn't be there. They could have gone across the street where the...right on the corner where the Walgreens is or was and then all of the stores that have failed over there...there was Office Depot and they finally moved out. Why couldn't they move there? Did you look at that aspect? I will tell you why they didn't, because this is a property that Schostak owns. He wants to get that filled. He wants income at the expense and interest of the community, which is you people as well. I hate to say this, but this smells. I don't know if you remember the Waste Management issue where there is a lot of corruption that goes on for them to get things done. I hate to say that about this area. I hope it isn't true, but any of you are looking at future political aspirations here in Livonia, we are going to mark your names down. We are going to look who is supporting the community and who is going with the developer over us. Thank you.

Mr. Wilshaw: Thank you, Mr. Weldon. Appreciate your comments. Anyone else wish to speak? Good evening, sir.

Craig Grzech, 29761 Orangelawn Street, Livonia, MI. Good evening. I am kind of new to this whole getting involved thing and I am kind of enjoying it, but...so, I don't know a lot of the past history, but I have kind of looked at some different things and when I first saw this my first thought was I hope the Planning Commission along with the Council kind of takes a look at, and I don't know how you go about doing your job, but as far as the setbacks and how close this would be to that berm and that wall, you know where the parking lot would be, so I think that is a very valid concern for us down in that neighborhood especially on Orangelawn Street. Also, the height of it. Being four-stories and I know it sounds like its tabled. I don't know for what reasons, but I don't know if that is public record to find out like why they are looking at different things or what you have gone back to them at in regard to height of the building, the setback and again where the parking lot would be located. I also echo the gentleman's last comments in regard to just traffic patterns and the things that are going on as far as an ad-hoc...I don't really think this is...it doesn't seem like it is a community type effort with the way things have been going in that area between a Wal-Mart, a Target, and now a blood plasma center. It seems pretty unstable across the street as far as development and then with the Chick-fil-A going in you know the traffic...I hope you are doing studies on how that is going to affect this rezoning as well. It seems to really be getting cluttered in that area. Also, I don't know if that is part of the rezoning conversation but the kind of...the rent rate. What type of housing are they looking at doing in regard to rent rates? In some of the studies and stuff that I have seen online is that Livonia does a very good job of keeping the rent rates higher than some of our neighboring communities. It seems to kind of help overall. I was born and raised east side. I have been here 10 years...12 years. Absolutely love what is going on in Livonia, but it seems to be kind of...we kind of need to watch what we are doing from a zoning and planning. Livonia seems to look at new developments before trying to take existing ones. There are a lot of vacancies out there. I am hoping that the zoning commission and the City Council really takes a hard look at this because I do think however this plays out, if it does happen that hopefully it is done the right way and I would agree...I don't know how it is policed, but I was involved in some of the conversations with the retail space when it was Wal-Mart and a lot of the stuff didn't happen. As far as the berms and all that. So, hopefully there is some policing there if they move forward.

Mr. Wilshaw: Thank you, Mr. Grzech. Just to give you a little explanation because you are...you said you are a little newer to this process. Just to help you and anyone else in the audience that wishes to understand how this process works, the way this is going to work is, and this is the way most of these petitions go. First it comes to us for a rezoning request. First, we are looking at the zoning of the property and is that zoning appropriate for that area. In this case, it is a commercial zoning to a residential zoning that is being proposed. We will consider that when we have our full public hearing. We will hear from the petitioner, and we will hear from everyone in audience that wishes to speak. We are going to make a recommendation which goes to Council to either approve or deny. It is not the final decision. City Council is going to make that final decision. City Council will generally then...they have a couple step process. They first have to give a first reading and then usually they will hold it until a site plan catches up before they give the final approval of the rezoning. The second step of the process is the site plan. That is where we dig into all of the details about the height of the buildings, the colors of the materials, the setbacks, the parking lots, and all of those fine details. That is in the site plan process. That will, again, come to us. We will review it; we will try to massage it as best we can to make what we think is the best possible outcome. We will then send it on to City Council with an approving or denying recommendation. Then City Council will review both the original rezoning request and the site plan and make their decisions. That then becomes the final decision that the city stays with, whatever that is. That is kind of the process. There are several steps involved. Unfortunately, in this case, our petitioner has for reasons they have explained, asked that we table this first step for now. So, most likely that will happen. The commission has an opportunity to decide whatever they wish. They could still offer an approving or denying, as well. Most likely it is going to get tabled based on the petitioner's request. At least you have some sense of what the steps are and what is going to happen in each of those steps. This first one, the rezoning, we are going to pretty much focus on the use of the property and is that an appropriate use for that property. We will then get into the details of the site plan. I hope that helps a little.

Mr. Grzech: It does a lot. From a rezoning...if it is approved for rezoning and then let's say that the site plan you don't come to an agreement, does that stay rezoned to that or would it go back to General Business?

Mr. Wilshaw: No. That is one of the reasons that Council holds that rezoning request, because they don't want to go through the whole process of approving the rezoning, have it rezoned, and then not come to terms on a site plan. Now they have piece of property that they can't do anything with. That is kind of why they go through this process of sending it to Council, they hold on to it through this first reading process and then they won't make their final determination on the rezoning until they see the site plan. Hopefully, if it is going to get rezoned and approved, it comes through as a complete package everyone sees what it is. If it fails or can't come to terms with the petitioner then it will just revert back to existing zoning.

Mr. Grzech: Thank you.

Mr. Wilshaw: Thank you, sir. Appreciate you coming this evening. Anyone else wishing to speak, please come forward.

Jeff Grad, Blackburn Street, Livonia, MI. I am going to be brief because it has been tabled. I don't want to take up too much time. I also don't want to give Schostak, the petitioner, too much material here. Two quick points. I am a little bit different from everyone else that has come up because...well first off, I have been a Livonia resident my whole life. I have two kids and one on the way. I live relatively close to this rezoning petition, and I think if we all look at ourselves in the mirror, we would realize that like they said that this is an ad-hoc proposition to change the zoning. If they had come 10 or 15 years ago when the Wal-Mart was put in and then said we aren't going to put in a Wal-Mart here that is open 'til 11 or 12 or 24 hours and a Target and a liquor store and a plasma center and a gym, that are open late, let's make this an integrated community like we have seen other places that is sustainable and that could be part of a productive future, then this might be a different story. This is just Schostak saying COVID hit, and we aren't going to be able to turn this into a retail development, let's try to make money on this and what is hot now. There is a housing shortage in Metro Detroit, let's put apartments in here to make some money. That was not part of the original plan, and it doesn't fit with what I just mentioned right there. All these businesses that are open late, etc. That is the first point that just seems so obvious to me that I am actually surprised that they put rezoning petition forward to be honest. The second one is you know if we can't...you have all these people here...I have talked to a lot of people. There was a petition against this already put in. I am not sure of the details because I was not part of that because I don't live right behind

this. We, as residents, need to have faith that our representatives are going to do what is in the best interests of what the current residents want that pay the taxes, not a big corporation that is just in it for the profits. I can guarantee you that the owners of Schostak do not live in Devonaire neighborhood right behind this development. It is not as personal to them. They are looking at it for a profit. My last point...I have already talked to multiple families...young families in my neighborhood that if this goes through and including my own, we are strongly considering moving out of the neighborhood. I own a business in Livonia and that would just be too bad because I love Livonia and it is a great place to live. That's it.

Mr. Wilshaw: Thank you for your comments, sir. Good evening, ma'am.

Susan Micallef, Orangelawn Street, Livonia, MI. I live behind the mall. I remember it when it was an open-air mall. My concern right now is, I live behind Wal-Mart, I have been fighting and arguing with the city since they started bringing those trucks, those 18-wheelers in. They are blowing diesel in my back yard. My husband has COPD, can't breathe. I got grandkids that I watch. I don't know who is in these trucks. My concern is I can't get any help from the city, not really. The police do a good job. They do a good job. It's like these people said, the city does not care, so my concern is if you do go ahead with this development who is going to take care of the problems that are going to arise. Don't tell there aren't going to be any problems because there will be. That is my concern. You have to consider those of us that live there and how this is going to improve our quality of life and quite frankly I don't think it is. I agree with everything everybody has said. If I have been fighting with Wal-Mart, who is going to help with this stuff coming in. That's all I want to say.

Mr. Wilshaw: Thank you, Ms. Micallef. Is there anyone else in the audience...we have one more. Good evening, ma'am.

Cheryl Lupu, 29864 Orangelawn, Livonia, MI. Good evening. How is everyone this evening? I live next door to Susan. I have gone through the amount of problems that she has gone through. We never get any help. I have come before the Council. They tried to help me a little and it still has gone nowhere. It is ridiculous the amount of times we have to call the police. If you guys need to do a little reference, start with that. At how many amounts of phone calls have been made to those police and that is not really their job. I believe it is private property. Hmm? No one is

ever out there taking care of anything, let alone the extra garbage in our yards and the people that are on that hill. So, there is a lot to look at here. It is bad enough when these trucks are staring into your home while you are trying to sit or in your bedroom or something back there because these people just sit in those trucks. They run them. Our houses vibrate and it is just ridiculous. No one really does care. The police actually do their job. They can't always get to there, but it's the point of these are our backyards. Not yours, they are ours. We need them to be kept private as possible. We are fighting someone all the time over there it seems like. By the way, that wall hasn't been repaired since what...1910? It's crumbling. They don't care. It is disgusting if you just take a look and look because the grass is high and there you go. That is all I have to say. Thank you.

Mr. Wilshaw: Very good. Thank you, Ms. Lupu. Good evening, ma'am.

Reverend Victoria Kowaleski, 29960 Orangelawn, Livonia, MI. For the record I ask you all now, do our voices count? How many of you are saying in your head, no? Regardless, we will have our words heard here. Wonderland mall was officially shattered in 2003. After the mall closed, plans were announced to demolish the entire structure and plans were to build a new shopping center anchored by a new Target, as well as a Wal-Mart. Opponents of the mall's redevelopment held a civic meeting in late 2005 which was interrupted by pranksters shouting epitaphs and other opponents picketed in front of vacant mall. Despite the local opposition plans were approved for the new shopping center and demolition began in 2006. We were assured that this would be an asset to our community and our concerns were unwarranted. I was one of those voices telling my concerns at that time. However, my pleas fell on deaf ears. The developer had all the power. Our voices didn't count. Once this development was completed, it wasn't long before our neighborhood was a target for vehicle theft. Personally, my van was stolen from in front of my home and was never recovered. I didn't have theft insurance because it was an older vehicle. I went out my door in the morning to go to my job as a babysitter for a Livonia police officers' family. My van was gone. One of my neighbors had a four-wheeler stolen. The family that first welcomed us into the neighborhood in 1992 have had two vehicles stolen from in front of their home. A neighbor on the next street over had a vehicle stolen. This is all since the opening of the Wonderland Village. One of my friends told me that some of our neighbors have had their vehicle windows

broken by people driving by and throwing bottles through them and speeding off. When we bought our home in 1992, we never foresaw the possibility that hundreds of people would be living permanently just outside our back yard. Would any one of you want or tolerate a four-story apartment building in your backyard? This is unfeasible. This developer is asking for an oasis of residential property surrounded but backed up by a neighborhood surrounded by commercial property. My neighbors are already putting out signs to sell. A close neighbor and his family, this is two doors down from me, had just completed their dream of an outdoor hot tub and an entertaining area and planned on it being their dream home to retire and hand it down to their son as their mom had handed it down to them. Forty years they were there. Upon their notification of this proposed project, they put their dream home up for sale. They left in tears. They are now gone for their dream home of 40 years. Regarding the existing Wonderland Village, someone said build it and they will come, businesses and consumers. Now we have the developer telling us that we need a multi-story apartment complex abutting our backyards. Is that so he can get more people shopping at the properties he makes money from? Our voices have been ignored for too long by our city representatives. Our property values will be negatively impacted by this project. Our sewer system will be compromised by this development. Our privacy and our rights as homeowners in the City of Livonia will be impinged upon by the development that this man is trying to put behind us. My neighbors and I are totally against this. This time hear us and stand up for us, your taxpayers, the people who pay the salaries of the people who work for Livonia. As you ponder what I have said, I wish you all here a blessed evening.

Mr. Wilshaw: Thank you, ma'am. Appreciate your comments. Is there anyone else that would like to speak? Sure, you can have the last comment, sir.

Mr. Weldon: Another aspect that is part of the consideration I would hope you would look at is being a member of the residential site right behind where this is supposed to go. I would like to mention how, if you have noticed in the news for the past couple years, there have been a lot of apartment fires. You see it on the news occasionally. Whole big apartments just going up in smoke. The devastation is terrible. You get something like this going right in our area, I can tell you with the wind that comes tunneling over that berm right now, it is like a major forest coming across. If it catches some embers right there and

comes across and hits our roofs and the roofs beyond that, you are going to have a whole devastation of a bunch of homes in that area. I have been through one of these before where just a few embers sets off another fire, another fire. These homes can go up like (snaps) that. That is exactly what can happen in this. There is no guarantee that they can build a fireproof apartment complex, especially of that size. Especially when you have got, like I said, the type of people that will be looking to move into this area. You are not going to have people that are very well off with well paying rents that want to live in that kind of area. Again, ad-hoc. It's not something that is going to be integrated where they can say I can go here and do this. No, you are going to have these young kids that come in, and I hate to say it, teenagers. I have been one myself, but I knew some of them that when they did, they had four or five roommates. You had four or five cars that shouldn't be there. Multiply that by how many other apartments going to be like that. So, you are going to have that going on. You are going have again some of the gang member stuff and once you get that kind of going on, like he said, many of these people are looking to move their home. Why? For the sake of the developer? We are going to (inaudible) to them again? Like I said, we have been battling this, the Schostak entity, for ages now. If any of you...I am going to apologize in advance for having the assumption that you are all on the take. That is the wrong way to look at it, but unfortunately with the previous commissions and planning that went through, they were outraged when I said oh it looks like Schostaks got his hand in your back pocket. One of them broke down in tears but that is exactly what we see in all of these other cities. The influence of these developers far outweighs what the families are. Again, our slogan is supposed to be Families First. All I can do is say look at these issues of the infrastructure, the potential for the fires, like I said, I have lived through some of those fires where they came through the apartment complexes where I was at and those were where some of them were spread out. You get this concentrated one right here...it would not be pretty for not only residents, but even the side-by-side retails stores. Something to consider seriously and like I said, when you guys make your decision, even if you disapproved, we are going after the City Council members because they have done the same thing in the past. They aren't all the same ones that we voted for or against before, but we are coming out for them next time. Any of those members, any of them that we got, we are going to have people running against them. We will not stand for this again. I apologize to all of you, but I hope you will look at this very seriously from the

fact of what the Schostaks and he is a Schostak employee, that is all they are. They are just looking for the money. They want to fill that lot somehow and this is the only way they can get it. They cannot get a retail business in there. So, look at it from that point of view and say that is not a good fit. If they...like the other gentleman said, if they integrated this and built this where it was going to be fitting, that would be a whole different story. You would have families that were wanting to move in there. They might enjoy that. This is not. You are going to have...again, the wrong type of people with the wrong type of intentions of not being a family driven unit, but just part-time. It is just something to crash and maybe as a Section 8 person for a while. Thank you for listening and I hope you will look at this long and hard. Thank you.

Mr. Wilshaw: Thank you, Mr. Weldon. Appreciate your passion on this item as well. If there is no one else that wishes to speak, Mr. Duczynski, is there anything else you would like to say on behalf of the petitioner before we make our decision?

Mr. Duczynski: We would just like to say that the comments have been noted and we would like to reserve our response for future meetings.

Mr. Wilshaw: Thank you, Mr. Duczynski. We appreciate that. If there are no other comments or questions, I am going to close the public hearing at this time a motion would be in order.

On a motion by Long, seconded by McCue, and unanimously adopted, it was

#07-38-2021 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on July 27, 2021, on Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to R-8 (High Rise Multiple Family Residential District – Maximum 4 Stories), the Planning Commission does hereby table the item at the petitioners request to a date uncertain.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 23.05 of Zoning Ordinance #543, as amended.

UNAPPROVED MINUTES

14

Mr. Wilshaw: Is there any discussion?

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted.

NOTICE OF PUBLIC HEARING

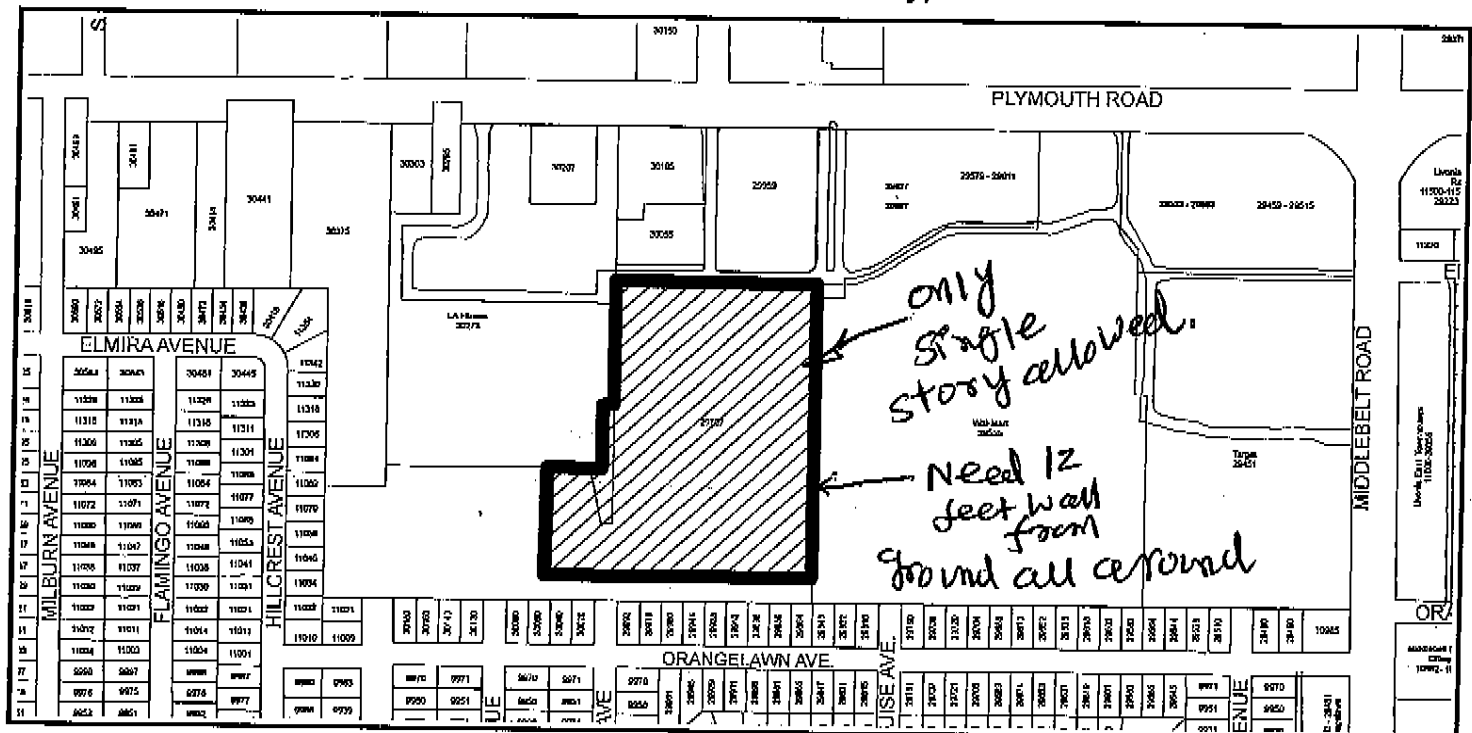
CITY OF LIVONIA PLANNING COMMISSION



33000 Civic Center Drive
Livonia, Michigan 48154-3097
(734) 466-2290
Fax: (734) 466-2108

A PUBLIC HEARING WILL TAKE PLACE BEFORE THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA ON TUESDAY OCTOBER 19, 2021 AT THE LIVONIA CITY HALL, 33000 CIVIC CENTER DRIVE, LIVONIA, MICHIGAN AT 7:00 P.M., OR AS SOON THEREAFTER AS THE AGENDA WILL PERMIT ON THE FOLLOWING ITEM:

Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast 1/4 of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).



YOU ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING AND PRESENT YOUR VIEWS ON THIS MATTER TO THE CITY PLANNING COMMISSION. IN LIEU OF ATTENDING THE MEETING, YOU MAY PRESENT YOUR VIEWS IN WRITING ADDRESSED TO: CITY OF LIVONIA PLANNING COMMISSION, 33000 CIVIC CENTER DRIVE, LIVONIA, MI 48154, OR BY EMAIL TO: PLANNING@LIVONIA.GOV

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Planning Department of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call 734-466-2290 if you need assistance.

From: [susan micallef](#)
To: [Planning](#)
Subject: petition 2020-08-01-06 scheduled for 10/19/21
Date: Monday, October 18, 2021 9:10:31 AM

Why is the city so intent on shoving this development down our throats for the THIRD time. Shostack has that vacant land at 7 mile and farmington that has been an eyesore 4 a long time I have had to call the police X2 within the last couple of weeks for noise at the mall that the city does nothing about. How much worse is this going to get? Ask yourselves honestly would you want this in your backyard or your parents back yard if you have the guts

UNAPPROVED MINUTES

1

MINUTES OF THE 1,177th PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, October 19, 2021, the City Planning Commission of the City of Livonia held its 1,177th Public Hearing and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7 p.m.

Members present: David Bongero Glen Long Carol Smiley
Peter Ventura Ian Wilshaw

Members absent: Betsy McCue Sam Caramagno

Mr. Mark Taormina, Planning Director, and Stephanie Reece, Program Supervisor, were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #1 PETITION 2020-08-01-06 Middlebelt Plymouth Venture

Mr. Caramagno, Secretary, announced the first item on the agenda, Petition 2020-08-01-06 submitted by Middle Belt Plymouth Venture, L.L.C, pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middle Belt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

Mr. Taormina: This is a request to rezone property that is part of the Wonderland Village Shopping Center at the southwest corner of Middle Belt and Plymouth Roads. The land area measures roughly 10.86 acres and is located between the Wal-Mart Supercenter and LA Fitness. The change would be from C-2 (General Business) to NM2 (Neighborhood Multifamily). Bordering the property to the south are single-family homes that are a part of the Bel-Aire Gardens Subdivision. The purpose of the rezoning is to facilitate the future development of the site with an apartment complex that would be called Wonderland Flats. NM2 zoning allows for multiple dwellings in buildings not to exceed a height of four-stories. The preliminary site plan shows two three-story apartment buildings. The site layout includes a central courtyard and common area that would contain an inground swimming pool, as well as other amenities. Building A, which is to the north, and Building B to the south, would each have a gross floor area of approximately 101,000 square feet. Together, the two buildings would contain a total of 201 one and two-bedroom units. Access would be from two driveways, which are along an existing drive aisle located on the north side of the development that runs in an east/west direction across Wonderland Village, ultimately connecting to Middle Belt Road. Between these two driveways is one of the main signalized entrances to Wonderland from Plymouth Road. Parking would be provided around the perimeter of both buildings. The plan shows a total of 422 spaces, which is slightly more than the required two spaces per unit. Carports would be provided for approximately 100 vehicles, mostly along the east and south sides of the complex. At the south end of the property the site contains an existing screen wall and landscape berm that separates the proposed development from the adjacent single-family homes. The width of the berm measured from the masonry wall to the base of the slope on the north side of the berm is approximately 69 feet. From this point, the distance to the closest edge of the parking lot would be 100 feet, and from the parking lot to Building B is another 131 feet. Thus, the overall distance from the residential properties to Building B would be approximately 300 feet. The buildings, which span a distance of 343 feet, would have flat roofs. All units would be accessible from corridors located inside the building. Entrances are shown in the center and on the sides of the buildings. A network of interconnected sidewalks would be provided around both of the buildings, as well as within the courtyard and common areas. The Livonia Vision 21 Future Land Use Map designates the entire Wonderland complex, including the subject site, as a Mixed Development Center. Mixed Development Centers are intended to have higher densities and massing, be walkable and pedestrian friendly, and be integrated with and connected to surrounding areas and neighborhoods. Attached dwellings and apartments are identified as an appropriate land use within a Mixed

Development Center, subject to a density of 20 units per acre. Residential options include attached and upper-story units including townhomes, lofts and apartments. The concept plan for the apartment complex reflects an overall density of 17.67 dwelling units per acre. With that, Mr. Chairman, I would like to read out the departmental correspondence.

Mr. Wilshaw: Yes, please.

Mr. Taormina: I will note that this correspondence has been updated from when the original petition was submitted a little over one year ago. The first item is from the Engineering Division, dated October 1, 2021, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no objections to the proposed rezoning at this time. The parcels are assigned the addresses of **#29707 and #30273 Plymouth Road**. The legal descriptions submitted by the owner for the proposed rezoning appears to be correct and should be used to describe the parcel if approved. The proposed development is currently serviced by water main, sanitary and storm sewers, which may need to be extended to service any new development. The submitted drawings do not indicate any utility connections or calculations, so we do not have any knowledge of impacts to the existing systems at this time. The existing site has a mix of public and private utilities, which may require additional easements to provide sanitary and water service to a new parcel. It should be noted that should the project move forward, the proposed construction will be required to meet the Wayne County Stormwater Ordinance, including revised detention requirements. A **full** review of the proposed development will be completed when plans are submitted for permitting."* The letter is signed by David W. Lear, P.E., Assistant City Engineer. The next letter is from the Finance Department, dated October 5, 2021, which reads as follows: *"I have reviewed the addresses connected with the above noted petition. The following amount is due to the City of Livonia: Unpaid water and sewer charge, \$3,725.43"* The letter is signed by Connie Kumpula, Chief Accountant. I will note however that on October 8, 2021, all past due charges were paid in full. The next letter is from the Treasurer's Department, dated September 28, 2021, which reads as follows: *"In accordance with your request, the Treasurer's Office has reviewed the address connected with the above noted petition. At this time, there are no outstanding amounts receivable for taxes. Therefore, I have no objections to the proposal."* The letter is signed by Lynda Scheel, Treasurer. Mr. Chairman, if I

may just reference, and I know all of the Planning Commissioners have received copies of all this correspondence but dating back over a year ago when this matter first appeared before the Planning Commission over that period of time, we have received an estimated 40 email correspondences all in objection to the proposed rezoning. We also received a protest petition with 129 signatures. We received four letters of support as well. With that I am happy to answer any questions you may have.

Mr. Wilshaw: Just so the audience listening are aware, we have received a number of pieces of correspondence, emails, letters and a petition over the course of the last several months for both this meeting and also previous meetings regarding this item. Those are all in our packets. They are all part of the record. We have been able to review those. Just for the sake of time consolidation, we can't read them all out publicly, but needless to say we do have them all and they are all in our official packet which will go on to City Council as well so they could see them. We appreciate all of those comments and letters. Are there any questions or comments from any of the commissioners for the planning staff? There is none, so in that case we can go to the petitioner. Is the petitioner here this evening? Good evening, Mr. Shostak. We will need your name and address for the record please.

Jeffrey Shostak, on behalf of Middlebelt-Plymouth Ventures, L.L.C.. Before I hand it off to the technical folks to get more into the more specifics on the zoning, I just thought I would give a little background on how we got here. As most of you know, we have been doing business in this town for four generations. We are a 101 year old company and we have done all sorts of developments in Livonia, retail, office, industrial, and we really try to be thoughtful of not what we think is the highest and best use, of course that plays a role, but in what the city wants and what we think makes the most sense with the city's current zoning, states, and what the community wants and we always encourage feedback and encourage a discussion. Obviously tonight was likely to be geared towards this specific zoning request, and hopefully if we can move forward to the next step of site plan approval down the way, we would love that discussion and encourage that. How we came here on this particular development, and obviously everyone knows the history and it was all big box retail with small shoppes closer to the road and then obviously we had the great recession in between. Things changed a little bit and Livonia changed their

zoning laws as Mark just kind of...zoning vision that was mentioned and really designated this as a mixed-use development and the more we saw that and thought about that, we realized that we think that this beautiful brand market rate style of apartment complex would be a great fit with the vision that is the new Livonia 2021. That was a lot of what went behind it and we are excited and looking forward to the discussion to bring more business from our end to the city. Thank you. I am going to hand it off to Tim.

Mr. Wilshaw: Thank you, Mr. Shostak. I do want to reiterate as Mr. Shostak alluded to that we are...this meeting is looking at the zoning of the property. We are really trying to see if the change in zoning from General Business to the Neighborhood Multifamily is appropriate. We are going to try and focus our discussion on the zoning, however, a discussion about this property and its uses can't go without at least addressing the conceptual site plans that we have received so far. There may be some discussion about the details of that, but we aren't going to get into the fine details of the site plan itself tonight. We are trying to focus on the zoning. So, as folks come forward to speak, we are going to ask that you try to address comments toward the zoning and your feelings toward the zoning and if you are for or against it as we get to that point. Good evening, sir. We will ask that you start with your name and address.

Tim Ponton, 607 Shelby Street, Detroit, MI. We were retained as the civil engineer, the design partner, and planning firm for this project. We have been working on it for a number of years now with a couple of interruptions, but you can see from the plan in front of you that it is located at the southwest corner of Plymouth Road and Middle Belt Road on a 10.86-acre site. The site is currently undeveloped, and it is the last vacant parcel of the Wonderland Shopping Center. The surrounding uses to the east, we have a Wal-Mart Supercenter and a Target. To the west is an LA Fitness and a Quality Inn hotel with a banquet facility. Then, along Plymouth Road we have a various number of commercial uses between fast food restaurants, dentists, chiropractors, a number of different mixed uses. You can also notice to the south and to the west the residential neighborhood that is adjacent to this shopping center, we wanted to take special consideration to the neighbors when developing this site. You can see that the majority of the neighbors now are previously located directly adjacent to a Wal-Mart, a Target, some adjacent to water detention basin and then also to the Quality Inn hotel and banquet center. Go to the next slide. The request in front

of you tonight is for a rezone from C-2, General Commercial, to Neighborhood Multifamily. As stated, we are not seeking site plan approval. In front of the board tonight, if we were approved by City Council, we would prepare more detailed set of drawings and then come back in front of your board for review. A little bit of history on how we were retained for this project, we were called by the developer, we researched the C-2 zoning, visited the site, and we started putting together some conceptual plans that were consistent with what existed today in terms of big box retailers. Some of the approved uses currently that we were looking at is big box retail, restaurant, daycare, catering, schools, hotels, however, when going into the Master Plan and doing some further research, we noticed we are located, as you can see in the bottom right corner of that in the little purple square, is the entire mall located within the mixed development center district. So, we took a dive a little bit deeper into the mixed development. A portion of what it states is "Mixed development centers should be developed into higher density mixed use corridors of activity. The mixed development center should provide residential options that include townhomes, upper story lofts, and apartments. Mixed development centers are envisioned in four primary locations. Plymouth and Middle Belt, Farmington and Seven Mile, Middlebelt and Seven Mile, and Six and Newburgh." As we went through and researched further into that mixed development center, we ran into a portion of the Future Land Use plan that talks about missing middle housing. The missing middle housing portion of the 21 Vision talks about the Future Land Use Plan for the Livonia places importance on the creation of housing opportunities for the families of the future and downsizing options for residents of today. Much of the conversation surrounding the mismatch between current housing stock and demographic trends focuses on the need for a missing middle housing. A response to limited appeal of traditional multi-family housing types developed in decades past, missing middle housing is those types between single unit detached homes and the mid-rise apartment buildings on the density scale. So, at that point we had approached our client and the project team and started talking about a project I was recently or previously in front of your board on which was the Seven Mile and Haggerty project that we had presented to this board. We went on to discuss that with the client and the project team. If you can go to the next slide. As you notice, the mall is currently all commercial, so the only way to advance and further the goals of the Master Plan is to introduce some type of residential component. What that would do is create what we consider a horizontal mixed-use

development. As you have all the commercial is already laid out and established, this is the last undeveloped piece, so this is really the best opportunity to implement some type of residential development to further enhance the goals of the Master Plan. We also think that there is significant benefits to the neighbors to the south. Of the significant benefits to those neighbors is that this would create a transition zone between the high-end intensity commercial that exists today, and it would create kind of a transition of something that is lower intensity in a multi-family residential type development in which you have part of the community and residents that live in the city as your neighbors, as opposed to more big box businesses. If you also look at the plan, the proximity of the Wal-Mart and the Target and the motel, unfortunately those residents essentially have Wal-Mart loading areas and trash located directly adjacent to their homes. Target loading and trash locating directly adjacent to their homes. The proximity of the current zoning and what it allows from a rear yard setback is unfortunately at the benefit of the residents in those locations and you can also see the proximity of the hotel to the adjacent property, so this would really provide a great opportunity, as you can see from the drawing there that we have committed to a dimension approximately 300 feet currently from our proposed three-story building to the residential property line. You can also notice from that rendering the amount of green space that exists on this site as compared to the remainder of the shopping center where it is actually a decent landscaping at this site, but just the amount of green space that exists would be...we are looking at approximately 30 – 35% on the proposed plan that we have in front of you. We do think that the benefits would be less noise, greater proximity, the building would not be visible as compared to the Wal-Mart and the Target and the motel. On the next slide, I don't know if any of this is visible for the residents...

Mr. Wilshaw: It is. There are screens behind you.

Ms. Smiley: There are screens all over.

Mr. Ponton: This is a view that we put together. It shows essentially a rendering of if we were standing in one of the residents' backyards. You can see just the top of the three-story building, which would be located 300 feet away. There is an 8 – 10-foot berm, depending on where you are standing along with the proposed wall, so between the distance and the angle, you really wouldn't be able to see barely any of the proposed three-story building. In addition, there is one row of evergreens that

exist along the berm today and we would be doubling that with an additional row to offset where there is empty spaces. If we go to the next slide, the existing zoning...this is one of the conceptual plans we were discussing, and we were looking at when we were first starting to do some due diligence on this vacant lot. This is what would be allowed under the current zoning, a big box retail user, and you can also see the proximity to the residential neighborhood as compared to what we are proposing, which we think will have significant benefits to the residents to the south. Currently under the zoning there is a much lower rear yard setback in the C-2 than the NM2 and there is a green space requirement of 15% overall, whereas we would be proposing somewhere closer to 30-40%. The next slide. As was stated, we are looking at a three-story apartment building comprised of two separate buildings. There would be 201 units with 400 parking spaces. There would be a courtyard in the center with different amenities located throughout the building. Also, different gathering spaces for the tenants. You can see there is some dimensions on the Wal-Mart to the right where the closest point of the Wal-Mart to the residential neighborhood is 115 feet and then there is a loading/unloading zone and trash area. They probably have deliveries coming and going at various times of the morning and evening. What we are proposing would be the 300-foot distance with about 160-170 feet of green space. A very nice buffer between the residents and the proposed development. The next slide is a rendering from the front, which is Plymouth Road. The next rendering would be from the rear, which would face the residents. One of the important things to note here is that we eliminated the balconies on the rear as a request of City Planning, so we removed that. So, there are no balcony that you can walk on. No space to walk outside to kind of hang out and face the residents. So, there are just Juliette style balconies where it is just a door that opens, but you can't necessarily walk out anywhere. In conclusion, we do think that there is a significant benefit, not only to the advancement of the Master Plan and furthering the goals of the mixed development, we also think that there is tremendous benefits to a much lower intensity user to the adjacent residents and we have committed to a significant green space between the proposed development and the neighborhood. We do think that the benefits for the proposal significantly outweigh any detriment associated with the request. We are hear to answer any questions.

Mr. Wilshaw: Thank you, Mr. Ponton. As I stated before, even though you are showing us some of the renderings of the building, the details of

UNAPPROVED MINUTES

9

that are going to be dealt with in the site plan process that comes after zoning. This is a conceptual plan at this point. This isn't the final product that you are proposing. You are just giving us an idea of where you are at so far, is that correct?

Mr. Ponton: That is correct.

Mr. Wilshaw: Is there any other presentation you and your team need to make at this point, or are you ready for questions?

Mr. Ponton: We are ready for questions at this point, thank you.

Mr. Wilshaw: Great, thank you. Are there any questions for our petitioner from any of our commissioners?

Mr. Ventura: Just to be clear with Mr. Wilshaw's clarifications, so this is the direction that you are going in terms of conceptual...this is an idea, and it is pretty close to what you are going to end up with.

Mr. Ponton: Yeah, it is more than an idea. It is pretty close to what we are looking to develop.

Mr. Ventura: Thank you.

Mr. Wilshaw: Thank you, Mr. Ventura. Any other questions?

Mr. Long: First things first. Can we go back to the slide that showed the setback, what it is now under the commercial use and then what it would be under this? So, you said it would be under this design you would have about a 300-foot buffer. How much is the...potentially if there were a commercial use there, what would be the setback or what would be the potential proximity to the south neighbors?

Mr. Ponton: Wal-Mart, as it exists today, is located at 115 feet. The overall...the rear yard requirement technically in a C-2 zone is eight feet.

Mr. Long: So, if we don't change the zoning, potentially we could have something that only has an eight-foot proximity there.

Mr. Ponton: I am sure there would be a drive aisle in the rear for fire access and loading similar to the Wal-Mart, so even though the building could technically be located that close between the berm and the drive aisle for safety it would still be around 100 feet. There

would still be different types of activities that could take place closer to the rear property line.

Mr. Long: What are your...again, understanding that it is conceptual, but what kind of rents are we thinking about here?

Mr. Schostak: I don't have the specific numbers in front of me, and obviously things will change assuming that we have more discussion on this, but this is market rate which is higher end. These are rents that us real estate people and you will have to forgive us because we look at everything per square foot. This would be approaching in the neighborhood of \$2.00 a square foot, so your rents are over \$1,000 per unit up to \$1,400 per unit and even higher in some instances. For multi-family they are on the higher end of rents.

Mr. Long: You in envisioned target market...seniors, young families, what?

Mr. Shostak: I think it is a combination. I think it's young maybe newly married, kind of grew up in Livonia and don't really want to buy a house as a lot of younger people don't just yet. They want a nice place that is easy to live in, great location, good amenities, near where they work, near downtown Detroit, near Ann Arbor, and all of those types of things. I think it could be older folks as well that don't want the hassles of a house and just want a brand-new apartment complex with some amenities. Probably some young families too. I think that is generally what it is likely to be.

Mr. Long: Okay. Thank you.

Mr. Wilshaw: Thank you, Mr. Long. Any other questions? Are we envisioning one and two-bedroom units or are there going to be any three-bedrooms for this?

Mr. Ponton; One and two.

Mr. Wilshaw: One and two, okay. Alright, any other questions from anyone? If there is no other questions from the commission, thank you, Mr. Ponton, for your presentation. I am going to go to our audience and give them an opportunity to speak for or against this petition. You are free to come forward to either of the podiums on either side. We will ask that you start with your name and address for our record and then make your comments. Good evening.

Steven Weldon, 29912 Orangelawn, Livonia, MI. As far as the zoning, let's talk about the Plymouth Road Development Authority. They have long recognized since 1995 I believe that this whole section down Plymouth Road is a commercial geared up development. They have plans designed for all that property along through there. Then the zoning for this particular property has always been commercial. It used to be an airport then it was a mall. A strip type mall. It had Montgomery Ward's and a lot of other big lot stores. So, that the vision between that section and residential area on all sides has been primarily residential in that area behind it. Over time it has been encroaching slowly but surely into other things, but that hard primary lot has been commercial. Now we are talking about having more development in that area with Chick-Fil-A and other units coming in, which represents a lot of traffic through there. That Plymouth Road area wasn't developed to have an extra three lanes on each side, so has this group done any kind of studies for the traffic looking at what this along with this. Then we are also talking about the infrastructure aspects. We are looking at the electrical. That's not a big deal per se, especially when you are talking about commercial. When you look at Target, Wal-Mart, and the activities that go on there, their infrastructure is not geared towards a lot of heavy usage on their water supply. They don't have people that are living in that environment, so it is kind of a transitory thing to say that I need to use the bathroom here or there, so the water demand is not as big there. It is also more of a big brick type of environment where they aren't likely to have fires erupting in that environment. They have pretty good fire suppression schemes. When you start talking about oh a hundred plus units for families, well there is going to be a lot of demand on the facilities, the water. Then there is the traffic and parking. Well, there is no easy egress right now except through the commercial section to get in and out of that area. I don't believe personally that most people are going to be looking forward to this as a benefit to have a residential type construct of three-story apartment dwellings that they can move in and out of there and then have to negotiate the traffic. If you have ever been through the Wonderland Mall area now, it gets pretty hectic. It is quite a demand. Then you have the police that get called in there a lot of times. You have those kinds of factors that this commission should look at studies to say what is the traffic going to be, how much is it going to impact that area. Well, if you tried to do something more to help that apartment complex you would have to have egress, which then opens up what was designated before of no entrance in and out from the residential area. If

you are going to put apartment complex over there and you are talking over 100 units, well, what about the school children and the school buses. They need to get in and out and they are going to have to go off of Plymouth Road and Middlebelt and that is a lot of traffic trying to get in and out of there. I would like to see studies, actual studies, showing that kind of projection of what the traffic is going to be with Chick-Fil-A, which we all know is very popular. It is going to demand a lot of traffic. We can't even get out of that residential street on Orangelawn now as it is. If you had to open up the egress to their which we are very much opposed to anybody opening that up. We already had enough traffic over there before. If you open that up to over...he said 400 parking lots, and you get a lot of kids...what they like to do is when they go and rent an apartment, they share the apartment to make it cheaper for them. So, you can get three, four, five people in an apartment. I know this from personal experience. So, you are going to get more than the vehicles that are projected to be there for each unit. These are things that the Planning Commission should be behind looking at. This is a zoning area of commercial and now they are going to try and add in some apartment complexes where it is going to be back by the residential and then as...is there a demand for apartment complexes? We have the Holiday Inn, we got a lot of...if you look at the map, there is a lot of areas around here that actually provide rental units, not only on a weekly basis or monthly basis. They depend on some of that income as well that you are going to be trying to take away. So, you are trying to fit in 100 plus family units in a small area even though that is 10 acres for that section there which is right in the middle of that commercial area. Why is that? Is that a really good thing that our city needs? No. They could put this somewhere else where there is a nice open lot for actual residential areas. We already have some apartment complexes as part of that development. You didn't have to rezone it. You are trying to ad-fit something under this Plymouth Venture 21, which was by the way passed under emergency procedures. Why was that needed? Why isn't this brought up for the whole public to decide on? There is no emergency needed for this Livonia Plymouth Venture 21. It is designed to say that we wanting to introduce new families so more families come to Livonia. We are going to have bike trails, walking trails. How are you going to fit that into this area? If you try to use a bike trail or walking trail you are going to get hit by traffic in and out of that commercial area. It is ridiculous. So, I would expect this commission to be looking at those kinds of factors to say why are we doing an ad-hoc for the benefit of those three areas that he was mentioning. This whole Livonia

Plymouth 21 Venture is geared strictly for the Shostak's. He has been trying for decades to try and get something into that commercial area. This is not a residential fitting. It is only a last-ditch effort to get something in there and he is using the wrong type of development for this. So, if you rezone this you are going for one benefit of one developer versus the community of Livonia. This is our community. We don't need a commercial area of families now stuck in one area that is not going to be a good fit for them. Buses trying to get in and out there. Traffic trying to get in and out of there. You are going to have the water issue. Again, if all of the sudden our flood plain gets flooded because of all of that...like I said, instead what commercial does for the water demand, you are going to have a lot of things going through that water pipe. It isn't geared for this. So, if you get that you should include in there that the Shostak's are responsible for if we have flooding in this area now. You are putting a lot of residential units in a small area that is not meant for that. You take the normal residential street, you probably got twenty units over there on one section of the street. You are going to multiply that by five in one concentrated area. The infrastructure is not meant for that. Look how long we have been there, and we haven't had an issue. So, I urge this commission to look at those things and say this is not fit for this area. Find another area or find another unit to move in there that fits the commercial zoning. Thank you.

Mr. Wilshaw: Thank you, Mr. Weldon. Is there anyone else in our audience wishing to speak to this item? Anyone else wishing to speak? Please come forward. Just so the audience knows as you are addressing your comments to us, we are certainly taking these into account. Any questions that are asked or directed toward the petitioner any questions you may wish to have answered we are taking note of those, and we will give the petitioner an opportunity to come up and answer or address some of those issues after all the comments have been received. Thank you. Good evening, ma'am.

Cheryl Lupu, 29864 Orangelawn, Livonia, MI. We live behind Wally World over there. I can't stress enough the amount of trucks that area continuously running and vibrating our homes. So, I can't even imagine what this would be like with 201 units vs the berm. We have people running with their dogs doing whatever so there is another use for that so-called berm. That berm isn't even up to standard from the last time they did it. There is enough noise over there now, we don't need it. The traffic is extreme problem. I call it (inaudible) at the light over on Milburn and

even trying to get out on Middlebelt you cannot do it hardly because they moved that light to Target to accommodate them. It was accommodating us at one time. Greenspace, I see them using the berm. We had more problems with the berm and people up there and it is just not fit for our area. So, whatever it is you cannot convince me that this greenspace that they are proposing to everyone is not going to work. I can see it. One and two families I don't see that either. I think Seven and Farmington is a great fit. He owns that one too. Let him go over into that area. We have done enough. We have given enough up in our area. Just for what is back there now. Thank you.

Mr. Wilshaw: Thank you, Ms. Lupu. Anyone else wishing to speak on this item? I want to make sure everyone else has an opportunity to speak first, Mr. Weldon.

Victoria Kowaleski. 29960 Orangelawn, Livonia, MI. Directly behind the developers proposed project. I am just going to read what I have written and put together for y'all. So, I won't be looking up and all.

Mr. Wilshaw: That is fine.

Ms. Kowaleski: As part of your job here surely you are all aware of how many properties has throughout our city. Each one of you can probably name at least one other property where this would be conducive for this project. Years ago, I was a secretary for a land developer. The man owned hundreds of parcels of land. He built many apartment buildings, stores, a nightclub, homes, and I can say that in the time that I worked for him he would never have considered building apartments right behind the backyard of a long-established neighborhood because that would have been outrageous. Let's define outrageous. Great exceeding what is moderate or reasonable, shocking. Our neighborhood is in shock right now. We are talking with each other, and we continue to try to understand why this Planning Commission is even considering the zoning change for a project of this type. One of my neighbors shared with other neighbors that one nigh they saw people sleeping in sleeping bags on the berm behind our homes. That is outrageous. It is a shame that I can't go out in my backyard without a body alarm. I had to take up that habit over four years ago seeing and hearing men on the berm at 2:30 a.m. when I went out behind my house to put the trash out. From then on, I have never been able to feel safe in my own backyard at night. How much worse will it be

with hundreds of people back there? For the past 29 years my home has been my American dream. This developer is making it my American nightmare. They are saying three stories right now, but the caveat is the fourth story. Maybe it will be there, maybe it won't. I am thinking that it is going to be there knowing Robert, however, it will be intrusive either way. No matter how high it is. I'm sorry.

Mr. Wilshaw: It's okay, Ms. Kowaleski.

Ms. Kowaleski: Thank you. I already asked y'all if you would want this in your backyard and I have done a little research and I know where your backyards are. That is not a threat. I am just saying that I know where you live, and you wouldn't want it in your backyard. Right? Carol? Ms. Smiley. Every homeowner in Livonia should be able to feel safe and secure and comfortable in their own backyard. Please stand up this time for our right to be safe and secure and comfortable in our backyards. The amount of space from the apartments, proposed apartment project, to my home and the promise of increased firs on top of the berm it doesn't negate the bad effect that this is going to have on our neighborhood. We have people there in the middle of the night on the berm. Think about the wintertime. All of the kids that might be living in that apartment complex. Being on up on the berm, people coming and smoking their dope on the berm, the people don't smoke in their apartments, so they go outside, where are they going to go? They aren't going to sit around the apartment complex they are going to go away from there, okay? It is coming back to us. It is coming back to our backyards. Please, I am begging you people, do not give this zoning change. This is not what you want to do. It is not what we want. We have a voice. Let our voice be heard this time. I have been in this situation since 2005. I have lived in my home for 29 years. I raised my children there and now I am raising my granddaughter with me five days a week. I can't let my granddaughter go out and play in my backyard because I don't know what is going to come over the wall. That's wrong. That's outrageous. I thank you for allowing me to speak and I hope you will take to heart the words I said, because we are fighting for our own privacy and comfort and safety. Thank you.

Mr. Wilshaw: Thank you, Ms. Kowaleski. Appreciate your comments. Anyone else wishing to speak for or against, please come forward.

Jeanine Sullivan, 29944 Orangelawn, Livonia, MI. You will have to bear with me, I am not a public speaker.

Mr. Wilshaw: That's okay, we are an easy group.

Ms. Sullivan: Pretty much my neighbors have summed up what we all discussed and talked about, but I do have a lot of questions. I have a printout of the new zoning map that y'all passed in August. According to your own map, we are an N1, strictly neighborhood, and on the petition, it wants us to be NM2, which we are not. Doesn't make any sense. How many zoning changes are they asking for? The property was purchased as commercial, C-2. They knew what they were buying. They knew what was going in all of the different business. They knew all of that, but now when other businesses are being vacated it seems more profitable to them to build an apartment complex. That is a nice piece of property back there, yes, it is. But, for that many units it may very well cause a great deal of problems. Nobody has yet really touched upon the retention pond. The retention pond, this whole year, has been our savior because luckily those of us that are right in that area have not had the issues of flooding that other cities have had. Thousands upon thousands of dollars of damage because of the rain and who knows if this will happen again. You add in a three-story building full of concrete and their swimming pool and whatever else...that alone is going to impact that retention pond. That retention pond is there for a purpose and if they have multi-families living there, are they going to perhaps build something around the berm to keep families away from it, because children are definitely curious. Will their little families be running out there and somebody is going to go into the retention pond and not come back out? What Vicki brought up about the berm is really a very stressful issue. It is true. It is one thing if you have your neighbors walk along and wave hi how are you. We all look out for one another, but when you see someone up there that is strolling and looking and strolling and looking, you feel like they are casing your home. I at least was happy to see, and I don't know if it will be true or not, but I would like them to do...I don't know if I can ask for a promise or not, but a balcony...we have a hotel right down the street from us. People living there. Unfortunately, it is a little bit lower, but they can still look out into the yards. Those people have dealt with it for a very long time. We have the motel. Right next to that on the other side of the fitness center we have the hotel with the banquet center. People are in and out of there all the time. We want people to come to Livonia, but do you think that they are going to come to

live back there next to Wal-Mart where they can look out and watch the Auto Zone or they can watch them loading and unloading the trucks behind Wal-Mart? Every year during the holiday's all of those big box stores bring their big cargo containers I guess you would call them, and they just line them up on that roadway where you are planning on having an in and out for the people for the school buses. I don't know if they have addressed the issue of fire hydrants. That is another concern. Really it is. Right now, our back wall is graffiti. People throw shopping carts. I don't expect any of that to change, but I am fearful that it will get worse. People living in that area during the middle of winter if they can't go to their swimming pool where they got to go, the mall is only open so many hours. Young families, I am not too sure of. You are talking one and two-bedroom apartments. That isn't really a family. That is maybe one or two people. You don't put kids in a one and two-family apartment normally unless it is lower rent. That isn't their vision. They say...I shouldn't say they, but in the Livonia 21 it says that the shaping of a city and planning for its future development should plan on grouping, because having the same height, same architecture, the same business, the same residential, that is what is going to build our city. You could put all of those people in that building and they may go over to Plymouth and hang out over there and go to the restaurants over there, walk around over there, go to the parades and what have you, it doesn't necessarily mean that they are going to increase the revenue of Livonia. My biggest fear is Livonia has always been family oriented. Our neighbors look out for one another. I worry that we will have another influx of people leaving. We have had neighbors already that have sold their homes and have moved out because they are fearful. We all know that we can't stop progress and we want the city the flourish, but we want the city to be to flourish with us in mind because we are the ones that have been sitting there paying taxes and keeping properties...we are Livonia. We, the ones that have been there for years and years, we are Livonia. We want to see the city prosper, but not at our expense. I think that is al. I had a whole lot of notes, but like I said I am not really good at that.

Mr. Wilshaw: You did fine, Ms. Sullivan. Just so you know, because we are at the zoning stage of this petition, we are not at the site plan stage, that is why you haven't seen some of the discussion around things like balconies and fire hydrants and some of those details. Those would be in that stage of the petition.

Right now, we are just really looking at what is more appropriate for that place, that location. Is it commercial or is it residential?

Ms. Sullivan: I have another question if I could?

Mr. Wilshaw: Of course.

Ms. Sullivan: I noticed on the new rezoning that the original petition was from a C-2 to an R-8.

Mr. Wilshaw: Correct.

Ms. Sullivan: And all of the sudden the R-8 is non-existent?

Mr. Wilshaw: Correct. That is because the city has changed the entire zoning ordinance in the middle of this process. So, it was a major rewrite and the R-1 through R-8 and those different zoning classifications have been changed. Now, the NM2 is the appropriate similar zoning. Closest thing that we have.

Ms. Sullivan: According to this map we are just an N1.

Mr. Wilshaw: For your...

Ms. Sullivan: Our neighborhood is listed on that map as an N1, not NM2.

Mr. Wilshaw: Correct. That is your neighborhood that is that zoning. The petitioner is asking to have their piece of their property, which is currently commercial, moved to NM2.

Ms. Sullivan: They want their property...

Mr. Wilshaw: Yes. They aren't rezoning your property; they are only rezoning their own. That is something that any property owner can do. If they have a piece of property and they wish to use it in a different way, they can come to us and petition to have that zoning changed. That is why we are here tonight. To see if what they are asking to do and to decide if that is appropriate or not and make a recommendation to City Council. We will see how things go.

Ms. Sullivan: Thank you.

Mr. Wilshaw: I hope that helps. Thank you, Ms. Sullivan. Good evening, sir.

Merlyn Smith, 30039 Richland, Livonia, MI. I live ten houses from where the wall that is...you know where the other side of the wall going to be the apartments. I have not received one notice about any of these meetings. I did make the Zoom meeting. I don't know the regulations of how far they go, but I think 10 houses should have been notified. The second meeting I couldn't make and so this is the third one, which the other two have been tabled. I don't know if we got a notice on why they were tabled. Long enough for them to change the resident eight to the NM whatever. Sounds kind of fishy, but anyhow...so, I am going to touch base on what was said. Commercial...I don't believe any residential should be any commercial with any commercial property. The berm was put up so we wouldn't hear noise and you don't see it. Now they want to build something higher than the berm. That don't make sense. Okay. I am for progress, yes. Okay. If you want to change that zoning area, change it all. All of that to residential, which ain't going to happen. It is all about the money. Could I get the one schematic where they took a picture where we are not going to see much of the building? Am I allowed to do that?

Mr. Wilshaw: Yeah, Mr. Taormina can pull that up. This is what is called a site line diagram.

Mr. Smith: Yeah, that one. The closer you get to something. I know you guys are kind of down and this is up, but if it is reversed, see down here I am not going to see much of you guys, but you will see me.

Mr. Wilshaw: We still see you. We got it.

Mr. Smith: Right? So, that view is like useless. That view is useless. I live, like I said, ten houses away. So, I am farther away, and I am going to be in my living room. I am going to be able to see that building. It was supposed to be four, they knocked it down to three. I will even be able to see a two-story building. Right out my front window. I am ten houses away...I don't know if you guys are familiar, but that road curves. With that, I just ask you to not pass it.

Mr. Wilshaw: Thank you, sir. We appreciate that. Good evening. Anyone else wishing to speak? We have another member of the audience coming forward. Good evening, sir.

Jeff Grad, 11325 Blackburn, Livonia, MI. Hello. Thanks for letting me talk. Just bringing a little bit different perspective. We talk so much about,

you know, families first and ya know young families moving in. A perspective from a young family...I have lived in Livonia for 34 years. I own a small business in Livonia. My parents live in Livonia. I have two young boys and one on the way that could potentially be going to Livonia Public Schools. So, you know, I think I am the perspective, and I am kind of the family that Livonia is hoping to attract. I can tell you right now if this had passed and this zoning had passed, which before I had been looking for a house I wouldn't have moved to where I live. I would have moved to Northville or Plymouth, ya know, which you know they might make that decision and you are going to lose out on a lot of great young middle-class families. I think those are the families that the city wants to attract and also maintain our long-time residents. There is that and you know when I was listening to Jeff Shostak talk, I almost thought it was comical. It doesn't seem like they did a lot of research. It doesn't seem like they are trying that hard. I feel like they don't think that have to try that hard. He said we base where we put our...decide on whether it is residential or commercial...two of the three things he said are almost laughable. He said we base it on what the residents say and what the current people living there want and we also base it on...oh is it walkable....you know to make a residential area, is this walkable. I am pretty sure that a Wal-Mart, a liquor store, a plasma donation center and a gym...I am pretty sure its not really...between my old parking lot in between is not the definition of walkable area. That was kind of ridiculous. The next thing is the whole idea of rezoning this property. I mean, why would we even consider rezoning this to residential? I mean...again, this...the only reason they are doing this is because of the COVID, and big box stores obviously are...big box stores aren't moving in as much as they were before. More people are buying online, ya know. It is that and they are playing off the whole this Livonia 21 Vision, which I think over the last couple years...since it has been...I started reading about it....I think it is transitioned into something that it was originally...parts of this were not supposed to be. The idea, when I did those questionnaires, and it said what do you want future Livonia to be? Yeah, attract families and people are like, I love Plymouth and Northville. I love the idea of a downtown. Let's do these mini downtowns. So, you have all these people voting yes, I want these mini downtowns. Now, a mini downtown apparently has turned into putting in a multi-rise apartment building between a Wal-Mart and a Target. That is going to bring value to this city? I mean lets honestly look at each other and...is that really what we want? We are adding value to this city by doing that? That is a joke. I think it shows

you...we have a hundred...if my math is somewhat correct, I am a CPA, but it is hard doing math sometimes. Like 175 no's to 4 yes's. What are we doing here? I think that kind of speaks for itself. The residents don't want it and this is a rezoning. This is not residential. They should have thought about this when they bought the project. They are only fitting it to whatever they need to fit their financial portfolio and their financial mix to hit those profit numbers that they need. That is the only reason they are doing this or else they would have come with a plan from the beginning to make this a multi-use. To have the residential with the walkable...a full walkable community, which is what the people want if we are going to progress into something that looks like a mini downtown. It is something with...yeah, high-density residential, but something that is walkable with bike trails and commercial built-in. We have other cities that have that and that adds value. Throwing in an apartment complex between a Wal-Mart and a Target and a liquor store and a plasma center doesn't add any value to the city. I just wanted to present that as a young family and you know a lot of other people that I talk to in my neighborhood, they feel the same way as me. They will probably move out if this goes...if this passes, I will probably too. It is unfortunate. I do own a business here and I have lived here my whole life. I am only 34, but I have lived here my whole life so...I just want you to keep in mind there aren't a lot of young families here at this meeting, but I have a lot of friends in Livonia, and I know a lot of people and every single person I have talked to feels this way. Let's just keep that in mind. Thank you.

Mr. Wilshaw: Appreciate your comments. Anyone else wishing to speak? If there is no one else...our audience is determining if they want to speak. Mr. Weldon, we will give you just a few moments.

Mr. Weldon: One of the aspects that I wanted to bring up about what would fit in that area. Mr. Shostak has several restaurant aspects of his own. He has Jersey Mike, and I think he has the Mod Pizza and Del Taco. He could put some of those right in there. That is a perfect fit for him and his own business to fit in there. He should be thrilled to be able to say oh look at this area, I can...then the residents would have a lot closer view of this restaurants and frequent those. Now the other aspect of where he mentioned some side aspects about making it nice and green and things like that. Well, we have dealt with his promises before back when he wanted the electronic gaming center to draw the young kids in there. The residents opposed to that, and it still went through. When he did this current

renovation of the Wonderland section, he envisioned all these big lots coming there, well, they didn't come. If he had taken and had the vision like they had in Detroit, yes you could make a little micro downtown, but then as the other person was mentioning, you had the similar architecture. You had the homes and businesses that fit. This is not a fit. This is an ad-hoc. The reason that the Livonia Venture 21 has changed as some have noticed its because of his input. His influence. It is changed to fit those properties that everybody is pushing for to say let's change it. Let's add these...what is now the only viable thing that he sees is apartment complexes. That is not viable for this. This is, as the Plymouth Road Development Authority envisioned, dedicated. It has a lot of the commercial businesses. Ford, GM, and all the other businesses that have been built up along that stretch. You don't just start throwing in because it is old. We have changed our definition of what Livonia is. No, we are still families first. This is what your guys need to look at and say is this really appropriate to jam this in as an ad-hoc and again you are going to have the school buses and the architecture issues and the water issues. The flooding. One other area that I didn't bring up was...as close as those are, and you have that many units, there has been a lot of fires of apartments that have been reported in the news over the past couple years. One in particular they just showed and I was going to bring it here. They showed how this went up in nothing flat. With the way the berm is and again one of his promises when he built this current innovation of Wonderland, the berm was going to be 12 feet tall and was going to have those trees alternating on both sides, well he neglected this whole section. It isn't 12-feet, it is more like 9 to 10-feet. We always have to call to have it serviced to have the weeds cut down. Well, we have these scrawny looking trees in that section where he is now going to propose let's do next...well, he never follows through with his promises. When they moved the movie theatre in there...oh, we won't have showings in there after 10 p.m. Well, no, it's two in the morning we still had kids out there with car alarms and booze and bottles going on. So, really think about changing this from commercial, which the Plymouth Road Development Authority has dedicated their plans to. They did not interject residential in there. This is all strictly for that, so you are trying to mix something in now or he is trying to mix it in. Again, because of his profit where he is looking...I need some money coming in. As residents, we need some peace and stability and again, throwing in over a hundred plus units into that one little area that most people would not want to just say I

live in that section between Wal-Mart and (inaudible) not going to be attractive to them. Thank you.

Mr. Wilshaw: Thank you. With no one else to speak on this from our audience, I am going to go back to our petitioner and ask if they would like to address anything that they have heard this evening. There has been some comments made about traffic and infrastructure and so on, if you want to address any of those, you are welcome to.

Mr. Ponton: Absolutely. Thank you, Mr. Chairman. I think from a big picture perspective we at Stonefield Engineering and Design and our firm has gone through a number of different communities throughout the nation and within the last five to seven years, I would say trying to introduce this new concept of mixed development that looks a little bit different than what people are used to and nine out of ten it is typically controversial. So, we are not really surprised with what we are hearing here today, but we do think over time if the residents give us the opportunity to meet with them and have some community meetings and discussions and potentially do some research on these types of developments that we may be able to change their opinion over time, although we know it is an uphill battle. I think to touch on a couple of the points...safety, one of the main concerns and you can hear the residents up here...I am sure it doesn't make any of us feel good to hear that someone is walking back and forth on a berm or that someone is sleeping in a sleeping bag. What our professional review is of this is that that typically happens when you have an area of a project that is undeveloped. Where you have a place that someone can loiter, where you have a place that trucks can idle that is not necessarily monitored, but we do think that by bringing activity into the neighborhood by bringing in a community...you hear people speak and they say they love our neighbors, and the businesses, you know, they're loud and trucks are back there and they are rumbling and where they store the pallets....what we are trying to do it make people understand that we are bringing in more high quality neighbors and more high quality community. There has been some conception in the past of what types of people live in apartments and maybe some misunderstandings, but if you look at all of the studies and the recent trends, millennials are renting at a higher rate than they are purchasing. Baby boomers are renting at a higher rate than purchasing another home once they get to be an empty nester. I think that part of the family first and bringing families to Livonia is bringing young professionals when they get their first job for

the first couple of years and then they start to live in the city and get to be a part of the community and make friends and frequent the businesses. Then, over time, they do want to move into a bigger home or have more space that they do stay in the community of Livonia. In terms of infrastructure, nine and a half times out of ten, this use that we are proposing, multi-family, is going to be lower intensity in almost every aspect...Traffic, utilities, everything across the board than some big box users and what is permitted here by right. We would be happy to provide those studies, but we do think that there is also benefit, believe it or not, in terms of what we are proposing as opposed to what is permitted here by right. We do try a lot of times, we do understand that this has been a green and undeveloped piece for a number of years and we understand that residents and neighbors and everybody gets used to that and they want it to remain, but I do think sometimes what we are trying to convey and what I have seen in some scenarios is that a three-story hotel is permitted by right within 75-100 feet of that property. Big box retail is permitted. So, the perspectives that we are showing and some of the comparisons that we are making is what this could be under the current zoning classification and what it could be under the new zoning classification. Typically, what you see is greedy developers as people want to say go in front of a commission and it is typically, they are trying to change residentially zoned properties into commercially zoned properties. When the developer is willing to restrict the uses on his sites to restrict restaurant, to restrict retail, or restrict hotel, these things would no longer be permitted by right under the new zoning classification. That is something that we want the residents to understand. Although we see and may agree that it may not be the perfect fit for mixed use at this exact point in time, it is the first step. Potentially bringing another mixed-use development next door when a tenant may leave and then reshaping and having some adaptive reuse of some of the other buildings. In terms of the view, we did another perspective because I think one of the gentlemen wasn't too big on the view...the perspective that we provided. We did provide another view in the packet. It would be from the apartments to the back yards of the houses. If you would like to share that with the residents. It is part of the presentation that you have to show the perspective. It is important to remember that the Wal-Mart building is about 37 feet at its highest point, but it is 140 feet away. We are going to be 300 feet to the property line. So, from the property line to the windows of the home, you have another estimated 40 to 60 feet. So, you are 350 feet away. Most of them have their garages in their rear.

So, we do think that the perspectives that we provided are very realistic. If you look at the line of sight provided in those, as well as we are very confident that that is what people would see.

Mr. Wilshaw: You are correct that there is in our packet a perspective offered from the third-floor apartment window to the residential property. I believe that is the same diagram that is being shown on the screen. That is a perspective from a third-floor apartment back toward the berm area. Thank you.

Mr. Ponton: I think with those being said and there are any other questions we could address; we would be happy to do that. The one thing that I think...so, the R-8 zoning actually allowed for much taller buildings than the multi-family zoning prior to the switch. I do think that if I had to pick this apart as a resident, the one thing that I would say that is more beneficial in the NM2 than the C-2 is that the...and it was brought up here tonight, is that the NM2 allows for four-stories, where as the C-2 allows for three-stories. I think what we are proposing, three-stories, we are not planning on changing that and if it would give the residents some comfort, we would be happy to make that as a condition of our rezoning moving forward, just so there is a guarantee on the record for the residents.

Mr. Wilshaw: Thank you, Mr. Ponton. Yes, you are correct that as this changed and because of the length of time this has taken and us changing the zoning ordinances, we did go through a process of looking at the differences between the R-8 zoning and the NM2. There are some aspects in which the zoning allowed, the zoning change allowed for to be more restrictive and other aspects that allowed it to be less restrictive. It sort of balanced. There is...we did review those changes in our study meeting to understand, so that all of us understand what those changes were. I just wanted you to note that. Is there any questions from any of our commissioners for our petitioner before we move forward, since he is at our podium and willing to answer?

Mr. Ventura: You mentioned winning the hearts and minds of the adjacent neighborhood, which I think is an excellent idea. I have been looking at this plan for a couple of years. Over that period of time that you have been contemplating this development, how many meetings have you had with the neighborhood?

Mr. Ponton; We have not met with the neighborhood.

Mr. Ventura: None?

Mr. Ponton: That is accurate.

Mr. Ventura: Thank you.

Mr. Wilshaw: Thank you, Mr. Ventura. Any other questions? I don't see any other questions for our petitioner. Thank you, Mr. Ponton. At this point I believe I can close the public hearing and a motion would be in order from our commission.

On a motion by Ventura, seconded by Smiley, and unanimously adopted, it was

#10-53-2021 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on October 19, 2021, on Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture, L.L.C, pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middle Belt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multi-family), the Planning Commission does hereby deny Petition 2021-08-01-06 for the following reasons:

1. That the Petitioner has failed to affirmatively show that the proposed change of zoning to NM2 Multifamily Residential and the intended design and layout of the development as presented to the Planning Commission would be compatible to and in harmony with the surrounding residential neighborhoods.
2. That the design concept as presented by the Petitioner fails to achieve the goals and objectives of the Livonia Vision 21 Master Plan which seeks to create a mixed-use development in which the apartments are integrated within the surrounding commercial land uses.
3. That the plan to construct two (2) very large, three-story apartment buildings, each containing approximately 100 dwelling units, is contrary to the goals and objectives of the Livonia Vision 21 Master Plan which recommends high density residential in buildings that have a residential scale and character by creating smaller buildings close to streets and in smaller blocks to establish a walkable pedestrian

environment with better connectivity to the surrounding area.

4. That development of multifamily residential on the subject site pursuant to the standards and guidelines as set forth in Section 5.04, Form-Based Development Option in Commercial Districts, would achieve the desired outcome of creating a mixed-use development that is consistent with the Livonia Vision 21 Master Plan and that integrates multifamily housing with the existing surrounding commercial land uses.
5. That the proposed change of zoning is inconsistent with the established pattern of development in the surrounding area and would adversely alter the character of the neighborhood, and
6. That the proposed zoning and use is contrary to the purposes, goals and objectives of the Zoning Ordinance, which seek to ensure compatibility and appropriateness of uses so as to enhance property values and to create and promote a more favorable environment for neighborhood use and enjoyment.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance.

Mr. Wilshaw: Is there any discussion?

Mr. Taormina: Just a point of clarification. I think it was inadvertently said that it was R-8 as opposed to NM2 in the opening sentence. You want to confirm that to be correct.

Ms. Smiley: In the first line it says to from C-2 to R-8.

Mr. Wilshaw: Correct. This would be a denial from C-2 to NM2. You are okay with that Mr. Ventura?

Mr. Ventura: Yes.

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with a denying resolution.

CITY OF LIVONIA

NOTICE OF PUBLIC HEARING

In accordance with the provisions set forth in Section 401 of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended (MCL 125.3502) as well as Livonia Vision 21 Zoning Ordinance, Article XIII, the Council has determined that a Public Hearing will take place before the Council of the City of Livonia on **Monday, March 7, 2022 at 7:00 P.M.**, in the Auditorium at City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the following item:

Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture, L.L.C., pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

SUSAN M. NASH, CITY CLERK

PUBLISH: February 17, 2022



LETTER TO THE LIVONIA CITY COUNCIL

1.

Planning
October 26, 2021

MEETING DATE

Public Hearing of March
7, 2022

PREPARED BY

Stephanie Reece, Program Supervisor,

AGENDA ITEM

Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture L.L.C. pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

BACKGROUND

RECOMMENDATION

At the 1,177th Public Hearing and Regular Meeting held by the City Planning Commission on October 19, 2021, the following resolution was unanimously adopted:

#10-53-2021 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on October 19, 2021, on Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture, L.L.C, pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middle Belt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multi-family), the Planning Commission does hereby deny Petition 2021-08-01-06 for the following reasons:

1. That the Petitioner has failed to affirmatively show that the proposed change of zoning to NM2 Multifamily Residential and the intended design and layout of the development as presented to the Planning Commission would be compatible to and in harmony with the surrounding residential neighborhoods.
2. That the design concept as presented by the Petitioner fails to achieve the goals and objectives of the Livonia Vision 21 Master Plan which seeks to create a mixed-use development in which the apartments are integrated within the surrounding commercial land uses.
3. That the plan to construct two (2) very large, three-story apartment buildings, each containing approximately 100 dwelling units, is contrary to the goals and objectives of the Livonia Vision 21 Master Plan which recommends high density residential in buildings that have a residential scale and character by creating smaller buildings close to streets and in smaller blocks to establish a walkable pedestrian environment with better connectivity to the surrounding area.

4. That development of multifamily residential on the subject site pursuant to the standards and guidelines as set forth in Section 5.04, Form-Based Development Option in Commercial Districts, would achieve the desired outcome of creating a mixed-use development that is consistent with the Livonia Vision 21 Master Plan and that integrates multifamily housing with the existing surrounding commercial land uses.

5. That the proposed change of zoning is inconsistent with the established pattern of development in the surrounding area and would adversely alter the character of the neighborhood, and

6. That the proposed zoning and use is contrary to the purposes, goals and objectives of the Zoning Ordinance, which seek to ensure compatibility and appropriateness of uses so as to enhance property values and to create and promote a more favorable environment for neighborhood use and enjoyment.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2020-08-01-06_3rd Revision_E-COUNCIL Pkt

APPROVED BY



Mark Taormina, Planning and Economic Development
Director

Date: October 26, 2021



Maureen Miller Brosnan, Mayor

Date: October 29, 2021

NEW DATA FOR PUBLIC HEARING OF
MARCH 7, 2022

From: [Mark Schovers](#)
To: [Steve E. Duczynski II](#); [Kasprowicz, Sara](#)
Cc: [Taormina, Mark](#); [Harvey, Mitchell](#); [Jeffrey Schostak](#)
Subject: RE: Schostak-City Counsel Presentation-Mark Schovers
Date: Friday, March 4, 2022 1:31:11 PM
Attachments: [image001.png](#)
[2022-3-17 Wonderland Rezone Presentation.pdf](#)

Sara,

Attached is our presentation package for Monday's City Council meeting. Should you have any questions or issues with the file please reach out to me at 248.921.0794 or mark@spiredg.com

Slides that have been added or modified from the submission package are as follows:

- **Slide 5: Market Study and Proposed Amenities**
- **Slide 8: Use Exhibit** – Existing Zoning vs Proposed Zoning
- **Slide 9: Site layout** – Previous Proposal vs Current Proposal
- **Slide 10: Rendered Site Plan** – Showing enhanced landscaping and fence screening along south
- **Slide 11: Building Perspective** – Showing enhanced landscaping along existing drive lane
- **Slide 13: View from Backyard of Single Family** – Showing the previous submission vs revised with enhanced landscape and screening.
- **Slide 14: Line of Sight Section** – Showing previous line of sight vs proposed with enhanced landscape and screening.
- **Slide 15: View from Third Floor of Apartments** – Previous view from 3rd floor vs proposed view with enhanced landscape and screening.

Mark Schovers
S P I R E design group
115 E. 4th St.
Rochester, MI 48307
248.921.0794

From: Steve E. Duczynski II <duczynskis@schostak.com>
Sent: Friday, March 4, 2022 6:48 AM
To: 'skasprowicz@livonia.gov' <skasprowicz@livonia.gov>
Cc: 'mtaormina@ci.livonia.mi.us' <mtaormina@ci.livonia.mi.us>; Mark Schovers <mark@spiredg.com>; Harvey, Mitchell <mharvey@stonefieldeng.com>
Subject: Schostak-City Counsel Presentation-Mark Schovers

Good Morning Sara,

I am traveling today, so Mark Schovers (248-921-0794) will be our representative who will be sending today, our NEW presentation package, also identifying which new drawing were adding.

Mark T.- If not provided in Mark S, I will follow-up with further clarification later this afternoon of site changes incorporated.

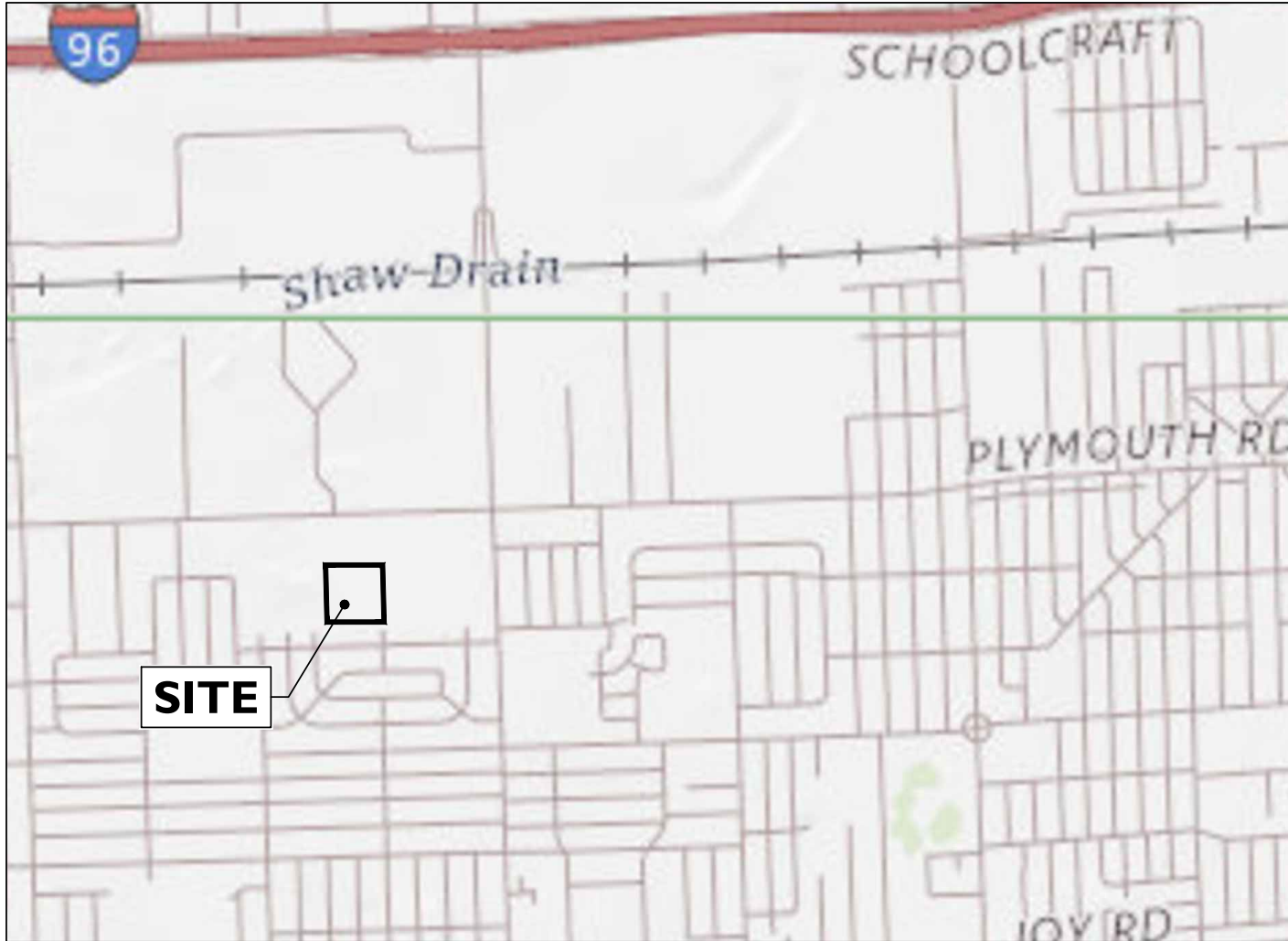
Please feel free to reach out to me on my cell (248-508-0886).

Thanks

Steve E.

Stephen E. Duczynski
Vice President of Development & Construction
Schostak Brothers & Company Inc.
17800 Laurel Park Drive North, Suite 200C
Livonia, MI 48152
248-262-1000 (office)
248-357-6272 (direct)
248-508-0886 (cell)
duczynskis@schostak.com





SOURCE: USGS MAPS

LOCATION MAP

SCALE: 1" = 2000'±

REZONING DOCUMENTS
FOR
Schostak
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

PARCEL IDS: 137-99-0008-010, 137-99-0004-002
CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN

APPLICANT / OWNER

STEPHEN E. DUCZYNSKI II
MIDDLEBELT PLYMOUTH VENTURE LLC
17800 NORTH LAUREL PARK DRIVE
#200C
LIVONIA, MICHIGAN



SOURCE: GOOGLE EARTH PRO

AERIAL MAP

SCALE: 1" = 200'±

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Phone 248.247.1115

REZONING DOCUMENTS

Schostak
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

PARCEL IDS: 137990008008, 137990008001, & 137990004002
11320 MIDDLEBELT ROAD
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN

J. REID COOKSEY, P.E.
LICENSED PROFESSIONAL ENGINEER

STONEFIELD
engineering & design

SCALE: AS SHOWN PROJECT ID: M-19052

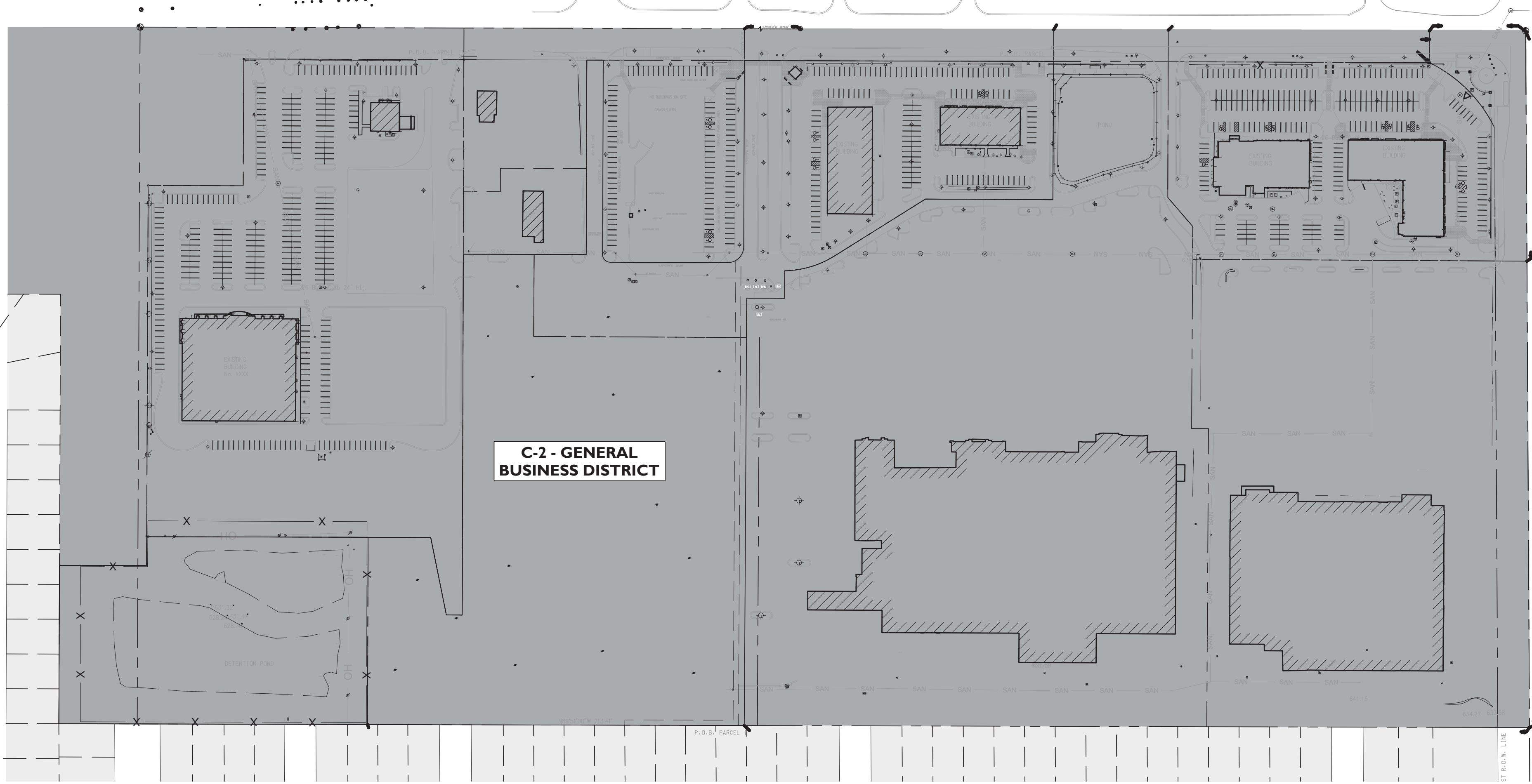
TITLE:

COVER SHEET

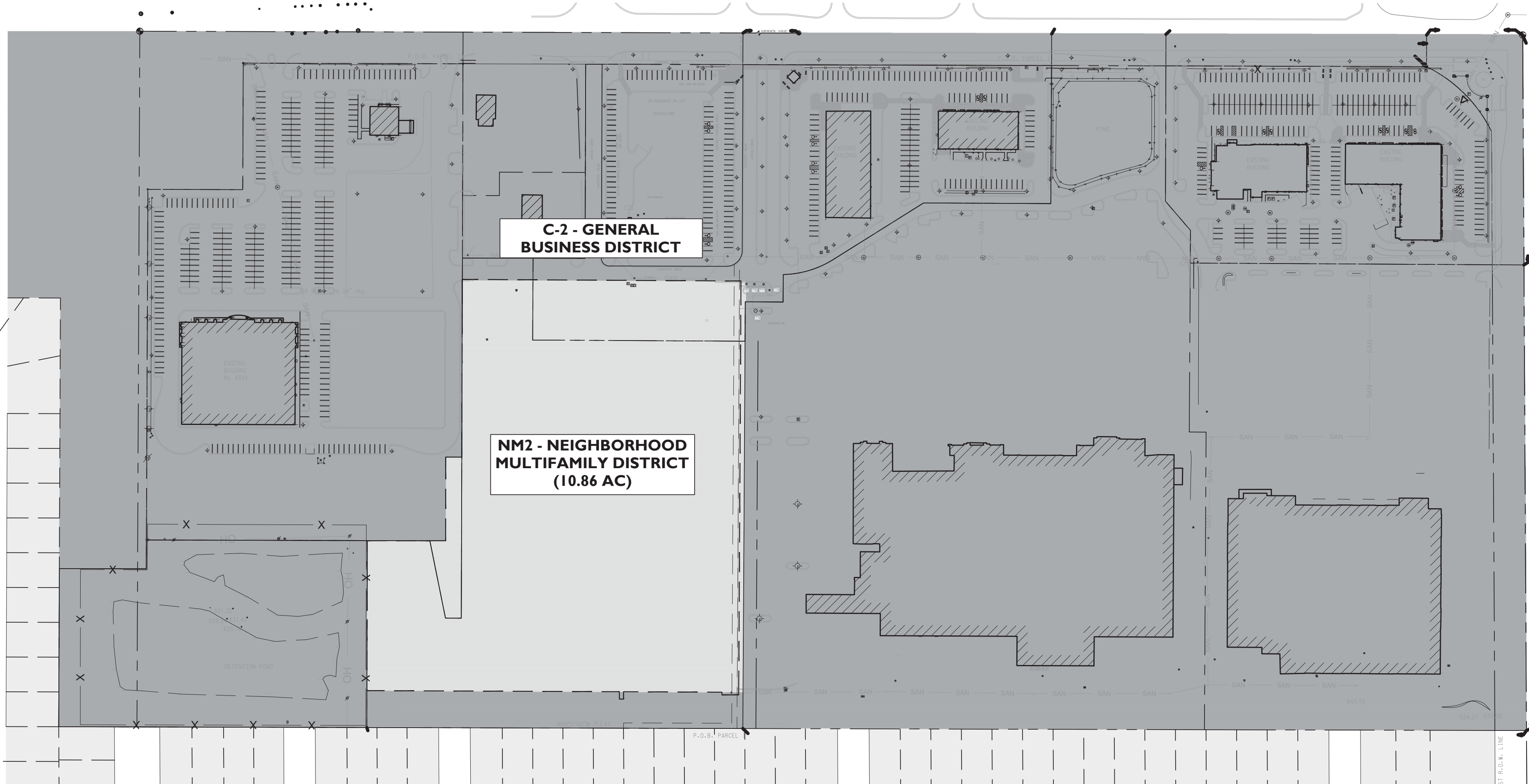
DRAWING:

C-I

V:\P0519\190523 SCHOSTAK BROTHERS-RESIDENTIAL ROAD AND FLYING HILL ROAD, LIVONIA, MI\0523\REZONING EXHIBIT\LOT 223-26 REZONING



CURRENT ZONING

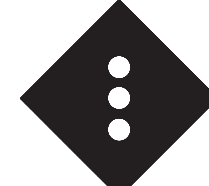


PROPOSED ZONING

SYMBOL	DESCRIPTION
	PROPERTY LINE
	NEIGHBORHOOD MULTIFAMILY DISTRICT (NM2)
	GENERAL BUSINESS DISTRICT (C-2)

ISSUE	DATE	BY	DESCRIPTION
1	09/15/2021	MC/NPH	FOR REZONING APPROVAL

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SITE DEVELOPMENT PLANS

**Schostak**
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

PARCEL IDS: 137990008008, 137990008001, & 137990004002
11320 MIDDLEBELT ROAD
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN

J. REID COOKSEY, P.E.
LICENSED PROFESSIONAL ENGINEER

**STONEFIELD**
engineering & design

SCALE: 1" = 150' PROJECT ID: M-19052.01

TITLE:
REZONING PLAN

DRAWING:
C-2

Future Land Use

City of Livonia, Michigan

September 13, 2018

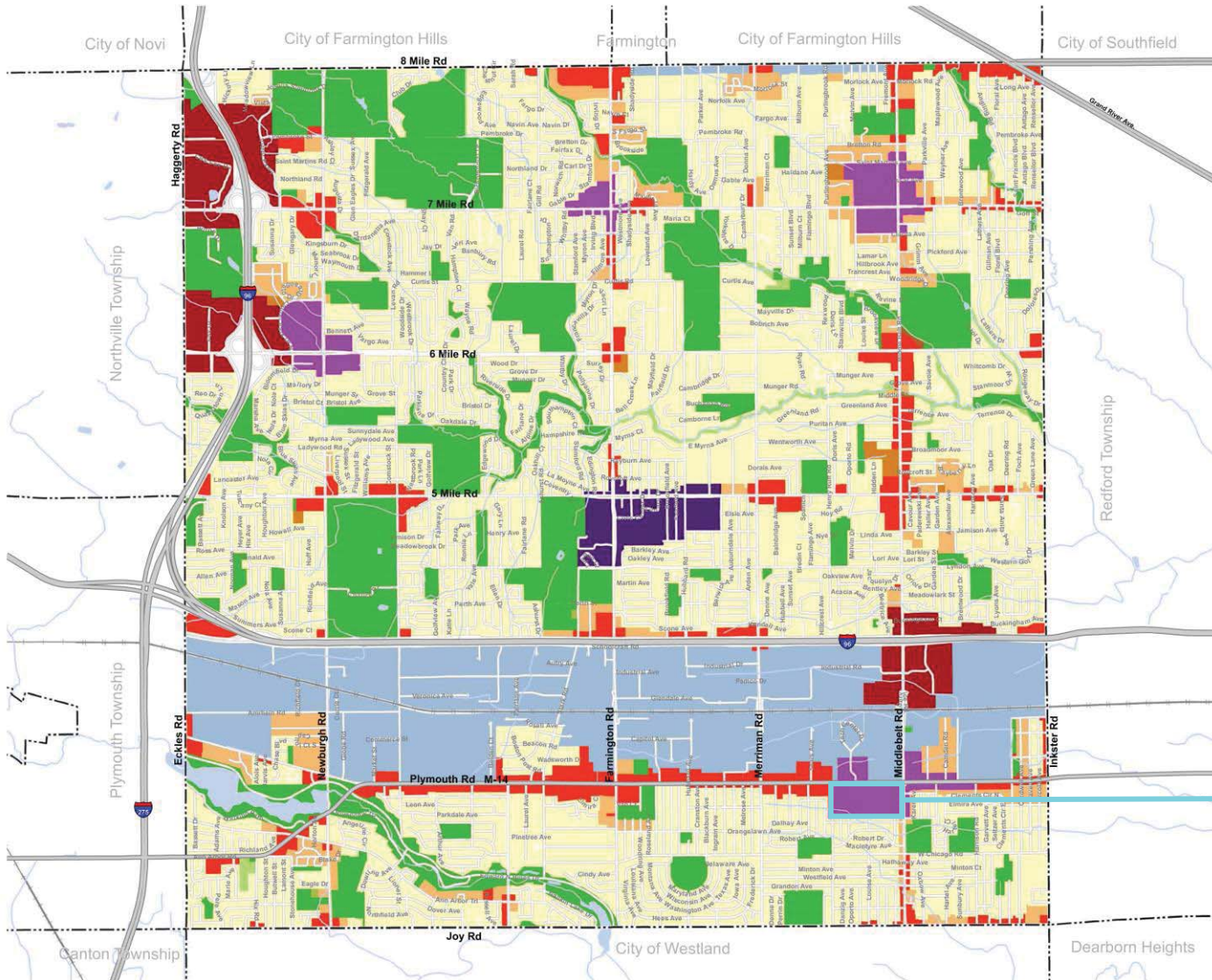
LEGEND

- Parks and Community
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Corridor Commercial
- Regional Commercial
- Mixed Development Center
- City Center
- Tech and Manufacturing
- Floodplain Area

SITE



Data Source: City of Livonia, 2015. Michigan Geographic Framework, Michigan Center for Geographic Information, McKenna, 2018



Missing Middle Housing

The Future Land Use Plan for Livonia places importance on neighborhood improvements and the creation of housing opportunities for the families of the future and downsizing options for residents of today. Much of the conversation surrounding the mismatch between current housing stock and demographic trends focuses on the need for “missing middle housing.” A response to limited appeal of traditional multi-family housing types developed in decades past, missing middle housing is those types between single-unit detached homes and mid-rise apartment buildings on the density and typology scale.

The Future Land Use Plan is intended to address the missing middle housing types and provide some flexibility for encouraging walkable infill housing development in Livonia by encouraging adaptive reuse in massing, density, and dimensional requirements in several districts.

Districts where missing-middle is encouraged:

- Medium Density Residential
- High Density Residential
- Corridor Commercial
- Mixed Development Centers
- City Center

TARGETED CUSTOMER

- Young Professions
- Empty Nesters
- Starter Family
- Downsizing
 - o **Apartment Living Offering & Benefits**
 - No Mortgage or Property Taxes
 - No Home Ownership Maintenance
 - Flexibility Lifestyle
 - Provides Options for those who wish to live in Livonia, but can't find an available home, or don't currently have the finances for a down payment.

201 TOTAL UNITS & ESTIMATED RENTS

- **(40%) (1) BEDROOM SIZES & ESTIMATED RENTS:**
 - o 588sf.....\$1,200
 - o 598sf.....\$1,250
 - o 622sf.....\$1,300
 - o 683sf.....\$1,350
- **(60%) (2) BEDROOM SIZES & ESTIMATED RENTS:**
 - o 825sf.....\$1,450
 - o 910sf.....\$1,550
 - o 1,024sf..... \$1,600

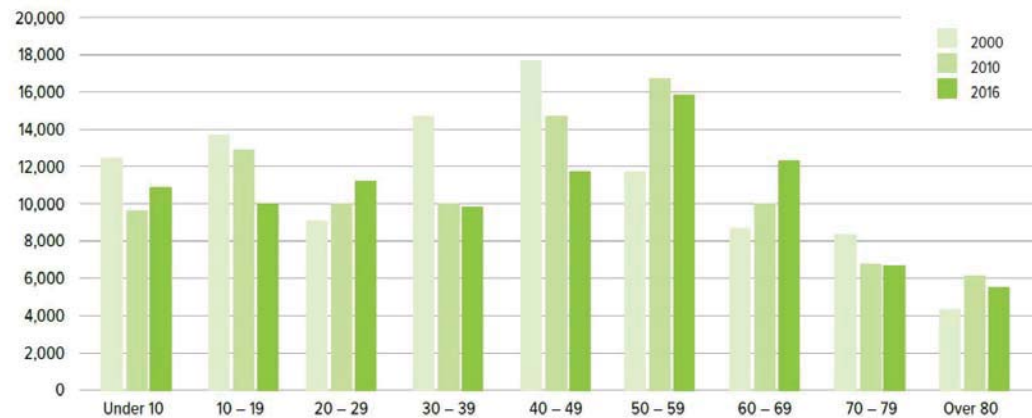
UNIT AMENITIES:

- Ring Doorbell Camera Security
- Appliances: Range, Refrigerator, Dishwasher, Washer & Dryer
- Quartz Countertops
- Stainless Steel Sink
- HVAC-Heat Pump Heating and Central Air
- Latest Technology Infrastructure.
- Window Coverings

PROJECT AMENITIES:

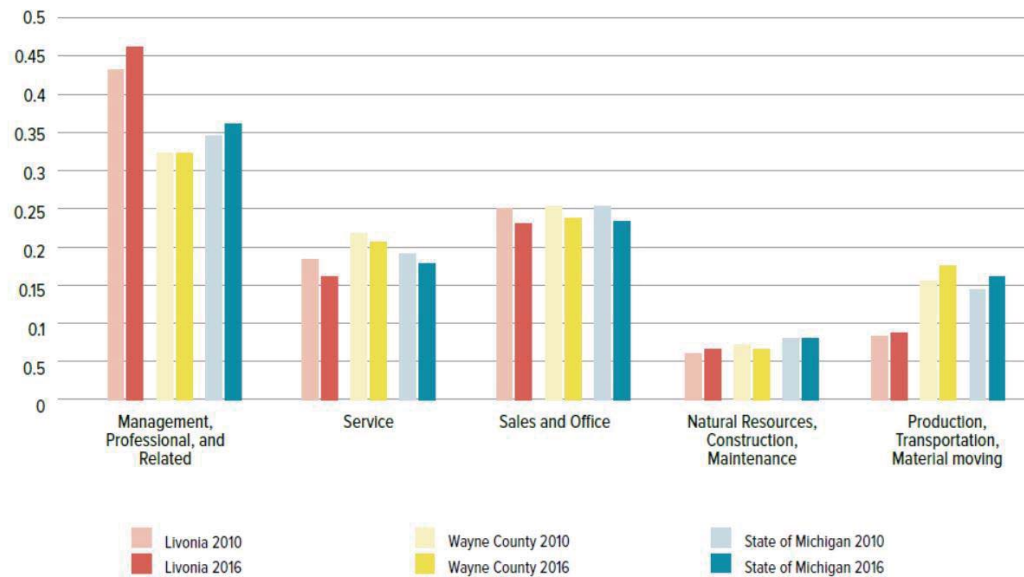
- Exterior Security Camera's
- Secured Card Access Perimeter Building Entries
- On Site Leasing & Management Center
- 24/7 On Call Management
- Latest Amazon / UPS/ Fed Ex Package Lockers
- Secured USPS Mail Boxes
- Elevators
- Electric Vehicle Charging Stations
- Self-Serve Beverage Café
- Fitness Center
- Dog Run & Park
- Outside Pool / Restroom & Changing Area
- Outside Covered Sitting & Gathering Areas
- BBQ Areas
- Large Open Courtyard & Green Spaces
- Large Open Walkable Area's
- Carports
- Bike Racks
- Walkable Adjacent Retail, Restaurants, Fitness Accessibility.

Figure 1.3: Age of Population - City of Livonia, 2000-2016



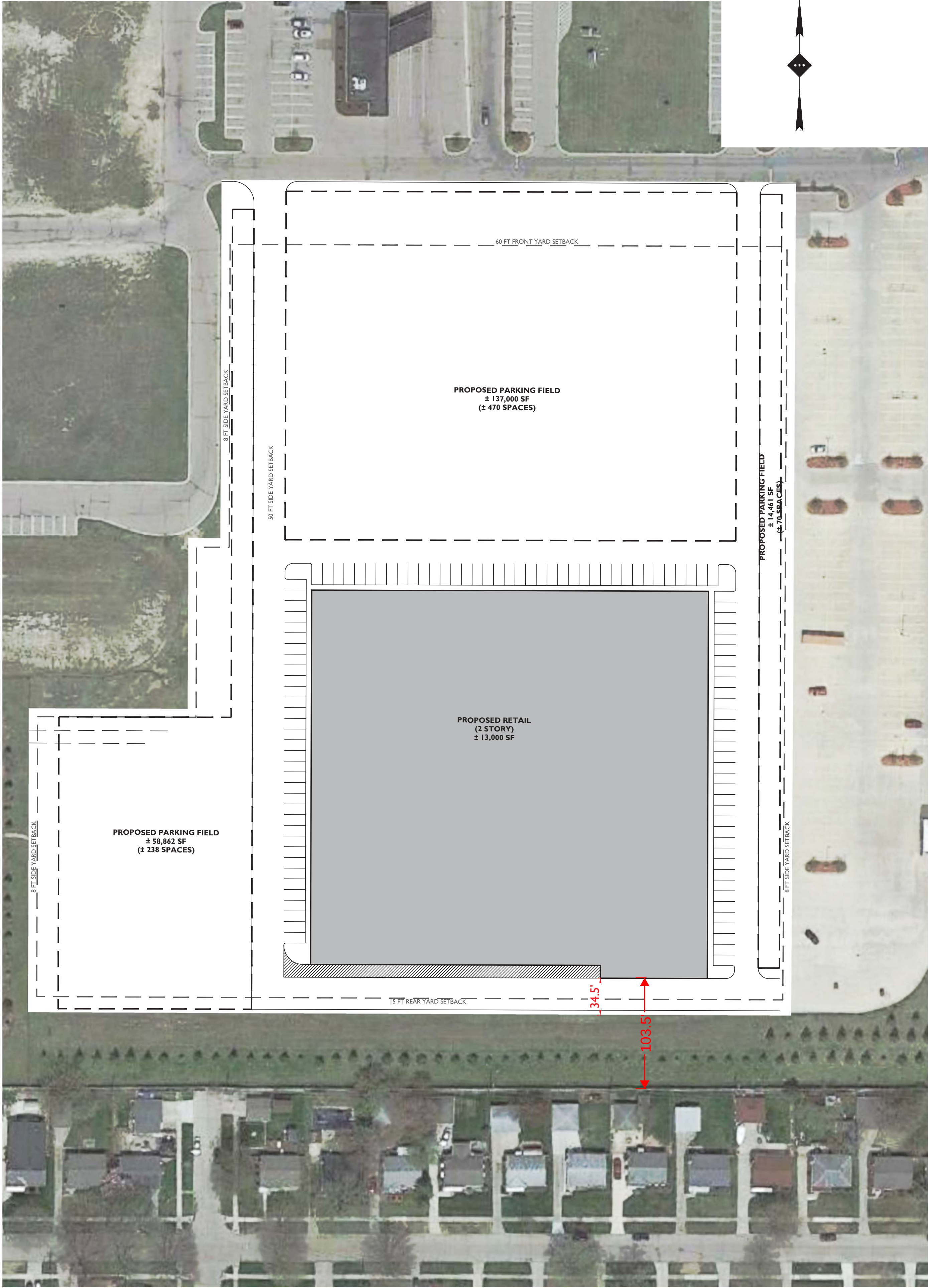
Source: US Decennial Census (2000, 2010) and American Community Survey (2016 5-year estimates)

Figure 1.7: Employment Sector Distribution

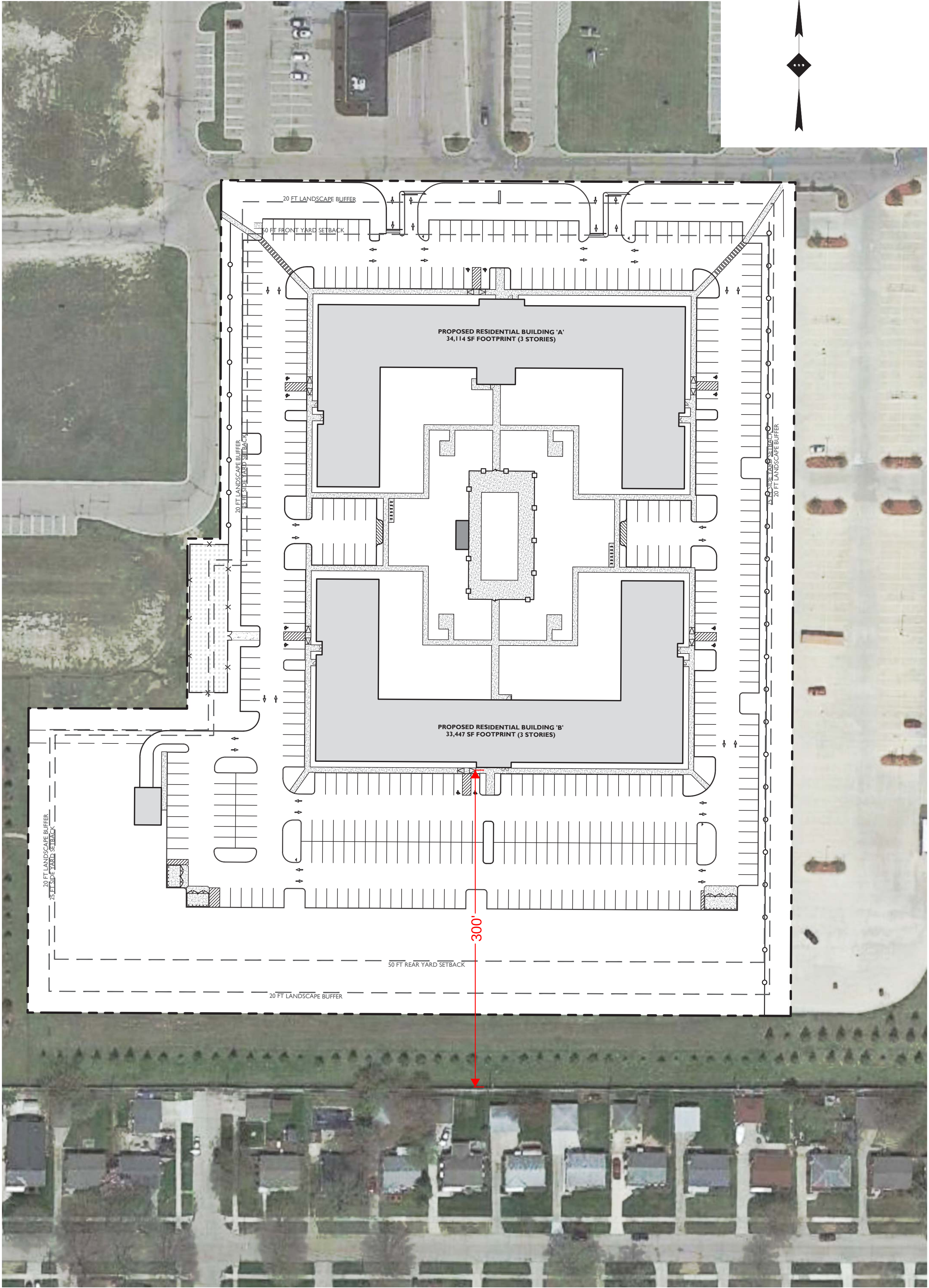
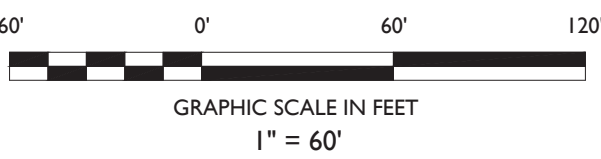


Source: US Decennial Census (2000, 2010) and American Community Survey (2016 5-year estimates)

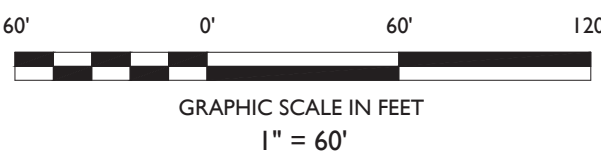
V:\P0819\19022 SCHOSTAK BROTHERS-RESIDENTIAL ROAD AND FLYING DUTCHMAN ROAD, LIVONIA, MICHIGAN\190221-01-13 PC EXHIBITS\01. SITE.DWG



EXISTING ZONING



PROPOSED ZONING



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SITE DEVELOPMENT PLANS

Schostak
BROTHERS & COMPANY
PROPOSED RESIDENTIAL
DEVELOPMENT

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11320 MIDDLEBELT ROAD
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN

MICHIGAN LICENSE No.6201065336
LICENSED PROFESSIONAL ENGINEER

STONEFIELD
engineering & design

SCALE: 1" = 60' PROJECT ID: M-19052-01

TITLE:

USE EXHIBIT

DRAWING:

NOT APPROVED FOR CONSTRUCTION

DESCRIPTION

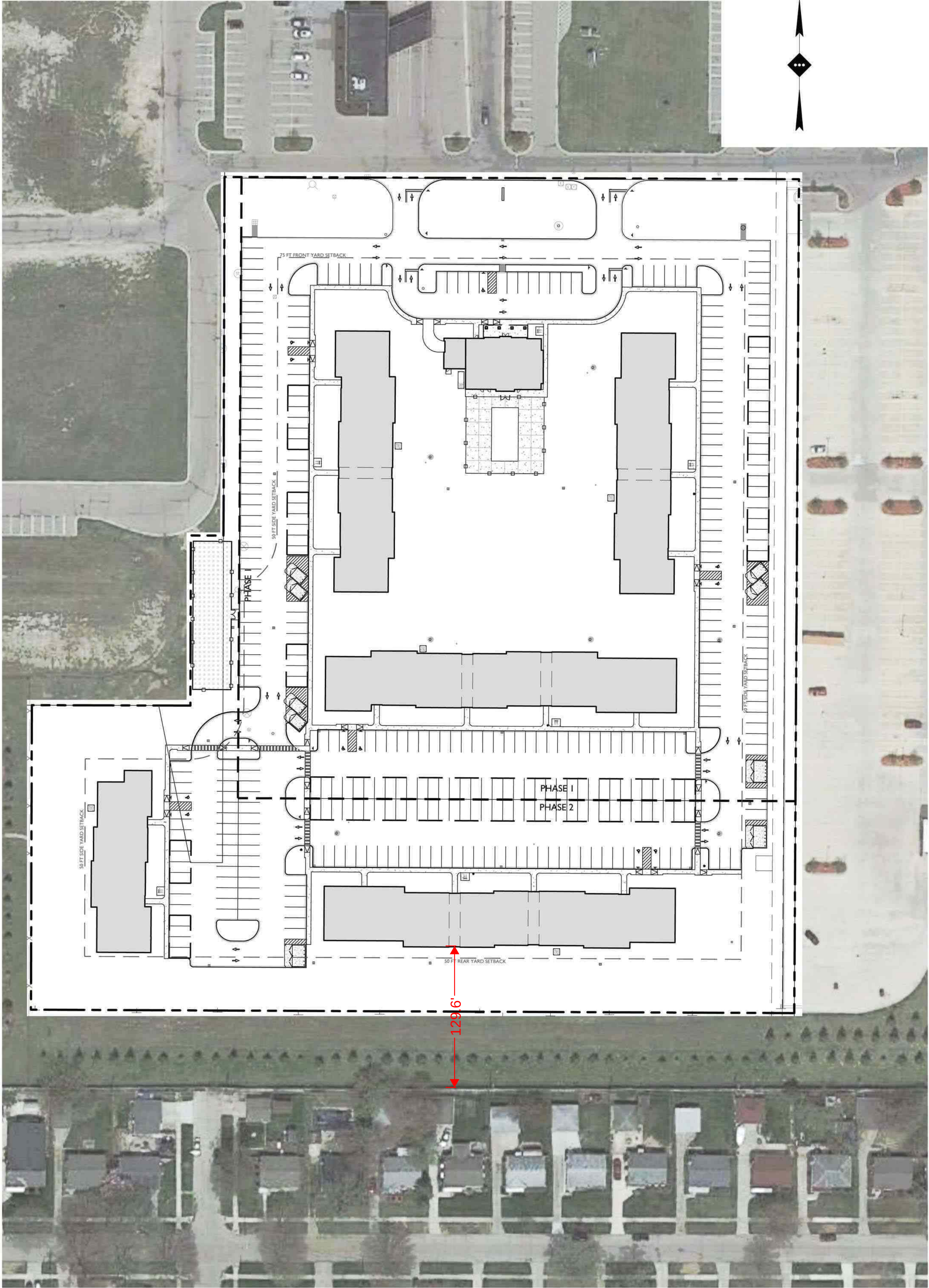
BY

DATE

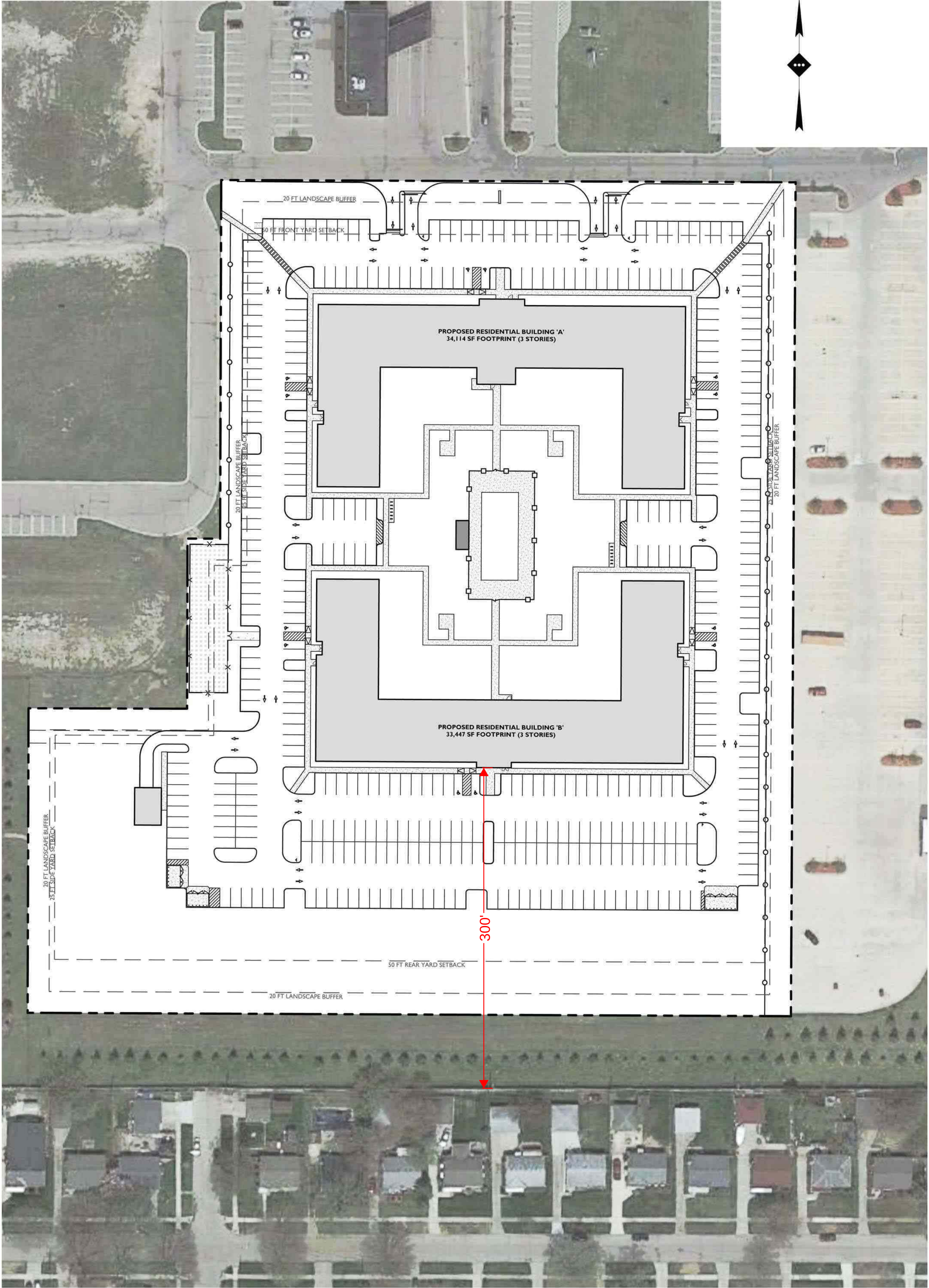
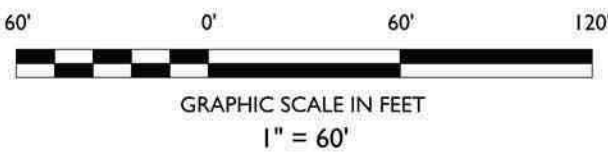
ISSUE

FOR PLANNING COMMISSION APPROVAL

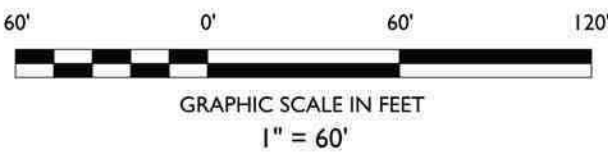
\\P038\\P038\\10252\\SCHOSTAK BROTHERS\\MIDDLEBELT ROAD AND LYNDEN ROAD, LIVONIA, MI\\CADD\\SCHOSTAK BROTHERS\\10252\\10252 PC EXHIBITS\\SCL SITE.DWG



PREVIOUS SITE LAYOUT



PROPOSED SITE LAYOUT



SITE DEVELOPMENT PLANS

Schostak
BROTHERS & COMPANY
**PROPOSED RESIDENTIAL
DEVELOPMENT**

PARCEL IDS: 137990008008, 137990008001, & 137990004002
11320 MIDDLEBELT ROAD
CITY OF LIVONIA
WAYNE COUNTY, MICHIGAN

MICHIGAN LICENSE No.6201065336
LICENSED PROFESSIONAL ENGINEER

STONEFIELD
engineering & design

SCALE: 1" = 60' PROJECT ID: M-19053-01

TITLE:

DRAWING:

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FOR PLANNING COMMISSION APPROVAL

AF

DATE

ISSUE

BY

DESCRIPTION



PREVIOUS FRONT PERSPECTIVE



REVISED FRONT PERSPECTIVE

PERSPECTIVE VIEW BUILDING A – FROM PLYMOUTH RD

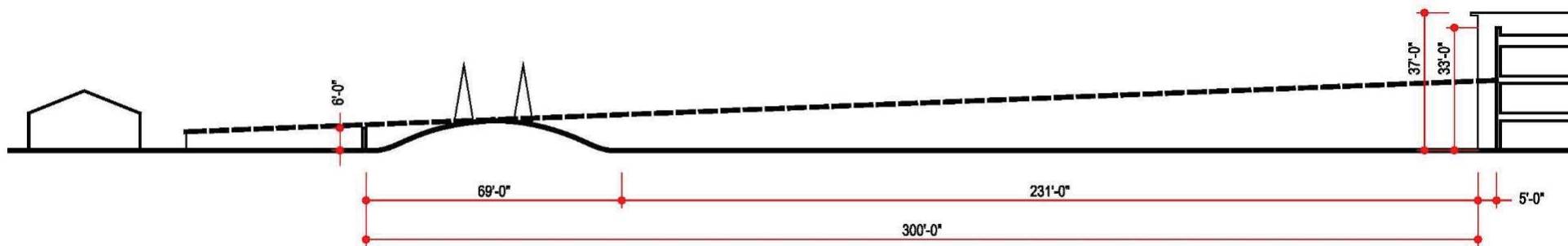


PRESPECTIVE VIEW OF BUILDING B – FROM REAR PARKING

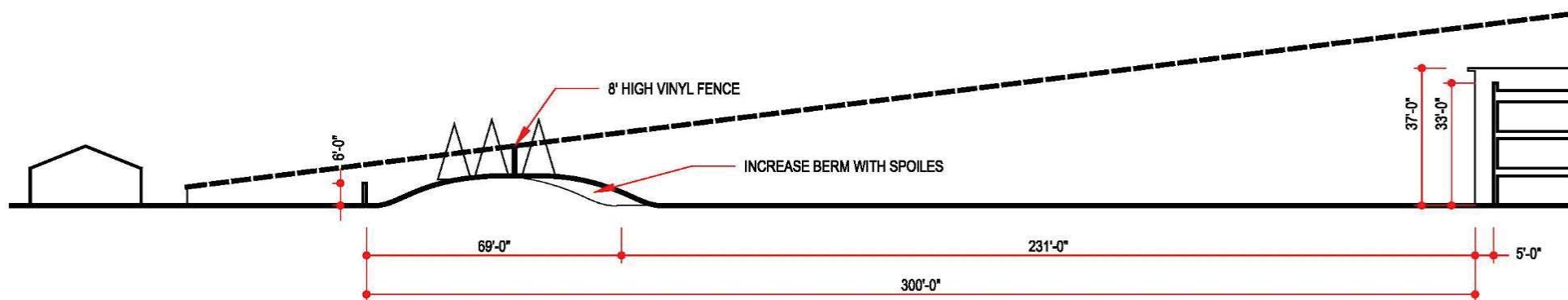
March 7, 2022



VIEW FROM BACKYARD OF SINGLE-FAMILY HOUSES



PREVIOUS LINE OF SIGHT SECTION



REVISED LINE OF SIGHT SECTION

LINE OF SIGHT SECTION



VIEW FROM THIRD FLOOR OF APARTMENTS

March 7, 2022



COURTYARD VIEW

March 7, 2022



AERIAL VIEW

March 7, 2022



THE LIV APARTMENTS
LIVONIA, MI



TOWN COURT
WEST BLOOMFIELD, MI



CITY FLATS APARTMENTS
ROCHESTER HILLS, MI

From: [Reece, Stephanie](#)
To: [Kasprowicz, Sara](#)
Subject: FW: property rezoning by Plymouth and Middlebelt
Date: Tuesday, March 8, 2022 4:28:21 PM

Hi,

This is for you. Not new data from us....???

Stephanie Reece

Program Supervisor
City of Livonia | Planning Department
(734) 466-2288
SReece@livonia.gov

From: Simmons, Jennifer <jsimmons@livonia.gov>
Sent: Tuesday, March 8, 2022 4:17 PM
To: Kaupp, Tara <tkaupp@livonia.gov>; Taormina, Mark <mtaormina@livonia.gov>; Reece, Stephanie <SReece@livonia.gov>
Cc: Mayor Staff <MayorStaff@Livonia.gov>
Subject: FW: property rezoning by Plymouth and Middlebelt

Jennifer Simmons

Constituent Relations Specialist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@livonia.gov

From: merle smith <truckinmerle@hotmail.com>
Sent: Tuesday, March 8, 2022 1:03 PM
To: Donovic, Rob <rdonovic@livonia.gov>; Toy, Laura <lttoy@livonia.gov>; cwhite@ci.livonia.mi.us;
McIntyre, Kathleen <kmcintyre@livonia.gov>; Morgan, Scott <smorgan@livonia.gov>; Jolly, Jim
<jjolly@livonia.gov>; McCullough, Brandon <bmccullough@livonia.gov>; Mayor Maureen Miller
Brosnan <mayor@livonia.gov>
Subject: property rezoning by Plymouth and Middlebelt

Good afternoon,

This is in regards to the rezoning at Plymouth and Middlebelt. I took pictures this morning of the trees that are supposed to be the barrier between

Walmart and Target to the residents backing up to the site which is houses on Orangelawn. The illustrations shown during last night's meeting show full blockage of the proposed site plan. I am sure are the same kind of illustrations were used when they wanted to build Walmart and Target back in 2007 , which is 15 years ago. I would like you to look at the pictures sent along with this email and look what 15 years down the road looks like in real time. These trees do not in any way block the view or sound.

During last night's meeting it was stated that dumpster areas would be kept clean. I used to pick up trash dumpsters and they are as a rule not kept clean which is an open invitation for rats, which as you know we already have an abundance of. (Is this another of Schostak's promises that will not be kept?) I invite you to look at any dumpsters in the City to see how (not) clean they are kept.

With all due respect, please consider turning down this rezoning request on March 23 at the Council Meeting.

Thank you for your time.

Merlyn and Judy Smith
30039 Richland













**PUBLIC HEARING
DIRECTION**

MONDAY, MARCH 7, 2022

PETITION 2020-08-01-06 submitted by Middlebelt Plymouth Venture, L.L.C., pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

DIRECTION:

- 1) DENYING**
- 2) APPROVING**
- 3) REFER TO COMMITTEE OF THE WHOLE**

**THESE ITEMS ARE TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF MARCH 23, 2022**

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Monday, March 7, 2022

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **Monday, March 7, 2022.**

MEMBERS PRESENT: Jim Jolly, President
 Laura Toy, Vice President
 Rob Donovic
 Brandon McCullough
 Scott Morgan

MEMBERS ABSENT: Scott Bahr
 Kathleen McIntyre

OTHERS PRESENT: Paul Bernier, City Attorney
 Mark Taormina, Planning and Economic Dev. Director

 Sara Kasprovicz, Recording Secretary

The Public Hearing was called to order at 7:00 p.m. with President Jim Jolly presiding. This item is regarding Petition 2020-08-01-06, Middlebelt Plymouth Ventures, LLC, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone parts of the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35, from C-2 (General Business) to NM2 (Neighborhood Multifamily).

This item will move to the Regular Meeting of **March 23, 2022.**

The Public Hearing is now open. There were 32 persons in the audience.

Jolly: We will start the public hearing with a presentation from our City's Planning and Economic Development Director. Then we'll have any kind of brief remarks from the Developers, in this case, and then I will open it up to the residents to speak and make their comments. Okay. Mr. Taormina.

Taormina: Thank you Mr. President. This is a request to retail property that is part of the Wonderland Village Shopping Center. The land area involved in this request is approximately 10.86 acres it's located between the Walmart Supercenter and LA Fitness. The change would be from C-2, General Business to NM-2, Neighborhood Multifamily. Bordering the property to the south are single family homes that are part of the Bel Air Gardens subdivision. The purpose of the rezoning is to facilitate the future development of an apartment complex that would be called Wonderland Flats. NM-2 zoning does allow for multi-family dwellings and buildings that are not to exceed four stories in height.

The preliminary plans submitted with this application show two, three-story apartment buildings, the two C-shaped buildings would mirror one another, similar to the configuration of Haggerty Square. The site layout includes a central courtyard and a common area that would contain an inground pool as well as other amenities. Each building would have a gross floor area of approximately 100,000 square feet. Together they would contain a total of 200, one and two-bedroom units. Ingress and egress would be from two driveways that would be on the north side of the apartment complex. The main point of access from Plymouth Road would be from the signalized drive that is located across from Tech Center Drive. This road runs between the White Castle and the Biolife. It intersects with a road that runs east and west. Across the shopping center. There are two driveways that would serve the apartment complex and these would be located between that and main entrance drive. Parking is shown around the perimeter of both buildings. The plan shows a total of 422 parking spaces, which is slightly more than the required two spaces per unit. In comparison, Haggerty Square, with the same number of apartments, obtained a variance for 323 parking spaces translated to a ratio of roughly 1.6 spaces per unit. Carports for about 100 of the vehicles are shown along the east, south and a small portion of the west sides of the development. At the south end of the property the site contains an existing screen wall and landscape berm that separates the proposed development from the adjacent single-family homes. The width of the berm measured from the masonry wall to the base of the slope is about 69 feet and from this point, the distance to the closest edge of the parking lot is another 100 feet, and from the parking lot to Building B, is another 131 feet. So altogether, the distance between the adjacent residential properties in the closest point of apartment building D would be about 300 feet. The buildings which span a length of approximately 343 feet would all have flat roofs. All units would be accessible from corridors that are located inside the buildings. There will be a network of interconnected sidewalks that would be provided around both of the buildings as well as the courtyard in the common areas. The Livonia Vision 21 Future Land Use map designates the entire Wonderland complex, including the subject site, as a mixed development center. Mixed development centers are intended to have higher densities and massing, be walkable and pedestrian friendly, and be integrated with, and connected to, surrounding areas and neighborhoods. Attached dwellings and apartments are identified as an appropriate land use within a mixed development center, subject to a maximum density of 20 units per acre. Residential options include attached and upper story units, including townhomes, lofts and apartments. The concept plan for Wonderland Flats reflects an overall density of 17.6 dwelling units per acre, which is slightly less than the maximum density provided on the Master Plan. On October 19, Planning Commission held a public hearing on this item and is requesting denial of the rezoning. With that, Mr. Chairman, I'll be happy to answer any questions.

Jolly: Could you repeat that last part, Mark?

Taormina: The Planning Commission recommends denial based on a public hearing held on October 19.

Jolly: Sounds good. Thank you, sir. We'll go to Council first, does the Council any questions for Mr. Taormina? I see none of this time. The Developer, Schostak, or whatever business entity you're proposing to do this under. If there's anything you'd like to state, at this time, please take the podium, state your name and address for the record.

Schostak: Good evening. Jeffrey Schostak, Schostak Brothers, business address 1700 Laurel Park Place Drive Livonia, Michigan. I'd just like to say a few words. And then I will hand it off to Mark Schovers, our architect on the project, who will run through some more slides. I wanted to give just some kind of background thinking where we're at and how we've come to this place tonight. So, as I'm sure most of you know, maybe not, we've been doing business in Livonia, Schostak Brothers, for 50 years. We've been long term owners and developers in this town. We're not an out of state developer just flying in to do this project. We've been here a long time and we're here to stay. What we're proposing as Mark Taormina just laid out, it fits in the Livonia 21 Vision, what is called for a mixed-use, and this is multifamily apartments. This is what clearly city leaders have wanted to some degree and matching it with Livonia 21 and saying that mixed-use apartment complex is something that this site, this location, is what the city wants. That's what we're bringing today. This is a \$30 million development in southeast Livonia. This is a very big project. It's really good for the owner's tax base. It is a low traffic use, it is easier on city services than current zoning would allow under Commercial, big box commercial, and generally less traffic overall from a residential development than any large commercial developments. This is completely privately funded. No tax abatements or incentives or anything of that nature are being requested by the developer. This is a high-end class A market rate, low-rise apartment project. I say that the rents that we are budgeting are anywhere between \$1,200 and \$1700 a month. These are nice places. This is attractive. This is a good investment for the future of Livonia. This is housing for young professionals, millennials, empty nesters that maybe don't want to live in a home anymore, want the more convenience of a brand-new Class A apartment complex. This will help Livonia grow and keep people in Livonia and bring young people that maybe grow up in Livonia, give them another option rather than acquiring their first home when they're younger. These will be good neighbors for the residents. These are good jobs that these people have to live in these apartments, these are nice apartments are not inexpensive, in fact they are expensive to live in. Additionally, we met with the residents. We heard some of the residents at Planning, we recently met with the residents and we heard you, privacy, that was important. And you'll see in the presentation tonight, we added another layer of trees on the berm making that three layers of trees, more than the zoning requires, and also a fence, and that you will see, there is no line of sight from the third floor apartments into the neighbor's yard. It'll be completely blocked, they won't be able to see anything. And I know that was a concern. And by the way, very

valid concerns, so we took that, and want to address that. You'll see more of that tonight. But then additionally, we're 300 feet away, as Mark pointed out from the closest residence, which is much further than what the current zoning allows. Even the zoning we're trying to get in does not even require you to be 300 feet. So lastly, before I hand it off to our architect, are excited about this. We think this is a really good thing, this a huge investment in southeast Livonia and you know, we really would like to work with everyone to try and get this done. And additionally, we're here and would love to respond to any questions or comments that people have. We're going to be here all night and we're going collect a response. So, I'm going to hand it off to Mark Schovers to kind of walk through the presentation.

Schovers: Good evening. My name is Mark Schovers, Spire Design Group, 115, East Fourth Street, Rochester, Michigan. As Mr. Schostak had mentioned, we have listened to the concerns of the residents we met with them. The main concerns are the security of what's going on there currently and how we can address that. The visibility from the single-family residence to the building and vice versa, the third floor looking at the residence, noise and traffic. As we go through this presentation, I will address those. So, as you can see on this slide, the current zoning versus what we're proposing the C-2 to the NM-2 is Livonia 21, shows that it has this corner, or this development, marked as a mixed-use. This development has everything in it, it's got big box retail, it's got your out lots with restaurants, fitness centers, has everything there. The one thing to make it an actual mixed-use is you got to have people living there. That's what makes it a mixed-use, otherwise, it's just development. So, in order to follow the guidelines of Livonia 21, we're proposing that this be rezone so that we can provide that mixed-use and everyone wants to help those businesses thrive and stay in business. Also in the Livonia 21, there's a section on missing middle. What the missing middle is, this gap from the single-family to your urban developments, and providing those housing opportunities for people that are looking to downsize for young professionals for starter families that don't have money for down payment. That's what this area is missing. It points out that the key areas that you should be focusing on is commercial corridors and mixed-use centers. That's Wonderland Village, both of those. As Jeff had mentioned, the rent. These are very high rent, \$1200 to \$1600. This information is from a marketing study. This isn't just us, winging it and saying this is what we think we can get. All this information on here. It's from a marketing study, giving us what the rents are, and also telling us what the target markets are. And those are the young professionals, empty nesters, starter families and people looking to downsize. All these people don't want the maintenance of the yard, or they don't have money for a down payment and they don't want the hassle of property taxes. This solves that issue. It gives them a great place to live in a class A living. These are nice units. There are quartz countertops, the doors have Ring Doorbells, they every appliance, they have heat pumps, which are more energy efficient than your traditional gas furnaces.

Then also for the common spaces, we have things that modern apartment buildings have there's packaged rooms, there's mail rooms, fitness rooms, there's common space for people to hang out. There's a pool, there's carports and you can walk to the retail developments. So, everything that you're seeing in here is high end, it's not the 80's style where you walk up to your unit. These are essential corridors it gives a high end feel everyone's private, everything's secure. The building itself is fobbed, so only residents can get in. You don't have people that can just randomly walk in. So, it's all monitored their security cameras around the site, the security cameras in the building, there's on site management, leasing, maintenance, they're accessed 24/7 Everything is monitored and tracked, and we know what's going on in this development. So, this is from the Livonia 21 showing that the population increase is in the age group 20 to 29 and 60 to 69. So that's your young professionals getting out of college with a good job, don't have money for a house or a starter family. Then you also have the people whose kids have graduated from college or moved out of the house, and they don't need their house anymore and they want to spend the winters in Florida or something along those lines, they want to downsize and make life easier themselves. The lower graph shows that Livonia is outpacing Wayne County, and the state of Michigan in your professional jobs. That's the people we're targeting. We're targeting these professional people with good jobs that can pay the rents. Here's an aerial. So, you're seeing the retail, the big box, it's a horizontal mixed use. It's not a vertical mixed, it's a horizontal. So, you've got to walk, you got to get your exercise, but this is the missing component to create that mixed-use, putting the residential in the middle of this commercial district.

Jolly: If I can jump in here for a second. I think I can probably speak for all of us up here. We know the Livonia Vision 21, we spent multiple years dealing with it, you want to get to the part where you talk about the architectural renderings or what you're going to do with the site specifically?

Schovers: Yes, that's next slide. This is just giving a quick snapshot of the current zoning versus what we're proposing. Some of the current zoning C-2, if we were to build a retail building, we could be about 103 and a half feet from the single family property line, where we're proposing 300 feet, so we're moving all that action, all the noise of semi deliveries, all that stuff, because we don't have semi deliveries, we don't have any noise, we just got cars. So, all that moves away.

This is a snapshot of where we started years ago, when there were multiple buildings. This was 130 feet from the property line. So now we're two and a half times that away from that property line. We're moving everyone away from the single-family residence for noise, for security, visibility. So, as Jeff had mentioned, this is after the Planning Commission meeting with the residents. This is how we addressed a lot of those concerns. So, we have three rows of trees, two rows are on the single-family side, we have an eight-foot solid vinyl fence to block any visibility through it and a third row of trees on the multifamily side. We're also proposing to add some flowering trees to

add some variety so there's not just an Evergreen wall. So, that eight-foot wall blocks all visibility, which we'll show you in a minute. We're also proposing to cap the ends of that with a chain link fence so no one can get on the south side of that vinyl fence to where they can look into the neighbor's backyard. So, we're securing our site, preventing anyone from that visibility or being able to look at the single family.

The bottom slide came out of the meeting with the residents to where they wanted some kind of a division from the multifamily to the commercial. So, we don't want to visual obstruction here. We just want to give the imitation of some division. So, it's a lower aluminum fence with some plantings that kind of create this division of when you cross on the other side here, you're in the multifamily portion of the mixed-use development.

This is the southern face of the southern building. So, this is facing the single family. So, one thing we did hear from the meetings of the rapid response in the study session was they wanted balconies. We held the balconies off of here so that no one was out there to give the privacy to the single family. We do still have the door walls and they have a Juliet as a railing to prevent people from falling, but you don't have people being able to go out there and talk on the phone and create noise and security for the residents.

So, this is the revised view from the rear yard. Looking at the multifamily, so the top is what we had before. The lower one is with the ornamental trees, the two ever grow trees, the eight-foot vinyl fence. So, as you can see, there is no visibility can't see the building with this addition.

Here's a side section of what we were proposing before where you could see your the line of sight was hitting about the third floor plate for now with that vinyl fence and the extra row trees were well above the building. So, there's no visibility in the building from the rear yards.

This is a view from the third floor again, with that extra row of trees and the fence. We're not seeing that first row of houses back there, there's no visibility. They get the privacy. They can't see us, we can't see them. It's a two-way street.

Here's a view of the courtyard showing that it is a high-class development. You do have areas where you can go out there and read books and hang out. There's the inground pool, bike racks. There are activities for people to do that are in the courtyard and not by the residents.

Here's an aerial showing the whole development and the landscape buffer between the multifamily and the single family. As you can see, everything is pulled to the north. So, all the residents in the multifamily are to the north and they're hanging out in the courtyard.

This is a precedent study of recent, horizontal mixed-use developments with multifamily. These are all in Metro Detroit, same concept they don't have any retail and mixed-use in them, but you got to walk to them. That's how nowadays that's how we're getting these mixed-use developments is when you're not in front and you're not on the main road like Plymouth Road, you can't do the vertical mixed-use, you got to do the horizontal mixed-use make the project successful. Do you guys have any questions, we're more than willing to answer them.

Jolly: Any questions? Mr. Morgan.

Morgan: As far as access to this community is it, do they have a key fob or something to get in there, is their access controlled from the main to the parking lot and so on, so people can't just hang out in that parking lot?

Schovers: Correct? Well, the building is a key fob. The entry into the parking lot, that's something to discuss whether we provide gates or not. The building itself is fobbed. The leasing office is open during business hours for someone to walk in and sign a lease. but all the perimeter doors are fobbed and locked. 24/7.

Jolly: Mr. Donovic.

Donovic: Thank you, Mr. Chair. In its current state, if it we went with a typical big box store, which is what this is zoned for, in that, if we kept it that style, it would only be 103 feet from the berm, is that you said?

Schovers: 103 feet from the south side of the berm, at the property line of the single family.

Donovic: That's where portions of the Walmart and Target, they currently fluctuate. I know the building kind of zigzags around the back, but it's about 103 feet regardless.

Schovers: They're like Walmart, I believe is one 125 feet.

Donovic: Okay, and now if this should pass, it would be 300 feet from the back of the building?

Schovers: Correct?

Donovic: Okay. Thank you.

Jolly: Ms. Toy.

Toy: Thank you, Mr. President, just a few questions. I didn't think I heard you about traffic and all. We're getting some new developments over in that corner, as you're probably aware of Chick-fil-A, etc. I also didn't hear if there's any police reports you're bringing forward or fire reports for that area that we could look

at as well. Or maybe we need to request that, I don't know. As we look at these mixed-uses, now, when we do them in different neighborhoods, if you will, that about commercial, I think it's important that we begin to look at traffic, things like police and fire services that we provide, because this adds extra strain on some of those services our city provides. You have a site, maybe you don't, but Mr. Schostak does at Seven and Farmington, that has been very vacant for many years now and we want to see what, in the future here, what we're going to see there. As we look at another development, this Council has responsibility of all these sites in the city. As we look at this mixed-use, it begs of a lot of questions that come up, particularly when it comes to the taxpayer that has to not endure some of the kinds of things you're referring to, while they're young professionals, whether they're older folks, it still changes that area. So, I'd appreciate any help on those kinds of things that you could give sir or that the team could, I'd appreciate that, thank you.

Schovers: Sure. So as far as traffic, the nice thing about multifamily is that it's slow out and slow in, if people are going to work from six in the morning to nine in the morning, and then they're coming back, they might be stopping in groceries on the way home, for picking their kids up from daycare, stuff like that. So, it's not like retail to where someone gets out of work and everyone at five o'clock is going to that retail deal, going to Target or Walmart, those are your extremely high intense traffic volumes. This is people going in and out, and they're living their life and everyone starts working at different times and comes home at different times. So, it's a very minimal traffic, if any, traffic.

Jolly: Okay, with all due respect to everybody here, you're the residents, we're here for you to speak tonight, but not to interrupt other people. So, I'm going to ask you very politely to not do that and show some respect, I'm going to ask the same of them, as I am of you. Okay, thank you very much.

Schovers: On regards to this site, on Plymouth Road, there is a traffic light. So, you don't have the issue of people trying to make a fast left hand turn out. We have ways to regulate the traffic and get the traffic to move, but with it being slower in and slower out, it's a very minimal effect. As far as the police and stuff and issues like that, one thing to keep in mind about the issues that are happening there, is that it's a dark area. So, when you have people that to just hang out and get off the grid or whatever, they're going to go to a dark area. As soon as you have people living there and they're and it's lit up around the building, those issues go away. You have people watching them. The people that are here, if they see something funny going on, they're going to call the manager and say, hey, something is going on in the parking lot, and the manager is going to address it. Having the 300 set of eyes, looking out the windows and monitoring, the activity around the building is a huge benefit to mitigating crime or people just hanging out.

Toy: So does that mean you are going to provide security then, if we find that that area has been troubled, perhaps by some of those kinds of reports of various

things, even though it identifies with commercial, but you're mixing residential now in with commercial and you know, and as we know, so the sensitivity of that, I got to be cognizant of as I as I take the vote. That's what I need to hear from you, where you're going to alleviate some of that, as I think Councilman Morgan asked, are you going to secure that parking lot? You got a lot of truck traffic over there, I mean, I pulled up to a red light and got rear-ended by a bus. I'm not saying it's your problem, I'm just say there is a lot of traffic there.

Schovers: Yeah, so like I was saying, there's cameras around the building monitoring the parking lot. There's the on-site managers, there's these measures that we're taking to make sure that we're addressing the security issues. Now, I guess if there's a phase goes on, and it's bad. I mean, it's in their interest to protect the development. So, if there's a crime, people aren't going to live there, they're going to address that with the on-site security.

Toy: Thank you. Thank you very much. Thank you, Mr. Chair.

Jolly: We'll go to Mr. McCullough.

McCullough: Thank you. Through the Chair to the Petitioner. A couple of quick questions, the slide with trees showing, different vertical views. Now, the question I would have is obviously, during construction phase, I assume that these trees are not going to be full grown. What can those residents expect? Is that line-of-sight post construction after C of O or is this after many years of growth?

Schovers: Well, the first row of trees are already in place. So, we're proposing the second and third row of trees. And as shown in that rendering, those are trees that come ten to twelve foot high. We're spending extra money to get taller trees. We're not putting in six-foot-high trees. That's very realistic at installation, what you would see.

McCullough: Okay. The other question I had were before we move on to the residents. You know, Vision 21 focuses on harmony and creating harmony in the existing surrounding areas. I know you've spoke a lot about it, but you've got a Walmart, you got a Target, where seem to be a destination, people are traveling or parking or going in there. With a Chili's, that's pretty much on the side closest to Middlebelt and Plymouth, how do you, in your words, what do you see as the connectivity to the surrounding areas? As someone would be renting here, I just see, you've got a plasma center in front, you got Bank of America, White Castle and LA Fitness. It's kind of tough to kind of carve everything out. So, I'm just trying to figure out how does that fit into the walkability and the pedestrian use? Right now, I mean, after you travel that site, I have huge concerns of wanting to walk across those roads to get to any of the retail without any wayfinding signs and more safety measures.

Schovers: Sure, so, obviously, the east west go to Walmart and Target, that one's easy. To your concern about going out to the out lots, there is a sidewalk by the plasma center that I believe takes you to the north, so you can get to the

Chili's, you can get to the Noodle & Company. It is a development where you can walk. Obviously, if you're living there, you know, the path to take. It doesn't benefit from necessarily this treed boulevard, but there is ways for you to go to the out lots, to the Chili's and other outbuildings and also in a Walmart and Target. So, it is it is a horizontal excuse.

Jolly: Okay, so I'm going to jump in here and give you my comments real quick, and I know a couple of my colleagues here have some comments as well. To be frank with you, I don't like the last answer that you provided. We have one site here that I believe is owned by one entity, the commercial and this potential residential. If we're going to look at this as a multi-use development, there needs to be connectivity. Walking through a parking lot, knowing that, it's not appropriate. To me, that's not multi-use. So, I would like to see some sort of connectivity, number one. Number two, I understand that people would have to access the site to potentially rent an apartment there during business hours, because this is enclosed and set back the way that it has been proposed at this point, I would want there to be some sort of fob entry to the parking lot in off-business hours. Whether that's after six o'clock, some morning opening, there needs to be some sort of element like that if we're going to look at doing this from my perspective anyways. I think if you look at the development on Haggerty Road that is very similar to this, they do have something like that in place. I think it's a nice feature.

In my last comment here question, Mr. Schostak indicated during his presentation that there would be no tax assistance in any way sought, right? I like to hear that. Are you giving us your word because I can say that, not because I don't trust you, but because we've had people give us pie in the sky ideas for developing sites, and they come back a year later, and they ask for some sort of tax abatement? So, I would want that in writing as well. For my last comments, for everybody in the room here, just to know the procedure. For what we're looking at, what is being proposed before us, at this point in time, is a request to change the zoning. The City of Livonia, this Council, has a long tradition where a request for the zoning change requires multiple steps. You've been to many of them yourselves, at this point. Along the way, there is a first reading for a zoning change that typically happens. We normally hold up the second reading, which would hold up the vote after a second reading until we have a site plan that we also know exactly what the buildings are going to be. Okay? So, at this point, even though they're talking about what the building is going to look like, what their plans are for the building and all that kind of stuff, the only thing that's actually on the table at this point in time is the zoning change. Okay, so it would not be uncommon at all, for us to go to the meeting on March 23rd and have somebody provide a first reading for the zoning change. No second meeting would happen, and nothing would proceed beyond that before we have a site plan that we reviewed, and we would normally be voting on the site plan and the second read on the zoning change all at the same time. Okay, just FYI.

I think Mr. Donovic has a couple more comments or questions, then Mr. Morgan, and then we'll go to the audience. Okay.

Donovic: Thank you, Mr. President. So, this project reminds me a lot of the Liv apartments, it's very similar in the way it's designed and in the walkability. I mean, it's next door to Costco, Bahama Breeze, Donut Bar, Tropical Smoothie, Starbucks, Chick-fil-A, the AMC movie theater. I mean, this is essentially what the City Council approved a few years ago for the Liv apartments, identical to what this proposal looks like. I do see the similarities there and the precedent there. The couple questions I had were to Councilwoman Laura Toy's point on traffic. Traffic is a very important thing. In one sense, I'm thankful that there's investment, I live in the neighborhood. I'm thankful there's investment in the southeastern corridor of Livonia. I don't want vacant buildings. I don't want vacant lots. I don't want another big box store. If you guys wanted, you could install another building the big box store and that might be vacant 10 or 15 years with the trends in online shopping. I'm trying to keep an open mindset here, but that's not what I want and my fear is that if this project doesn't pass, then you're just going to build another big box store, find a tenant, they're going to be there for 10, 15, 20 years maybe, if that, and be vacant, and we'll be looking at another large vacant store like we have at Seven and Farmington. So, with traffic, when you talk about traffic trends, I'm not an expert in traffic trends, would you say that there's going to be more traffic with a big box store? When you look at Walmart and Meijer or Target etc., when they're full all day long cars are coming and going nonstop. Whereas, I would assume, residential multifamily, again, to your point, you kind of touched on a little bit, but I'm still trying to wrap my head around how those traffic flows work. You're going to have 200 units, so let's just say there's 250 to 300 people with guests, visitors and vehicles in the parking lot. Could you say that there's less cars with this than opposed to a Meijer, Walmart, Target when there's maybe 500 cars, do you have any evidence supporting that?

Schovers: Sure, not in front of me, but you are correct. If you look at that aerial, just the mass size of the parking lot is bigger than the Walmart. They are planning on, I don't know how many parking spots they got there, 550, 600 spots where we only need 380. We're a much smaller amount, and our traffic is in and out slower. They're getting these mad rushes of people coming in, at five o'clock, or when they open, you know, people kind of grab stuff on the way to work. So, you're getting these mad rushes. And yeah, the retail is a lot more intensive on parking.

Donovic: Thank you.

Jolly: Mr. Morgan.

Morgan: Thank you, Mr. Chair. I have a few questions here. First of all, since I'm not really 100% sure who owns the Walmart area, is that Schostak?

Schostak: Walmart owns their building and lot. We sold that to them, and they put their store there. Walmart and Target own their own properties. We own all the surrounding.

Morgan: Okay, so you wouldn't be able to control any of the semi traffic that comes in there, because a lot of the complaints of the citizens, when I was a Policeman and even currently, the semi-trucks come in there and it would be between Walmart and the project that you're looking at right now. They idle there, and they sit there all night. We had major issues, rattling off the citizens house, which could be 300 feet away. I know that's not your problem, but it's something that is a concern. It has been voiced to me by the citizens. They've had these issues and we tried our best to enforce it. We've even threatened to sue Walmart several times to make this go away, but it's an ongoing problem. Any suggestions?

Schostak: Absolutely. Yeah, we know that's an issue and we put up different blockings to try to stop that. I think it's reduced itself because we've heard that they've been parking other places, but probably not exclusively. Quite frankly, this development stops that because there's nowhere for them to go. Right now, there's 10 plus acres of vacant land that they take advantage of, and they go idle and park there. We can't control their loss, per se. We do have a reciprocal access agreement with Walmart and Target that we obviously all abide to. The biggest thing is there's this tenant 10 plus acres of vacant land that will now be gone, and it just won't be an option for it. That is an advantage just kind of pointed out earlier is that once you have, land is vacant, it encourages that behavior, so to speak, where now its developed people live in there, there's going to be no ability for the semi drivers to park and idle over there.

Morgan: Secondly, the berm that's in the back and proposing a fence and the three rows of trees, who is going to maintain that?

Schovers: It would be part of our development maintains that berm back there.

Morgan: Okay. So, the maintenance, that's connected with those apartments or condominiums, or whatever you want to call them is going to be maintained by the maintenance department?

Schovers: Correct.

Morgan: Okay.

Jolly: All right. I'm going to thank everybody who's spoken so far. As one of you, all of you, whoever will be responding to note any questions from the residents, we're going to listen to the residents speak, and I'll ask you to come back up and address the questions that have been presented to them. In terms of the residents, as I indicated earlier, this is your opportunity to speak at this public hearing. I presume many of you would like to speak, I would ask you to line

up or move this area over here. You are limited to three minutes for your comments. And we'll go directly one to one. I asked you to direct any kind of comments to me as the Chair not to the Petitioner or anybody else. They'll note the questions, and we'll circle back, okay? All set, sir? Good evening, please state your name for the record.

Weldon: Hello, my name is Steven Weldon. I'm a 29912 Orangelawn Street, right behind the area where this project is supposed to be committed here. First off, the Vision Livonia 21 plan does not incorporate or anticipate this kind of project. When you talk about vertical, it's it was supposed to be more where all the businesses and the living residences would be horizontal, I'm sorry, vertical versus horizontal. That way you would attract those businesspeople to come into that area. There's no dog park, as you had mentioned before, walking safely across this big busy business complex to retail, there's a lot of potential for accidents, people getting hurt, then if you have, again, with a parking lot situation. This is kind of a fantasy that we're just going to attract high end professionals to this area. This is a low-income area. It's not like over there in the Laurel Park area. They're attracted to areas like that. You can't do this in this area that's not geared that way. You've got lots of traffic, both on Plymouth and Middlebelt. You're going to add another potentially 200 to 300 or more vehicles from the apartment complexes. They're not just going to walk across to the Target or the little pod stores. They're going to drive their cars. They want to be protected from the rain and other things too. They're not going to walk across that, it's going to be very difficult for them trying to dodge cars and those cars aren't paying attention as their driving along. Then you're also talking what has been promised to us by Schostak before. The berm has not been maintained. We get weeds growing all the time up through there. I have to call, others have to call to try and get that maintained. We get waves that are over 15 inches high. As far as people, I've seen it before, when they put the movie theater back behind the complex where we live, that was told that it would only be too long about 10 o'clock at night while they were going on until two in the morning. As far as cracking the snowbirds, and then the young professionals coming, no, you're going to get young kids that need to share their rent. You'll have four or five individuals in one apartment complex sharing that rent. That means more cars. That means more noise. Those type of individuals, they don't care. They don't pay property taxes. They don't have to maintain anything. They'll come out and they'll sit around their cars they'll work on their cars. They'll play their boom boxes. I've been in many places like that and it's very frustrating when you have that kind of noise because it will travel over the berms and the walls. The other aspects, as you mentioned, with the traffic, we've already got way too much traffic through there just on the streets alone and then coming in and out of the retail area. You're going to put an ad hoc?

Jolly: I'm going to have to stop you there. Can we have the next resident? Please identify yourself, name and address.

Grad: Hi, Jeff Grad 11325 Blackburn Street. Thanks for letting me talk. I think you guys made some great points today. I just want to get back to the point of, focusing on the fact that this is a rezoning request. I think we're getting a lot of details of little things here there, how this compares to the development on Haggerty. The whole point of Livonia Vision 21 was to have mixed-use development. This is not a mixed-use development. Throwing an apartment building in between a Walmart a liquor store, a plasma center and a Target is about as far as you can get from a sustainable and an asset, multi-use development in the city as you could possibly get. I can't think of a worse spot in the city to potentially put this, to be perfectly honest. I mean, I literally thought I can't think of a worse place to put this. I think their lack of vision and lack of effort, that Schostak team shows you a couple things. I probably could have put a better, I'm not trying to be rude, but I could have put a better presentation together myself in a week. The whole thing about who they're trying to attract, you know. I was a young professional relatively recently. I'm older now, but, you know, this would be the last place that I'd want to live, again, between a liquor store, a plasma center, a Walmart and Target where there's already sometimes cars and homeless people living in that parking lot. It just doesn't make any sense. You know, when I look at multifamily housing, when I think of multi-use, I think of townhomes with coffee shops that you guys know, you know, other cities that you can look at and see what the residents will own and you truly want and this is not it. My parents live in Livonia. I lived here my whole life. I have a business in Livonia. I still live here, and my parents are looking to downsize. I brought this up to them and they said, this would be the last place that I would want to live if I was looking for an apartment. So, just my thoughts. I know I've said this before, but it just seems like down to issue, this is a rezoning request and I feel like there has to be a very good reason to rezone something. This isn't a request for an apartment building up in a place that's already zoned for this. It's a complete change, and it just doesn't have substance. So, thank you.

Jolly: Thank you sir. Please identify yourself sir.

Shimshock: Peter Shimshock, 9950 Oporto. I agree with the Planning Commission, I think this should stay as General Business. Several months ago, I found a dead rat in the middle of my driveway. Currently, Walmart, Target, the restaurants, they all have people hired to maintain the garbage bins, and they do a good job. Yet we still have issues and other people do in the neighborhood. Not terrible, but we still have issues. Livonia doesn't support residents for rodent problems. It's up to the residents now. So, you probably wouldn't have a record of how many complaints there are with issues like this. I think adding a apartment complex now, that would add 20, 30 more dumpsters without one person in charge, but multi-families in charge of making sure that dumpster is handled correctly and hits the dumpster. I think actually, this kind of apartment complex would be like ringing the dinner bell for more rats and more problems. It doesn't take much to start the issue. but if you add a box store or something else in there, you're adding something that's managed by an employee, not 200 separate families. I think this is not

something you want to put in the middle of the residential area. I don't agree. I'm sorry. I don't agree that you should make a decision now on something changing zoning, based on what could happen if another big box store comes in 20 years from now. I think on the northeast side of Plymouth and Middlebelt, they're rebuilding it completely. They tore down what was there and they're making it all new again. All of this can be done in the future, but for now, with the situation now, residents on their own with rodent issues, and I understand you don't help, but it's not going to get any better by adding 20 or 50 more dumpsters with 200 families added to it, not managed by one person. Also, the commercial areas empty the dumpsters as needed. I'm sure there'd be a schedule with any kind of apartment building is the ones I looked at, it's one dumpster for 12 units. So, if you have 200 units, that's a lot of dumpsters emptied once a week, full or empty. Thank you for your time.

Jolly Thank you, sir. A little bit less obnoxious ringtone here. Good evening, ma'am. Please state your name.

Sullivan: My name is Jeanne Sullivan. I live at 29944 Orangelawn, which is directly behind the area that we're talking about. I have a great many concerns about this, but the last few people that were up here have covered just about everything that I wanted to say, other than Livonia zoning ordinances say that the idea behind their zoning is grouping residential, commercial, so now we have all these buildings, the same site, the same architecture so that everything looks copesetic, right. Also, to protect the residents from unnecessary noise and disruption and to preserve the ideals and character of the surrounding neighborhoods. We're not so sure this is going to be a good idea for our surrounding neighborhoods. I'm a little bit concerned about them closing off the berm. Our berm has never been well maintained. We were promised two rows of trees, never got. One neighbor had to call the city last year 34 times to ask them to come the grass, put in the sprinklers so the grass grows. Sprinklers went in, they never got turned on, only when it was their last-minute idea. I know you're big on wanting a new Senior Center, awesome. And I know that the mayor wants more walking and more biking. I don't think this is going to increase any of our walking. I worry more about if you put children in a multifamily. Everywhere those kids would exit the parking lot, no matter which direction they go, it's a parking lot. If they see the berm, they're kids, they're going to walk climb up on the berm. I don't care if there's a fence there or not. They're going to want to climb up there. It would be look here, look here. Then it's, let's see how far we can throw. It happens, because it happened before they raised our wall. People were always coming by, tossing things in our yard, tossing things to the animals. It's just, it's what we live with, but yes, we chose to live behind the mall in the first place. I actually moved there. I liked the idea of that brick wall behind my yard. I never worried about my children. They could go outside. I didn't worry about anybody snatching my pets. It was more of a security. I think a lot of that security is going to go right out the window. We understand that this is their property. They bought the property. They need to use the property. We understand that. I would want to use it too, if it was my property, but they knew it was a

commercial zoned property when they bought it. Now commercial areas are going down, residential areas are going up. This doesn't seem to be a reason for the city to bend over and rezone this property. I know it would be beneficial to them, not so much for us, with all the commercial areas.

Jolly: I need to stop you, ma'am.

Sullivan: Oh, my buzzer. I'm not going to have any question and answers.

Jolly: No, that's not the purpose of this meeting. I asked him to take note of any questions that were relayed and to address them afterwards, but this is not a question answer session. All right.

Sullivan: Thank you. Aren't you glad I didn't read all of this?

Jolly: We'll take the next resident please. Good evening, please identify yourself.

Lupu: Good evening. Cheryl Lupu, 29864 Orangelawn. I've been there for many of years, and I agree with all comments and everything else that has been said. I've called the police numerous times because of the idling trucks. When they say there's a fence, there's a gate going up to this property also. There was supposed to be a gate for these trucks now to be able to go back and forth with certain times, in fact, that has never been used since it's been put in, I believe. That's really a main concern. My other concerns are the garbage and the rats. I caught the brother of the other guy because it was as big as the shovel. I know we're infested with them, but I just think of all the ones that are going to come joining and I think we have enough already. This isn't a good feel at all. I'm sure and I hope you guys will agree, because it's not in your backyard or in your backyard, so that's all I have to say, thank you.

Jolly: Thank you ma'am. Good evening, sir, please identify yourself.

Smith: Good evening, Merlyn Smith, 30039 Richland. Council, Schostak, let me start by saying, this rezoning, that's what we're after. First off, I appreciate Schostak trying to meet with the residents two weeks before this meeting. I asked around and residents are still pretty mad. Promises were made when Walmart and Target came in. Rows of trees were never put in and stuff like that, but that's not about the rezoning, but the promises that were made and not kept. They already mentioned that about its commercial. They bought it commercial, and you just don't stick a residential in the middle of commercial. I don't know of any place that does that and it just don't belong. I lost track, nervous, you know, not a public speaker, I still got two minutes or less than that now, can I sing?

Jolly: If you do, I'm going to leave.

Smith: I appreciate your time and the thought is gone. I would recommend and consider you guy's vote for no rezoning. And I asked you, please and thank you.

Jolly: Thank you, sir. Good evening, ma'am.

Kowaleski: Good evening, Victoria Kowaleski, 29960 Orangelawn, directly behind the proposed project. I know that this is about zoning. First, I want to ask at the beginning, I thought I heard somebody say four floors.

Jolly: Ma'am, you can't direct your comments to them. It just works better if you just give me your anger, I mean not you, in particular.

Kowaleski: Four floors, because initially this was supposed to be three floors, am I wrong? Did I hear?

Jolly: I think the proposal currently is three.

Kowaleski: Okay. Thank you. All right. Real quick. A good and decent citizenry is the backbone of any city. The citizenry needs to know that their elected officials will stand up for their privacy, safety, and comfort. Correct me if I'm wrong, isn't this developer the largest business property owner in the city of Livonia? If this is correct, this developer owns other parcels to be in our city that will be much more suitable for this project. Here's where I say, hey, go. I heard somebody say that this project will help the nearby businesses survive. That's not what we're supposed to be doing here. We're supposed to be protecting people's property rights. Let me just get to it. In all fairness, I consider, it more suggested that the neighbors should come up with ideas for the parcel, maybe give the developer other options and ideas. He doesn't want our ideas. Okay. I want to know, I heard somebody say that the developer met with people. I was never met with. I was never notified about a meeting. I don't know what happened two weeks ago, but somehow, I was left out of the loop, which I think is a little unfair. My opinion, in this moment, is please do not okay this zoning change. Whenever you reschedule a meeting for me to speak some more, I will absolutely be here to speak, because this is my property. I'm here to protect it and you people are supposed to help me protect it also. Thank you so very much. Have a blessed night and God bless us all.

Jolly: Thank you., any other residents like to speak, at this time? Good evening, sir, your name, please.

Schmidt: My name is Bill Schmidt, 29688 Macintyre. I'm in the neighborhood. I'm opposed to the zoning change. We don't have any large apartment complexes, even within miles of this area. There's nothing like it. We have single family homes, not huge rental complexes. That's just the truth. This is a complete anomaly in the area. That's it. Deny the zoning request. Thank you.

- Jolly: Anybody else, last call. Anybody else would like to speak, please get on deck.
- Vowell: Hello, my name is Martin Vowell. I live at 29720 Orangelawn. I'm directly behind Walmart's loading dock. So, I know a lot about trucks and a lot of things. As a young lady said, this isn't a question answer, I just happen to have a lot more questions than anything else. I obviously do not want to see this go forward, but as the one young lady said, because I know he said that he was four story about looks like the site planning thing showed three stories. So, I guess what I heard and what I think.
- Jolly: It's currently three floors.
- Vowell: Okay. I know before I was in on a thing when they started to build because Walmart's directly behind my house. In fact, the loading dock is behind my house. So, I know when winter comes, and I don't say anything, I know they leave their trucks running there, because it's a diesel truck and it's wintertime and it's Christmas. So, I understand, not that it makes me happy, but because I live right there, so I smell it, I hear it, everything. Just out of curiosity, on lighting, also I have that, because they have a dock light there, which a lot of times shines right in my backyard, if the screen is knocked off from the wind. I've gone over there to talk to them. It's taken them a while I understand how they get a lift up there and fix it. I know when they're building Walmart, there were height restrictions and it seemed like they had a lot going on with that because just like signage, I don't know if they changed that but before, he couldn't put a sign if it was too tall in Livonia. They want everything small, low, whatever. So now, all of a sudden, they want to build this three-story thing right behind our homes. It's kind of weird to me. I'm just curious, as far as with the rats, is this place going to be pet friendly, because obviously they might be taking, who knows, their pets to the berm, if nothing will get picked up, and you know what's going to happen with the rats. It's like, oh, free lunch. So those are my concerns because I lived there. I've seen the rats. I trapped them myself. So, that's kind of what I have, more of my things that are more questions because I don't know what's going to happen. That's basically my reason to say I would not like to see that happen, only because the problems I can see that will we're going to have to face further down the road. So, that's my spiel. I thank you very much. Take care.
- Jolly: Thank you sir. Anyone else?
- Weldon: I'd like to say one more question.
- Jolly: Unfortunately, sir, you cannot you exceeded, you reached your time. Thank you. That's the meeting, we got to run the meeting per the rules.
- Polewski: Hi, my name is Dan Polewski, I live at 28500 Cleveland. I'm super nervous but I'm going to say what I think. I get you guys want to make money. Okay. Well also when we're talking about traffic, you're going to bring at least 100 or more cars. Traffic, this is already crazy, I'm a truck driver. I deliver

residential. I deliver to residential apartments like this building. There was already one, Middlebelt and Plymouth. You should go there sometime during summertime, see what happens to those balconies, what these guys are doing. Okay, if you're not going to have security and those buildings, gated security. Anybody can come up there. Anybody could sit down play music, and you're going to bring young guys or college students. They are what, six months and hey, I don't like this place. I'm out. They're not families, you know reasonable tenant will want to live in a high traffic area. Okay. I just moved here two years ago from Hamtramck and Hamtramck went from beautiful to, you should see it now, it's not beautiful. Okay? What else want to say? Oh, if the market goes down okay, I get, it was \$1200, \$1500 right now, but if their rents are going to go down, that means we're going to lower, because you have to keep people in there, right? So, now lower to \$800, \$700. Then you're going to bring people that make less money and then who's going to come in there, not good people. Not good people, I'm telling you. I don't know, something better than this, yes? Honestly, garbage, traffic, security wise, I mean studies nope. Police, show me the numbers. I cover from Dearborn to all the way to Chesterfield anywhere I see I go to apartments, there's nothing good about apartments. There's no, people live there for a minute, as soon as they see the bad stuff happening, they start moving out. They don't care. They don't have to stay. Then guess what, I just bought a house. I don't want to live in this property only for 10, 20 years. I want to raise a, I got a kid on the way. My wife is 8 weeks pregnant. There's no privacy on three story building. There's no privacy. There are no trees because city ordinance is what 10 to 20 feet, I don't know, but it's not going to cover and you got these developments, so these people are not going to have any privacy any quiet peace and as soon as summer comes, traffic in and out, crazy already. Today, I went to Walmart to buy some stuff. In and out it's like a race. Those people don't care, you're coming out. Who you got coming into those stores? Walmart, Target, all of Redford, all the restaurants. How many folks you got from Redford coming in? It's not Livonia people. Those people don't care. They want to make money. They don't care. To me, I don't know why punish those people. Why punish us? We want to live in a decent city. We don't want what's going on. Go and look at Redford apartments, see what is going on. How many calls do you got? So much stuff is going on. Maybe senior houses, something that's quiet. All right. Thank you so much.

Jolly: Thank you, sir. Okay, I see no other residents approaching the podium. So, I will call the public comment closed. At this time, I'm going to ask the petitioner to come back up to the podium for closing, I'd like you to limit that to five minutes, not any longer. Then after that, I'm going to go to the Council for any motions. That's it, we'll make the motions at that time. Your name again, sir.

Schovers: Mark Schovers, Spire Design Group. I'm just going to go in order of the comments as people raised. There was a comment raised about people sharing apartments and putting four to five people in a unit. We have ways to mitigate that with a leasing and management. We know who's coming on site. We know who drives what car, we know what fobs are fobbing in. We

know how and we can track whether someone shared a room. If that happens, they're evicted. There are ways to mitigate this.

Schovers: The scale of the building, the residential is a lower floor to floor than retail. So, if you look at that Walmart, they're like 30 feet, the their peaks and their gables, they're 36 feet. We're proposing a building that's the same scale in height wise, in width wise. We're a junior box size, so we're smaller in width than what that is, but we're meeting the context of that development on the scale.

The dumpsters and the rats. We have six dumpsters proposed on the site. That is the proper amount of dumpsters for this site and would probably pick up every other day. With maintenance there every day and maintained, those corrals are cleaned up and we mitigate the ability for rats to habitat the area where retail development is. The kids that are there clean them out.

It has been brought up whether it's a four story, we are proposing a three story. The zoning allows four stories. We are proposing a three story.

As far as if there's dogs in the area, we have an onsite dog park, so we have an area for people to take the dog. It's on the western portion of the site. It's away from the single family. It's away from the courtyard where the kids will be playing. It keeps them in their own way that is also maintained. If residents aren't picking up their poop the surveillance camera will know and we can address that issue.

As far as lighting and screening, we will meet city ordinance. The lights will be screened. There won't be any light pollution shining over the top of the berm into the single-family residence. In that regard, especially with the fence and the additional trees, you won't see any lighting. Like I said, we are open to doing a fob system locked potentially at the entrance to the site, if that's, whatever everyone wants from security, that way we know even more of who's coming in and out of the site.

The comment about children. So, we have ample area in the courtyard for children, it's contained. It's not access to the parking lot. They're in an area where they're safe and their parents can monitor them and play with them, and they can run around and be safe.

Schostak: Just real quick, I just wanted to thank the Council for all your comments and all the residents for their comments. Well, we, of course, do not agree with all of them, we certainly agree with some, and we will take them to heart, as this process moves along, as generally does. Thank you.

Jolly: Thank you very much. So, at this time, I'll ask the Council for any motions. I'll note before the motions are made, no motions will be voted on tonight. Any motions that come out of this meeting will be heard, voted on at the next regular meeting on March 23rd of 2022. Motions that are given tonight, may

be the motions that are given at that time, or there could be other motions or some combination thereof. So, any motions from the council?

Donovic: Mr. President, I'll offer an approving a denying and committee.

Jolly: Okay, so, Mr. Donovic has offered three motions that are pretty typical in the public hearing. They are an approving a denying and referring to the Committee of the Whole. Those motions will be considered. That's pretty much the spectrum of what could be offered here tonight. Like I said, those will be voted on and heard again by the Council on March 23rd at the Regular meeting, which will start at 7pm. I thank you all for being here. I will note for the record that Councilmembers present are Mr. Morgan, Mr. McCullough, Mr. Donovic, Ms. Toy and myself Jim Jolly. With that I will close the public hearing, thank you all.

As there were no further questions or comments, the Public Hearing was declared closed at 8:12 p.m.

NEW DATA FOR REGULAR MEETING OF MARCH 23, 2022

From: [Simmons, Jennifer](#)
To: [Kasprowicz, Sara](#)
Subject: FW: property rezoning by Plymouth and Middlebelt
Date: Monday, March 14, 2022 8:56:00 AM

Jennifer Simmons

Constituent Relations Specialist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@livonia.gov

From: merle smith <truckinmerle@hotmail.com>
Sent: Sunday, March 13, 2022 1:55 PM
To: Donovic, Rob <rdonovic@livonia.gov>; Toy, Laura <ltoy@livonia.gov>; McIntyre, Kathleen <kmcintyre@livonia.gov>; Morgan, Scott <smorgan@livonia.gov>; Jolly, Jim <jjolly@livonia.gov>; McCullough, Brandon <bmccullough@livonia.gov>; Mayor Maureen Miller Brosnan <mayor@livonia.gov>; Bahr, Scott <sbahr@livonia.gov>
Subject: Re: property rezoning by Plymouth and Middlebelt

Sorry for the second email

Livonia was built on the theme Families first. Which should be 1st priority . well, some of the families on Orangelawn have been there a real long time. Probably as long as the first Wonderland mall.

Now we have the theme vision 21 which We are not against for our city to go forward. There must be something else that could go in there.

However, they are trying to put residential in between commercial properties that they bought as commercial.

We feel already betrayed over the Walmart and Target stores as shown in pictures and promises by Schostak.

I would like to ask our city council to please deny the rezoning.

Thank You for your time,

Merlyn and Judy Smith
30039 Richland

From: merle smith

Sent: Tuesday, March 8, 2022 1:03 PM

To: rdonovic@ci.livonia.mi.us <rdonovic@ci.livonia.mi.us>; laura toy <lttoy@ci.livonia.mi.us>; cwhite@ci.livonia.mi.us <cwhite@ci.livonia.mi.us>; kmcintyre@ci.livonia.mi.us <kmcintyre@ci.livonia.mi.us>; smorgan@livonia.gov <smorgan@livonia.gov>; jjolly@ci.livonia.mi.us <jjolly@ci.livonia.mi.us>; brandon city council <bmccullough@ci.livonia.mi.us>; mayor <mayor@livonia.gov>

Subject: property rezoning by Plymouth and Middlebelt

Good afternoon,

This is in regards to the rezoning at Plymouth and Middlebelt. I took pictures this morning of the trees that are supposed to be the barrier between Walmart and Target to the residents backing up to the site which is houses on Orangelawn. The illustrations shown during last night's meeting show full blockage of the proposed site plan. I am sure are the same kind of illustrations were used when they wanted to build Walmart and Target back in 2007 , which is 15 years ago. I would like you to look at the pictures sent along with this email and look what 15 years down the road looks like in real time. These trees do not in any way block the view or sound.

During last night's meeting it was stated that dumpster areas would be kept clean. I used to pick up trash dumpsters and they are as a rule not kept clean which is an open invitation for rats, which as you know we already have an abundance of. (Is this another of Schostak's promises that will not be kept?) I invite you to look at any dumpsters in the City to see how (not) clean they are kept.

With all due respect, please consider turning down this rezoning request on March 23 at the Council Meeting.

Thank you for your time.

Merlyn and Judy Smith
30039 Richland

NEW DATA FOR REGULAR MEETING OF MARCH 23, 2022

From: [Reece, Stephanie](#)
To: [Kasprowicz, Sara](#)
Subject: FW: property rezoning by Plymouth and Middlebelt
Date: Tuesday, March 8, 2022 4:28:21 PM

Hi,

This is for you. Not new data from us....???

Stephanie Reece
Program Supervisor
City of Livonia | Planning Department
(734) 466-2288
SReece@livonia.gov

From: Simmons, Jennifer <jsimmons@livonia.gov>
Sent: Tuesday, March 8, 2022 4:17 PM
To: Kaupp, Tara <tkaupp@livonia.gov>; Taormina, Mark <mtaormina@livonia.gov>; Reece, Stephanie <SReece@livonia.gov>
Cc: Mayor Staff <MayorStaff@Livonia.gov>
Subject: FW: property rezoning by Plymouth and Middlebelt

Jennifer Simmons
Constituent Relations Specialist
City of Livonia | Mayor's Office
(734) 466-2204
jsimmons@livonia.gov

From: merle smith <truckinmerle@hotmail.com>
Sent: Tuesday, March 8, 2022 1:03 PM
To: Donovic, Rob <rdonovic@livonia.gov>; Toy, Laura <lttoy@livonia.gov>; cwhite@ci.livonia.mi.us; McIntyre, Kathleen <kmcintyre@livonia.gov>; Morgan, Scott <smorgan@livonia.gov>; Jolly, Jim <jjolly@livonia.gov>; McCullough, Brandon <bmccullough@livonia.gov>; Mayor Maureen Miller Brosnan <mayor@livonia.gov>
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Walmart and Target to the residents backing up to the site which is houses on Orangelawn. The illustrations shown during last night's meeting show full blockage of the proposed site plan. I am sure are the same kind of illustrations were used when they wanted to build Walmart and Target back in 2007 , which is 15 years ago. I would like you to look at the pictures sent along with this email and look what 15 years down the road looks like in real time. These trees do not in any way block the view or sound.

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With all due respect, please consider turning down this rezoning request on March 23 at the Council Meeting.

Thank you for your time.

Merlyn and Judy Smith
30039 Richland













NEW DATA FOR REGULAR MEETING
OF MARCH 23,2022 - ITEM 19

From: [Steve E. Duczynski II](#)
To: [Kasprowicz, Sara](#)
Cc: [Taormina, Mark](#); [Mark Schovers](#); [Harvey, Mitchell](#); [Jeffrey Schostak](#)
Subject: Schostak-City Counsel Presentation-Wednesday March 23, 2022
Date: Friday, March 18, 2022 1:55:28 PM
Attachments: [image003.png](#)
[22.3.18 - WONDERLAND FLATS REVISED PRESENTATION.pdf](#)

Hello Sara,

Attached is our presentation package for Wednesday's City Council meeting, addressing (1) walkability, (2) security, (3) traffic, and (4) berm enhancement. Should you have any questions or issues with the file please reach out to me at 248.508-0886 or duczynskis@schostak.com

Slides that have been **added** or **re-issued** from the previous submission package are as follows:

- **Slide 1: Mixed Use Pedestrian Circulation (added)**
- **Slide 2: Existing Mixed Use Path Connectivity and Sitting Areas. (added)**
- **Slide 3: Proposed Multi-Family Pedestrian Connectivity to Retail Mixed Use (added)**
- **Slide 4: Proposed Vehicle Security Gate (added)**
- **Slide 5: Perspective of Mixed Use Proposed Pedestrian Connection (added)**
- **Slide 6: Perspective of Mixed Use Proposed Pedestrian Connection (added)**
- **Slide 7: Perspective of Mixed Use Proposed Pedestrian Connection (added)**
- **Slide 8: Perspective of Mixed Use Proposed Pedestrian Connection (added)**
- **Slide 9-Propose Security System (added)**
- **Slide 10-Street Lighting Crime Prevention (added)**
- **Slide 11-Taffic Study (added)**
- **Slide 12-Rear Berm Enhancement (added)**
- **Slide 13-View From Backyards of Single Family Houses (re-issued for context)**
- **Slide 14-View From Third Floor of Apartments (re-issued for context)**

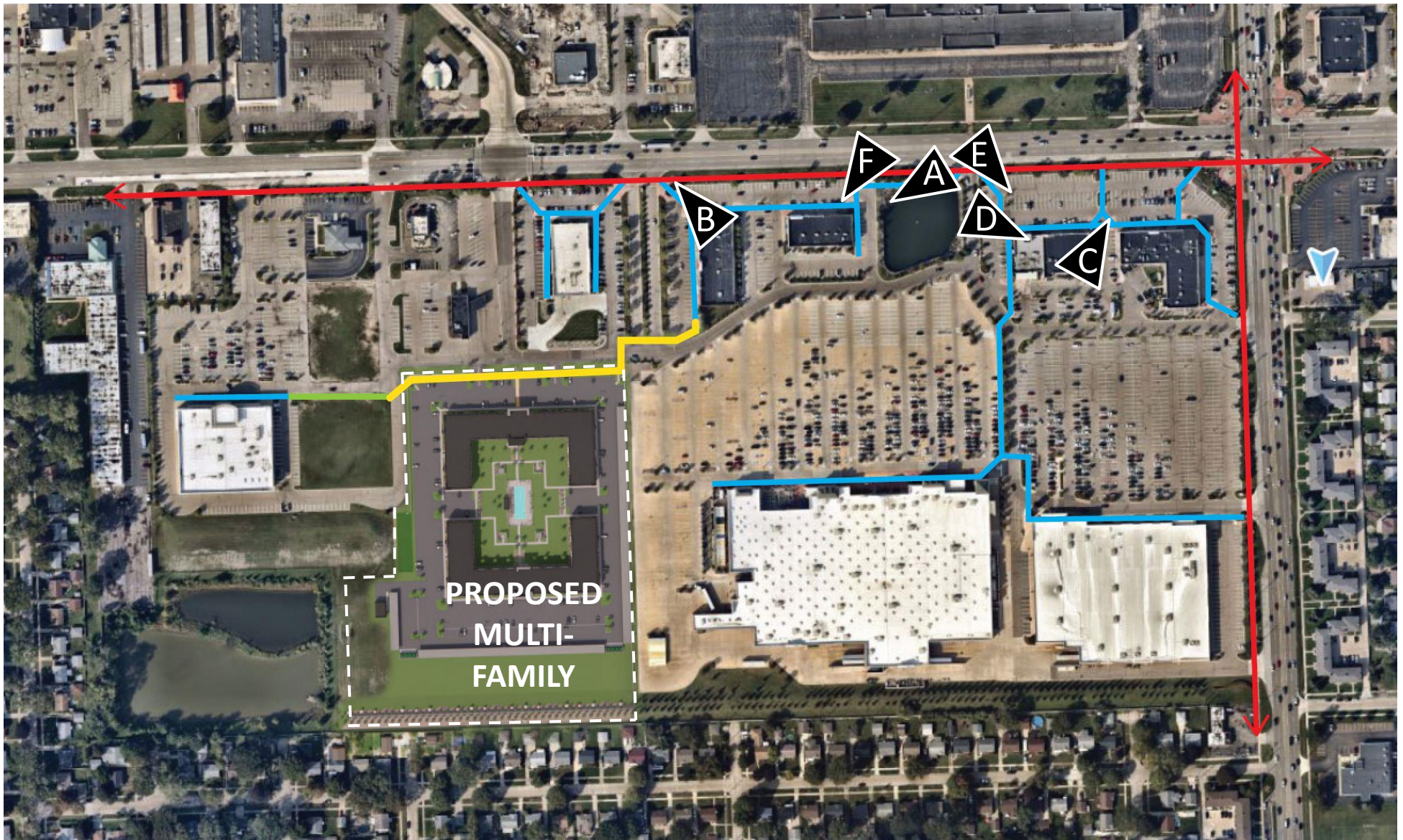
Please let me know you received, and we are good for Wednesday.

Thanks,

Steve E.

Stephen E. Duczynski
Vice President of Development & Construction
Schostak Brothers & Company Inc.
17800 Laurel Park Drive North, Suite 200C
Livonia, MI 48152
248-262-1000 (office)
248-357-6272 (direct)
duczynskis@schostak.com



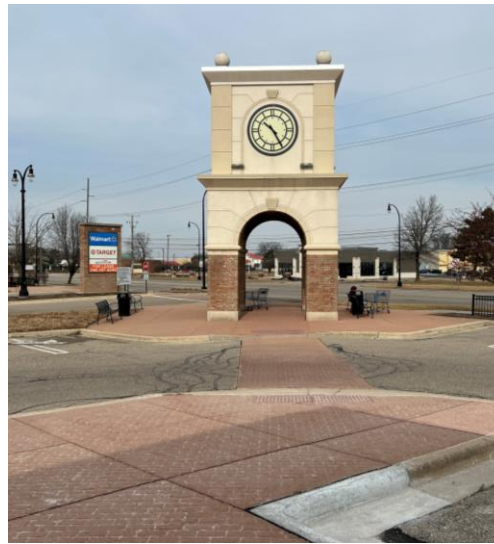


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|  | EXISTING ROAD PEDESTRIAN PATH |  | PROPOSED PEDESTRIAN PATH |
|  | EXISTING DEVELOPMENT PEDESTRIAN PATH |  | FUTURE PEDESTRIAN PATH |

MIXED USE PEDESTRIAN CIRCULATION



A



B



C



D

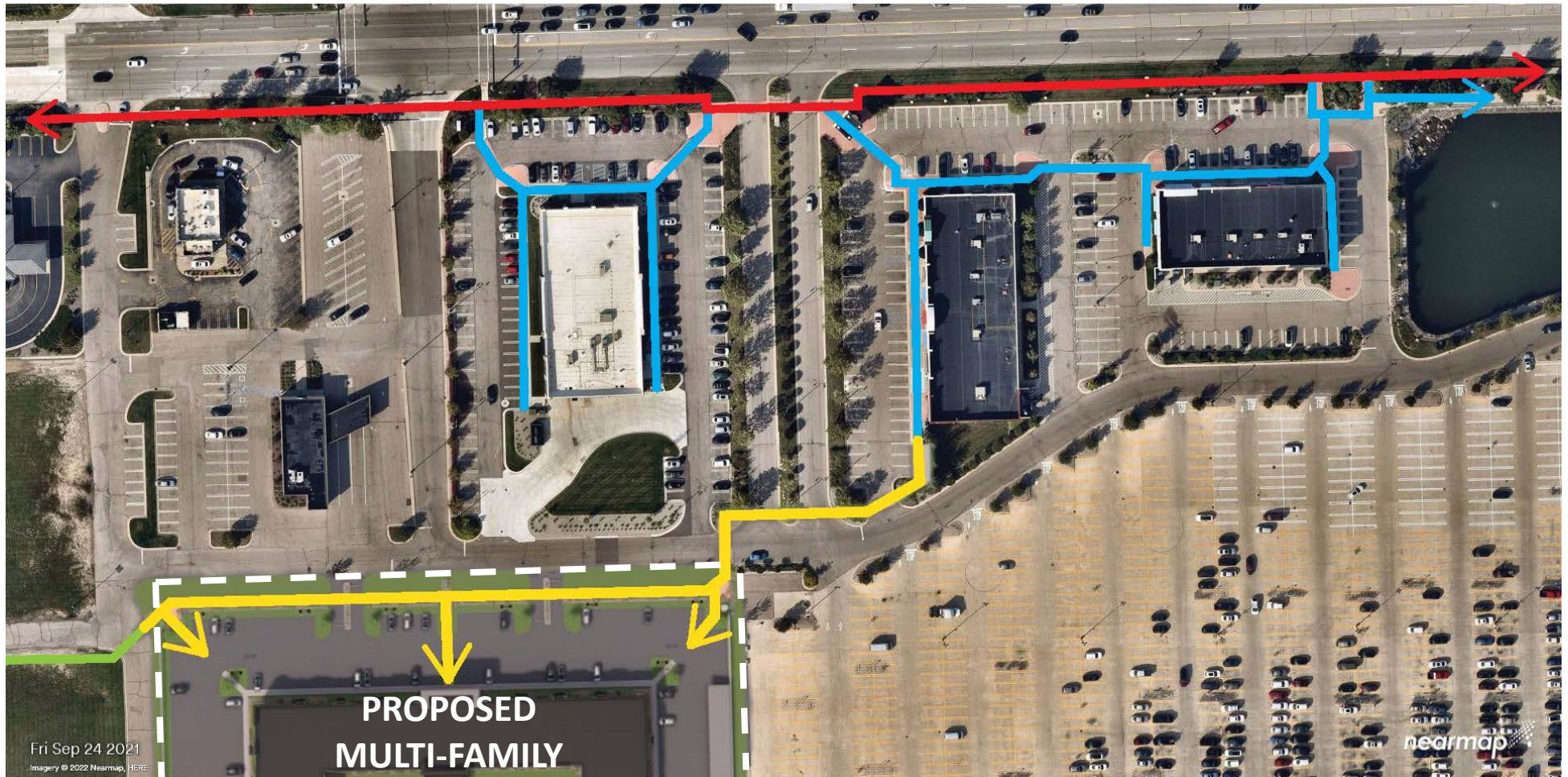


E



F

EXISTING MIXED USE PATH CONNECTIVITY AND SITTING AREAS



- | | | | |
|---|--------------------------------------|---|--------------------------|
|  | EXISTING ROAD PEDESTRIAN PATH |  | PROPOSED PEDESTRIAN PATH |
|  | EXISTING DEVELOPMENT PEDESTRIAN PATH |  | FUTURE PEDESTRIAN PATH |

PROPOSED MULTI-FAMILY PEDESTRIAN CONNECTIVITY TO RETAIL MIXED USE



PROPOSED VEHICULAR SECURITY GATE



PERSPECTIVE OF MIXED USE PROPOSED PEDESTRIAN CONNECTION



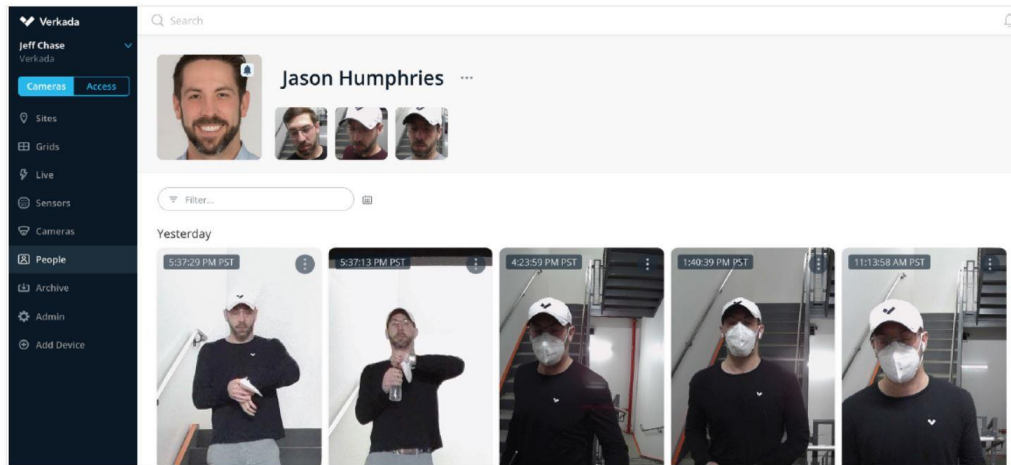
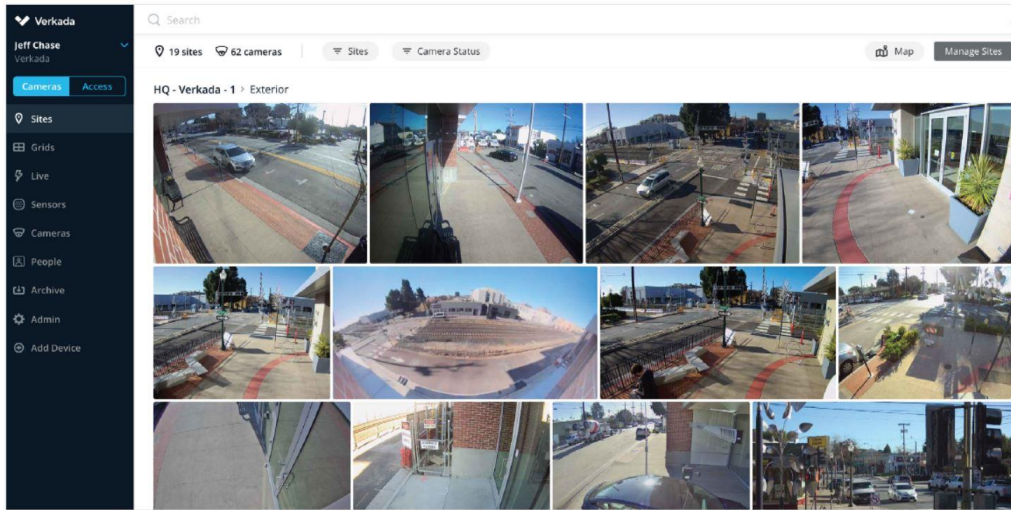
PERSPECTIVE OF MIXED USE PROPOSED PEDESTRIAN CONNECTION



PERSPECTIVE OF MIXED USE PROPOSED PEDESTRIAN CONNECTION

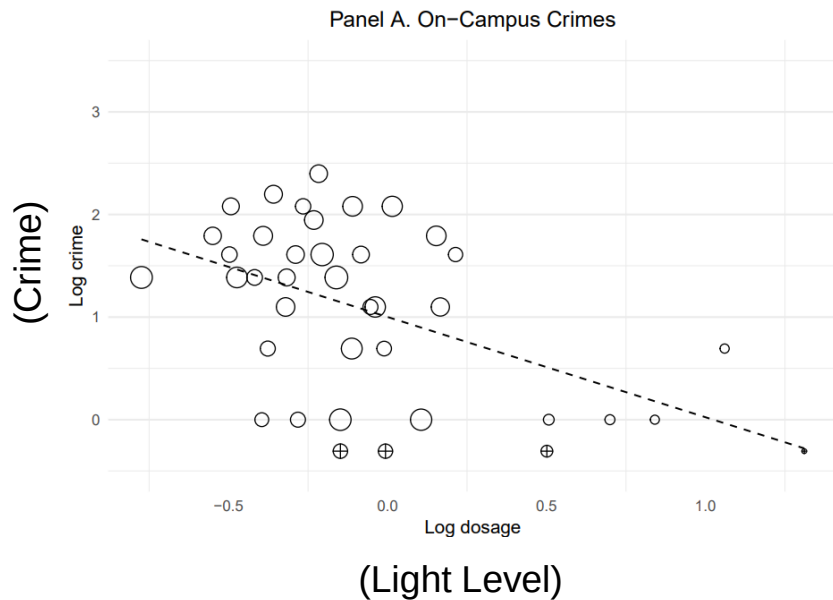


PERSPECTIVE OF MIXED USE PROPOSED PEDESTRIAN CONNECTION



- Provide overall security camera coverage of grounds, parking lots, and pool amenities
- Create a system which is easy to use, share and save footage and which proactively alerts users of activity
- Provide easy to manage remote access to staff, management, and security professionals on both web and phone platforms
- 4k (8MP) outdoor cameras designed and placed to capture the best overall views of the property
- 5MP indoor mini dome cameras located in the lobby, community room, mail/package room and gym
- Facial recognition and license plate recording software
- Dedicated camera monitoring station with a 32" smart TV / monitor
- 30 days of 24/7 video recording
- Smart instant alerts by text, email, app
- Verkada's Command platform is easy to use and goes beyond being a great crime prevention resource and can assist with the operation of your community

PROPOSED SECURITY SYSTEM



"This field experiment provides novel evidence that changing the situation in urban environments through investments in street lighting can reduce crime in disadvantaged urban areas. Accounting conservatively for potential spillovers, lighting reduces outdoor nighttime index crimes by approximately 36 percent and reduces overall index crimes by approximately 4 percent in affected communities, an outcome which is likely to be cost-beneficial, should the impact of lighting persist over time."

Benefits to proper lighting:

- Resident sense of security
- Resident ability to identify crime and report
- CCTV ability to capture crime and assist police

Comparison	Numbers of Crimes			Analysis		
	Time Window	Dark	Day	OR	95% CI	p Value
Overall Crime	Case	5264	5248	1.05	1.01–1.10	$p = 0.03$
	Control	12,349	12,962			
Evening Only Crime *	Case	4462	4415	1.08	1.03–1.14	$p = 0.002$
	Control	9584	10,266			
Morning Only Crime *	Case	802	833	0.94	0.84–1.05	$p = 0.26$
	Control	2765	2696			

RESOURCES: <https://www.mdpi.com/1996-1073/14/14/4099/pdf>

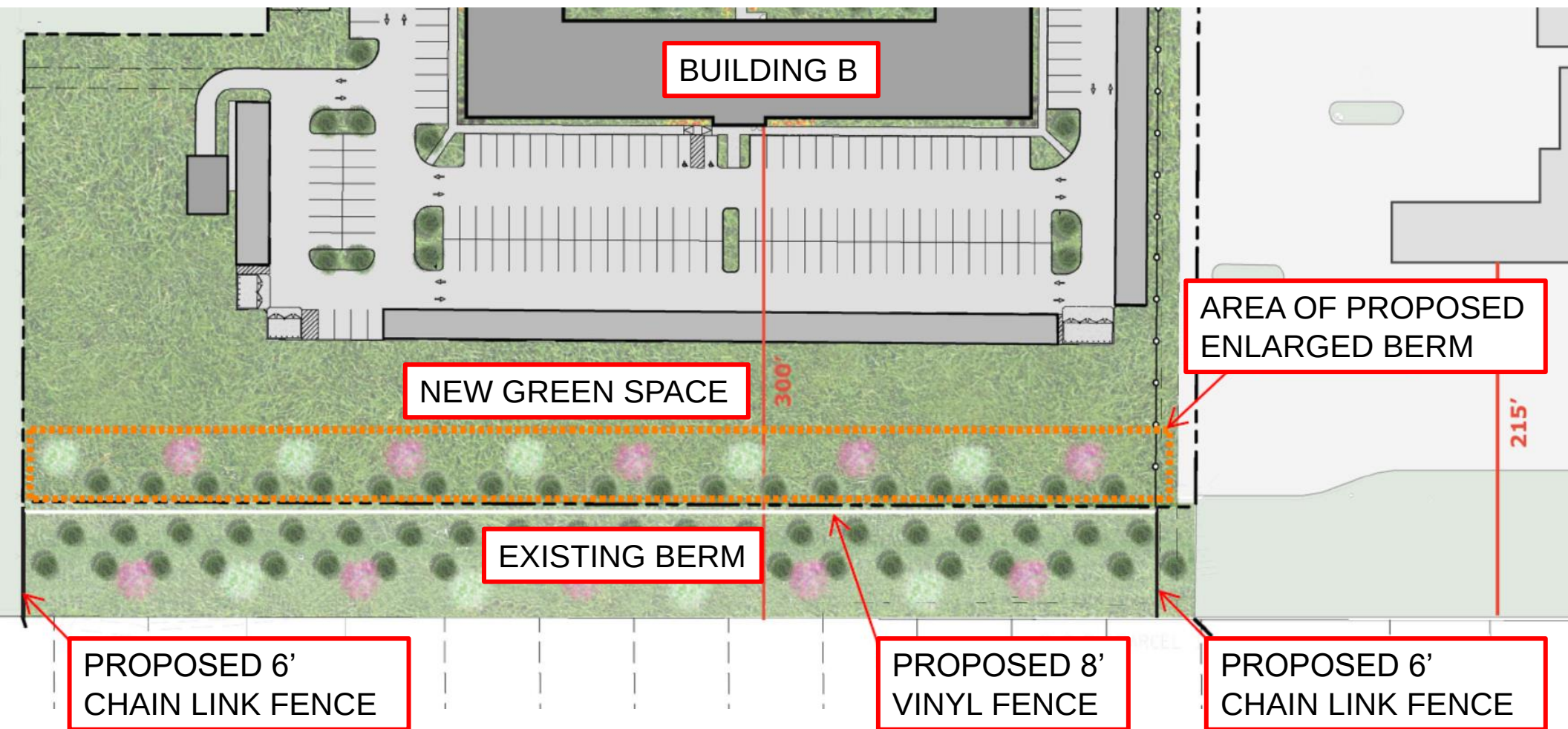
https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0bcfeb209ddf6adcb4296868c12/store/cca92342e666b1ffb1c15be63b484e9b9687b57249dce44ad55ea92b1ec0/lights_04242016.pdf

STREET LIGHTING CRIME PREVENTION

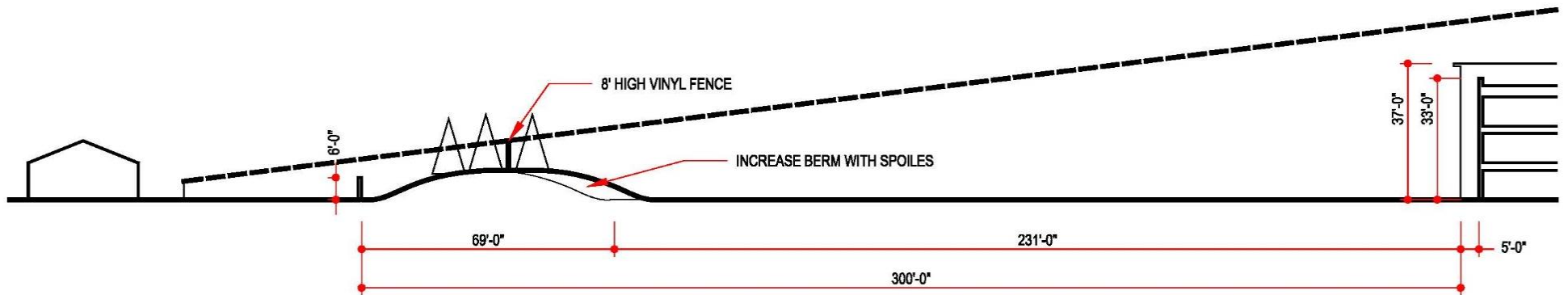
TABLE I – TRIP GENERATION COMPARISON

Land Use	Weekday Daily Volume			Saturday Daily Volume		
	Enter	Exit	Total	Enter	Exit	Total
100,000 SF Shopping Plaza <i>ITE Land Use 821</i>	3,376	3,376	6,752	4,053	4,054	8,107
201-Unit Multifamily Housing (Mid-Rise) <i>ITE Land Use 221</i>	456	456	912	460	461	921
Difference in Site-Generated Trips	2,920	2,920	5,840	3,593	3,593	7,186

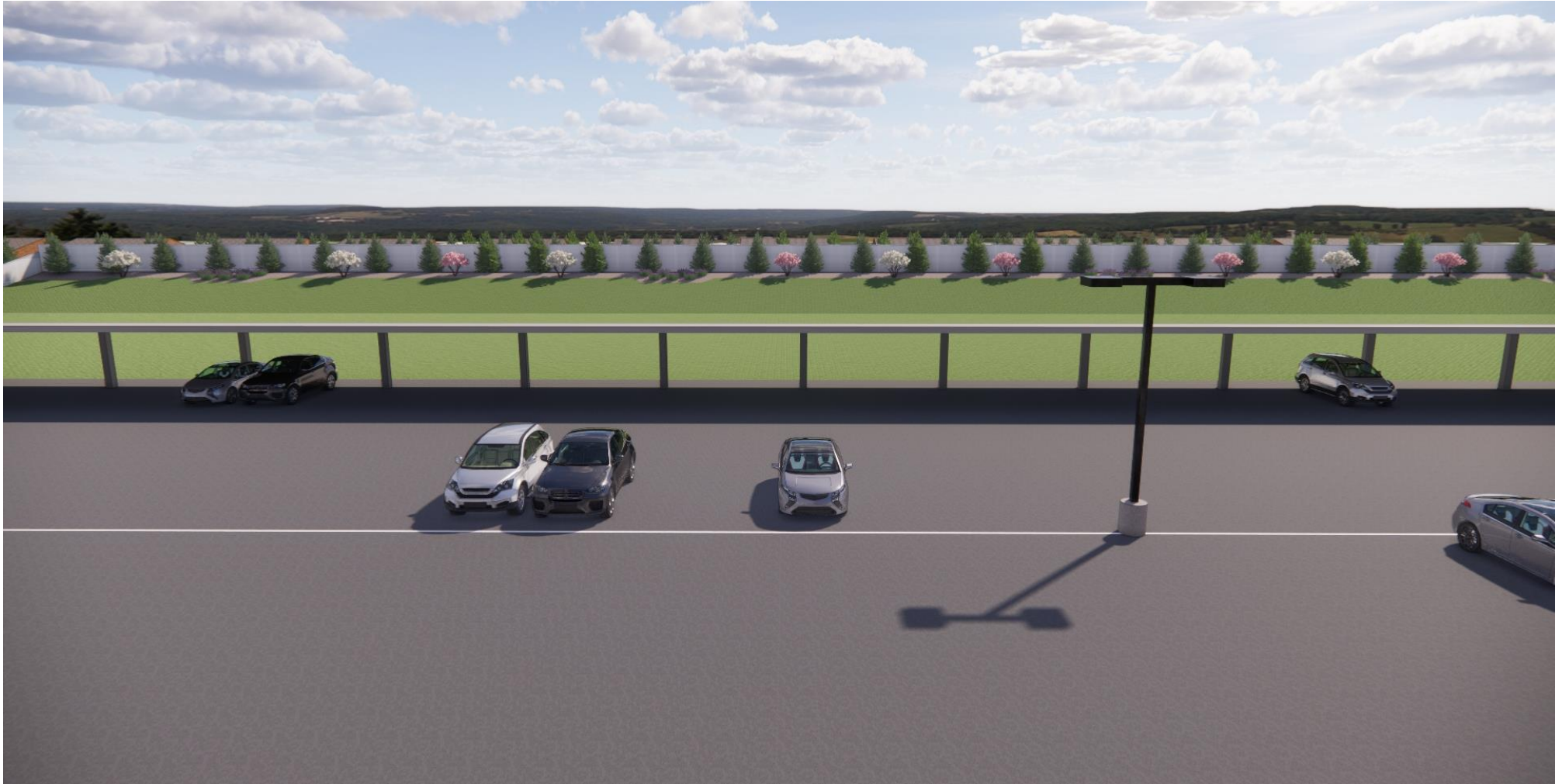
TRAFFIC STUDY



REAR BERM ENHANCEMENT



VIEW FROM BACKYARD OF SINGLE-FAMILY HOUSES



VIEW FROM THIRD FLOOR OF APARTMENTS

NEW DATA FOR REGULAR MEETING OF MARCH 23, 2022 - ITEM 19

From: [Karen DePerro](#)
To: [Kasprowicz, Sara](#)
Subject: Rezoning of Property on Plymouth Road Next to Walmart
Date: Monday, March 21, 2022 7:12:27 PM
Attachments: [icon.png](#)



Karen DePerro <kdeperro5170@gmail.com>

7:03 PM (5 minutes ago)



Hi Sarah,

I talked with you today and you suggested I email you regarding the property on Plymouth Rd next to Walmart to be rezoned.

I don't agree with this apartment development Mr. S wants. It is too dense and not appropriate for this property. It would be noisy and I doubt whether the property would be taken care of. I live across from the Bread Basket Deli, which I believe Mr. S owns half this business, and they are not always diligent in keeping the weeds cut and trash (a large pile now in the corner of the back parking lot) cleaned up. I hear he wants to charge \$1,200 to \$1,500 per apartment. I would not pay this kind of money to live next door to a Walmart!

This property should remain commercial. They are building just across the street on Plymouth Rd and these are commercial businesses. Mr. S needs to be more creative with this property. It needs to be a commercial store with normal business hours; if not, then the only apartments I would like to see are senior apartments (one story) on a much smaller scale with a nice park and walking paths near it; or, if Livonia is a family-friendly city, how about an entertainment center with outdoor put-put golf and arcade type games/snack bar in a new development.

Also, he wants apartments, he collects rent and what does the City of Livonia get for a tax base??? Is this a win-win??

There is a berm on the backside of the Walmart property which does not have all the trees promised when Walmart was developed; most are dead. It would have been nice to have all the trees promised and an irrigation system to keep them alive.

Long story short--keep it commercial until he has a better and more creative plan for it; or, just let it stay as is.

I have lived in this area for 32 years and have looked at Wonderland's mess for many years until it was redeveloped, so I'm willing to wait for something that would enhance this area and bring more families to Livonia.

Thanks for listening

Ray and Karen DePerro
29361 Elmira St
Livonia, MI 48150



Mail Delivery Subsystem

7:04 PM (5 minutes ago)



to me



AN ORDINANCE AMENDING SECTION 36 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF THE LIVONIA VISION 21 ZONING ORDINANCE KNOWN AND CITED AS “THE CITY OF LIVONIA ZONING ORDINANCE” BY ADDING SECTION 3.____ THERETO.

THE CITY OF LIVONIA ORDAINS:

Section 1. Pursuant to the report of the City Planning Commission, dated October 19, 2021, recommending approval of Petition 2020-08-01-06, having been considered by the Council, and the Council having conducted a public hearing on March 7, 2022, on said petition, and having concurred in the recommendation of the City Planning Commission, the Council hereby adopts said Petition 2020-08-01-06 to amend the Zoning Ordinance and Zoning Map of the City of Livonia and all proceedings heretofore conducted on said petition are hereby approved.

Section 2. Section 13.15 of the Livonia Vision 21 Zoning Ordinance, is hereby amended by adding thereto the following section:

Section 3. Petition 2020-08-01-06 submitted by Middlebelt Plymouth Venture, L.L.C., is hereby approved, and the zoning classification of the premises hereinafter described is hereby changed from C-2 (General Business) to NM2 (Neighborhood Multifamily):

Land situated in the City of Livonia, County of Wayne, State of Michigan described as follows:

Part of the Northeast ¼ of Section 35, Township 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Commencing at the Northeast Corner of said Section 35; thence North 89 degrees 49 minutes 46 seconds West 1439.16 feet along the north line of said Section and centerline of Plymouth Road (120 feet wide); thence South 00 degrees 10 minutes 14 seconds West 60.00 feet to the South line of Plymouth Road; thence continuing South 00 degrees 10 minutes 14 seconds West 411.54 feet; thence North 89 degrees 57 minutes 47 seconds West 34.00 feet to the POINT OF BEGINNING; thence South 00 degrees 19 minutes 25 seconds West 779.21 feet; thence North 89 degrees 44 minutes 39 seconds West 713.60 feet; thence North 00 degrees 10 minutes 14 seconds East 284.57 feet; thence South 89 degrees 49 minutes 46 seconds East 148.20 feet; thence North 00 degrees 10 minutes 14 seconds East 158.97 feet; thence South 89 degrees 49 minutes 46 seconds East 30.48 feet; thence North 00 degrees 10 minutes 14 seconds East 335.09 feet; thence South 89 degrees

46 minutes 36 seconds East 537.00 feet to the POINT OF BEGINNING.
Containing 473,257.9 SF and/or 10.86 acres.

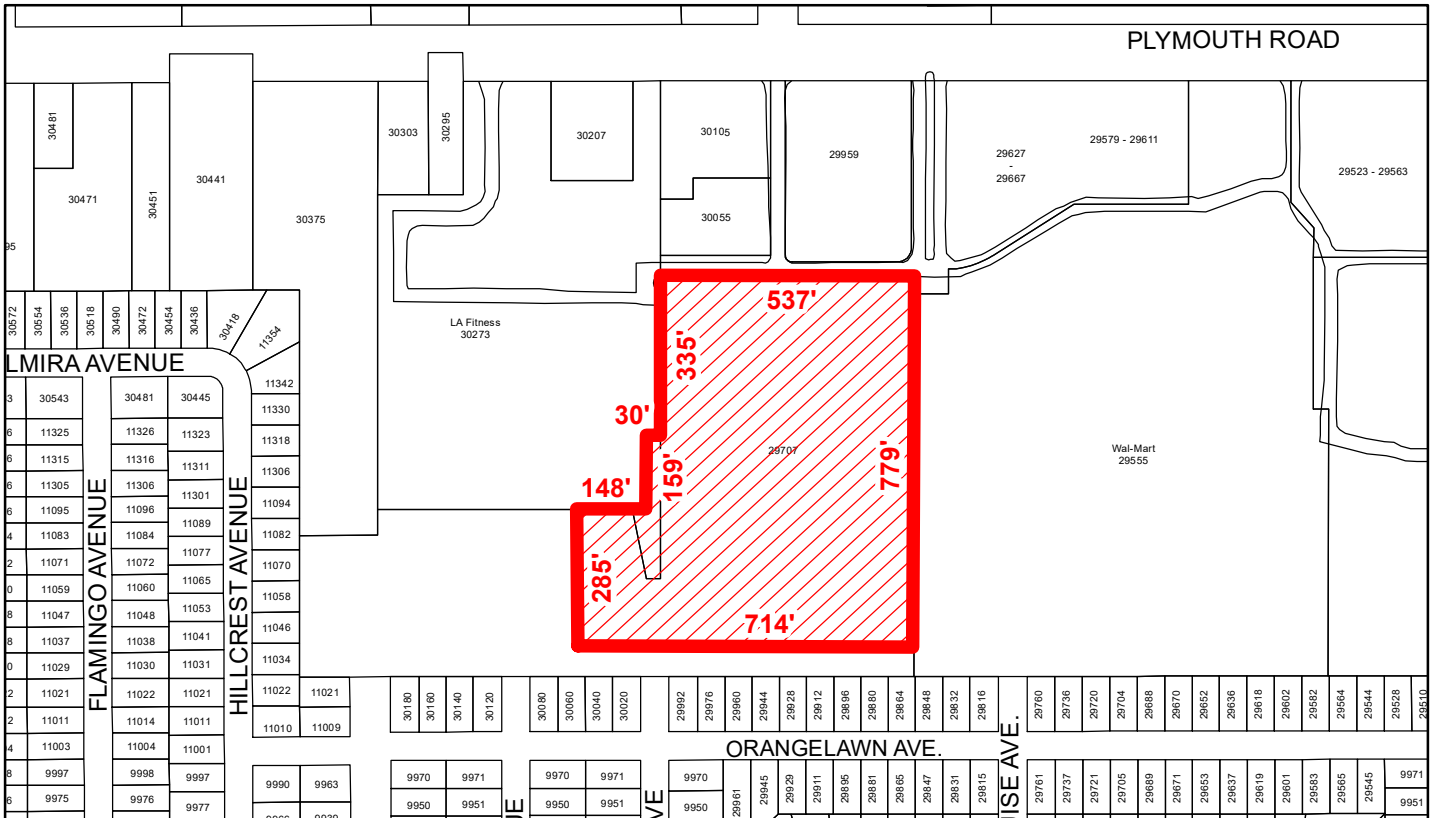
and the Northeast 1/4 of Section 35 of the Zoning Map is hereby amended to
conform to the changes made in this section.

Section 4. The attached map designated "Amendment No. ____ to the Zoning Map of
the City of Livonia" showing all of the amendments and changes made in the foregoing
Section 2 of this ordinance is hereby approved, established and made a part hereof.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby
repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Should any portion of this ordinance be held invalid for any reason, such
holding shall not be construed as affecting the validity of any of the remaining portions
of this ordinance.

BOUNDARY OF DISTRICT AS AMENDED FROM C-2, GENERAL BUSINESS TO NM2, NEIGHBORHOOD MULTIFAMILY





LETTER TO THE LIVONIA CITY COUNCIL

8.

Law
March 15, 2022

MEETING DATE

Regular Meeting of April
4, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

PROPOSED AMENDMENT TO THE LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED:
Department of Law, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to
rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt
Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF
(Rural Urban Farm) to C-1 (Local Business).

BACKGROUND

RECOMMENDATION

First reading

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. PH022322 Petition 2021-11-01-11 (Maple Real Estate Group) Minutes
2. 2021-12-01-11_Maple Real Estate_E-COUNCIL Pkt
3. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group)
4. PH022322 Petition 2021-12-01-11(Maple Real Estate Group) Legal Notice
5. DIRECTION 2021-11-01-11
6. Council Letter PH 02232022
7. R031422 New Data Item 24
8. Pet. 2021-12-01-11 - Maple Real Estate
9. 2021-12-01-11_1st
10. LTC: PH022322

APPROVED BY



Paul Bernier, City Attorney

Date: March 15, 2022



Maureen Miller Brosnan, Mayor

Date: March 15, 2022

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Wednesday, February 23, 2022

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **Wednesday, February 23, 2022.**

MEMBERS PRESENT: Jim Jolly, President
 Laura Toy, Vice President (audio only)
 Brandon McCullough
 Scott Morgan

MEMBERS ABSENT: Scott Bahr
 Rob Donovic
 Kathleen McIntyre

OTHERS PRESENT: Leo Neville, Assistant City Attorney
 Mark Taormina, Planning and Economic Dev. Director
 Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:12 p.m. with President Jim Jolly presiding. This item is regarding Petition 2021-11-01-11 submitted by Maple Real Estate Group, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

This item will move to the Regular Meeting of **March 14, 2022.**

The Public Hearing is now open. There were 4 persons in the audience.

Jolly: Mr. Taormina, the initial presentation please.

Taormina: Thank you, again, this is a request to rezone a property that is on the east side of Middlebelt Road, just south of Grandon Avenue. The change would be from R-U-F, Rural Urban Farm, to C-1, Local Business. The address of the property is 9120 Middlebelt Road. The rezoning would affect only the east 58-feet of this parcel, the remaining westerly part is currently zoned C-1 Local Business. Thus, the intent is to bring the entire parcel under a single zoning classification. The parcel as you can see here is L-shaped, with 67-feet of frontage on Middlebelt Road. It has a depth of roughly 373-feet along its north property line. The rear 58-feet of the parcel extends south for 151-feet. This is the area that is proposed to be rezoned. It measures 58-feet by 151-feet, for a total area of 8,758 square feet. 9120 Middlebelt, overall, is roughly 30,000 square feet. It was just under 7/10 of an acre. Adjoining 9120 Middlebelt, to the south, is 9106 Middlebelt, which is under the same ownership as zone C-1,

Local Business. 9106 Middlebelt adds another 34-feet of road frontage and 33,000 square feet of land, so again, the two parcels contain roughly 100-feet of frontage on Middlebelt Road and have a total land area of 1.45 acres. Both parcels are vacant and would be combined and developed as a single site. The purpose of the rezoning is to facilitate the future development of a planned residential development, consisting of a multifamily apartment complex. Section 5.02 of the ordinance provides the standards for PRDs, which are treated as a waiver use in commercial districts, subject to the review of the Planning Commission and City Council. Planned developments are afforded considerable design flexibility, including modification in lot sizes, modifications in yard requirements and allowing uses that are not otherwise permitted within the zoning district. This is the preliminary layout; it shows a multifamily apartment complex that would be made up of three buildings. Each building would contain eight (8) units, for a total of twenty-four (24) dwelling units. Building number one (1) is positioned towards the front of the site, that's the one closest to Middlebelt Road. Building number two (2) would occupy the rear, including the area that is proposed to be rezoned. Building number three (3) is between building number one (1) and two (2), along the south edge of the property. There is a two-way private road from Middlebelt that would provide access to all three (3) buildings. The plan shows forty-eight (48) parking spaces. Each building would be two (2) stories in height with eight (8) units, four (4) on each floor. Each unit would have two (2) bedrooms, a living and dining area, kitchen, one and a half baths as well, also a walk-in closet. The buildings have been preliminarily designed to show that they are mostly brick with stone accents. The roofs would be peaked with asphalt shingles, fiber cement siding would be used for the gable that is presented. Looking at the surrounding neighborhood immediately to the north of the site, four (4) single family homes that are on lots that measure roughly 62-feet by 113-feet. These lots are part of the Pearl Wilson subdivision. The zoning is N-1, One Family Residential. To the east and to the south are single family homes along Oxbow Street. These homes are on a slightly larger unplanted parcels that are zoned R-U-F. Also, to the south, is Newport Park, which is a multifamily development that is zoned NM-1. This 27-unit attached condominium was approved in 2001 under the R-C, Condominium Residential district regulations. Just to familiarize yourself with this map, the overall parcel is highlighted in blue. There are actually two (2) parcels, the overall site is highlighted in blue, 9120 is this piece that is L-shaped. 9106 is this triangular shaped parcel. It is the rear portion of 9120 that is requested to be rezoned. Newport Park condominiums are located here, to the south. The other single-family homes surrounding the site to the north and to the east. The Livonia Vision 21 future land use map does designate this property as medium density residential. This corresponds to a density between five (5) to fourteen (14) dwelling units per acre. The proposed housing development as shown on these preliminary plans, has a density of sixteen and a half

dwelling units per acre, so it is slightly higher by approximately four (4) units than what the Master Plan recommends. Planning Commission is recommending approval of the zoning change, should Council agree and give first reading, the next step and review process would be the review of the site plan on a waiver use. With that, Mr. President, I would be happy to answer any questions.

Jolly: Thank you, we'll go to the Petitioner for initial presentation here.

Fakih: Good evening, my name is Sam Fakih, I'm one of the owners of Maple Real Estate Group. I really didn't have an official presentation for you, other than to answer any questions that you may have. Like Mr. Taormina said, it's just a first step of just rezoning this back end of this parcel. The next step we're going to do is, hopefully, come on back and do a site plan, more detailed plans that you guys can dive into. Unless you have any other questions, all I say is that I hope to ask for your approval.

Jolly: Thank you, sir. We need to hear from the audience that would like to communicate in regard to this item. Sir, do you have any communication that you would like to give us? Come on up to the podium please. Good evening, sir, state your name and address for the record please.

Shekell: My name is Don Shekell, my address is to 29161 Grandon.

Jolly: Thank you sir, please proceed.

Shekell: Ok, I have a number of concerns with this whole issue.

Jolly: Wait, before you get started. Let me just say, for the record, right now, the only thing that is up for discussion, is this zoning request of this little sliver of land. What these buildings look like and this proposal that has been described here, we're not considering that at this point. There will be subsequent hearings if they wish to proceed in regards to that, okay? I just wanted to frame that for you really quick.

Shekell: Yeah, and I understand. I have spoken to Mr. Taormina about this before, during the Planning hearing. Two (2) things about this issue with the lots that we're talking about, is that the L-shaped lot was split. When was that split? A little over a year ago, that L-shaped lot was a single family residential. The triangular lot was commercial office. I looked that up and I went through the Planning Commission, and I went through the site. I was confirmed by that. We got the notice that they want to rezone this behind us. My property is directly north of the lot we're talking about. Suddenly, we're rural urban family, which never was before, it was single family. My question then, was, when did all this get changed? Nobody had an answer for that, but it got changed to C-1. Why did it get changed to C-1 if you want to do housing? You're talking about doing housing, but

its C-1. Now you have this lot behind me that you want to also make C-1 to accommodate whatever they want to build there. I never got any answers as to when it got changed to C-1 without any hearings with any of the neighbors around it. Now we have this one little sliver of land, and now we have to have a hearing on that. You didn't have a hearing on any of the other ones. I'm just not quite sure what the whole intent here is.

Jolly: I understand your frustration. To be honest with you, this is the first time that I'm hearing about any of this. The person who is best suited to give you the history of the property, as you said, you have spoken to Mr. Taormina, he's probably best suited to give you the history in regards to any of those changes that were made. I know that here on Council, right now, we're not prepared to answer those questions and normally we wouldn't be. That would be an administrative function to give you that history.

Shekell: Ok, in regard to that, I am against, and I have to talk to my neighbors and all that, we're against the change of this to C-1. Ok.

Jolly: Thank you sir, thank you very much. Any questions from the Council, Mr. Morgan? Any questions?

Morgan: I don't have any questions.

Jolly: Mr. McCullough?

McCullough: No, no questions.

Jolly: Miss Toy, any questions?

Toy: Yeah, just a really quick question, Mr. President. If I may, to the petitioner, what other properties do you have, in regards to apartments, or multifamily units that are similar to what is before us.

Jolly: Ok, I think Ms. Toy has asked the Petitioner, what kind of background do you have in regards to developing multifamily housing/apartments such as this?

Fakih: Sure. In terms of background, I'm a real estate investor that has multiple investments in medical office, retail, as well as multifamily. I'm involved currently in an apartment complex. It's a 90-unit in West Dearborn, called Wagner West. It's right behind the Ford Wagner complex, as well as I was involved in another complex in Dearborn. More on the east side, on Oakland Street. I have massive real estate, in terms of experience, twenty (20) plus years, as well as experience in multifamily specifically.

Jolly: Thank you, sir.

Toy: Has he contacted the neighbors that about the building in that area?

Jolly: Have you spoken to the neighbors in the surrounding properties?

Fakih: Not yet, but I am open to speaking with the neighbors. I don't have any issues; we want to be good neighbors. That's why we design nice looking buildings that are surrounded by a lot of greenery. What we did is that we try to maintain the height, same height building as the condos next door, so you're not going to see an enormous building when you move up. We've also scattered the buildings, kind of diagonally, to make it more of a neighborhood within a walkway all around. We designed a walkway with a gazebo all around the complex, so there are a lot of things that we're doing to be good neighbors. To make it look nicer than having a drive through restaurant there, as C-1 zoning would allow. We hope that we would be welcomed by the neighbors and we're more than happy to sit down and talk to the neighbors.

Toy: Mr. President? It may be helpful if the Petitioner gave us some of the addresses where his involvements are with the multi units in Dearborn. We don't have a full Council here tonight, so I would ask that this be a motion of approving and a denying.

Jolly: Thank you, Ms. Toy. To reiterate, she's offering a motion of both an approving and a denying on the March 14th meeting like the other Petitioner. She is asking that that you provide some addresses of some of the properties that you are currently involved with. Mr. Taormina?

Taormina: Just in response to Mr. Shekell's comments regarding the zoning history. This was an issue that came up following the Planning Commission's Public Hearing. I did have chance to go back and take a look at the zoning history. The map I am going to show you is from 1965 and you might recall that is the year that the city adopted ordinance 543, which made significant changes to not only the zoning ordinance but also the district zoning map. The area that we're looking at is right here. I know it is difficult, this is a single map of the entire city. The parcel that is shown here, and you can see the configuration. This is actually part of a subdivision lot, so 106 and parts of lots 68 and 107 of Newman Joy Road subdivision. Without getting into too much of the details, you'll see that the P-F, which stands for Professional Services, P-F was the zoning classification that the predecessor to our Office Services classification. As you know, last year, with the adoption of the Livonia Vision 21 zoning ordinance, we eliminated the O-S district and that changed over to C-1. This in fact, shows this parcel as P-F, so you have to respect the fact that is a heavy line showing that, but it indicates that this parcel right here is P-S, and the area that we're talking about is just slightly to the south. Mr. Shekell's house is roughly located here on Grandon Avenue. Again, this

is from 1965, I think prior to that, we did locate some maps before 1965, which did show this as residential. From 1965 up until last year, it was either Professional Services or Office Services and then last year, it changed to C-1.

Jolly: That's great information, I appreciate you looking it up. If we go to the east, to this little sliver of property that's being considered at this point, when did that sliver of property become, I presume, broken away from the houses further to the east?

Taormina: That I do not know, you are right. That original lot extended all the way to the rear, here. At some point, it was split and a portion of it was sold. Another portion of the lot itself was acquired by the owners of this property. I'm assuming it was the current owners, the Venturas. I don't know the history of the parcel divisions, we can try to get that information for you prior to the voting meeting, but I don't have the details on that.

Jolly: Thank you, sir. Any other comments from anybody involved?

Shekell: Can I make a comment on that?

Jolly: You can go to the podium if you want to.

Shekell: Thank you. Mr. Taormina...

Jolly: No, no, no. You have to direct your comments up here.

Shekell: The lot he is talking about, the L-shaped lot, he said since 1965, it was changed? I've lived on that street my entire life. When I was born, we moved there in 1955. I've been on that property all this time, I grew up two (2) houses down at 29127. The Venturas, who own the property, lived there. They were living at a single family, the lot next to it had houses on it, it was single family. None of that would have changed while they were living on it. How it goes back to 1965, to sit there and say, 'oh, that's when it was changed' is definitely incorrect. That's why I go back to it, like I said, he doesn't know when that property line got split. Why did it get split? No one has an answer or that. Like I said, I checked just a year ago. It was single family residential. The one next to it was a commercial office. I don't understand why we can't figure out when this happened.

Jolly: With all due respect, Mr. Taormina is as good and as reliable as they come.

Shekell: I understand that.

Jolly: I'll just ask him to see if he can do any further research to give us further information when this comes back on March 14.

Shekell: I know who the owners of the property were, I grew up with them.

Jolly: Thank you sir. Mr. McCullough?

McCullough: Through the Chair to the petitioner, If I may. I know this is zoning so I really want to stick to that. My only question is with the renderings you are looking at. These are two-story proposals, is that right? Is that what you are looking to do?

Fakih: Yeah, just two 2-story building, that looks pretty much like it. Eight (8) units to each building. You walk in, it's an open lobby that goes all the way through, so you'll see glass from both sides.

McCullough: We not talking about this yet, I know it's a public hearing, but when I look at it, you've got neighbors to the north that are single-story that I'm not even going to get into it. I know we've got an approving and a denying; we'll deal with it on Council. Thank you.

Jolly: Ok, if there is nothing else from the Council or the public, we will close this Public Hearing, thank you very much.

As there were no further questions or comments, the Public Hearing was declared closed at 7:30 p.m.

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

**REZONING APPLICATION
CITY OF LIVONIA, MICHIGAN**

All applications must be presented in quadruplicate to the City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097. Applications **must** include property owner's name, address and notarized signature. **You are invited and encouraged to review your proposal with the Planning Department staff.**

Date Filed: 12/22/2021 Petition _____

Site Address: 9106 Middlebelt Rd Sidwell _____ 46-143-01-0068-00546- 143-01-0106-000

Requesting To Rezone Property From RUF To C1

For the Following Reason (s) To develop the property as multi-family

Applicant: Sam Fakh Business/Company: Maple Real Estate Group, LLC

Applicant's Address: 16030 Michigan Ave, Suite 200 City: Dearborn State: MI Zip Code: 48126

Applicant's Phone # (313) 477-9777 Applicant's Email sfakh@fakhilaw.com

Please provide the following information:

- 1) **Legal Description** of the property to be considered. Paper copy must be clearly printed.
- 2) **Fully Dimensional Map (3 copies)** drawn at an appropriate scale, with a north arrow, dated & legend key to symbols and showing:
 - The land that would be affected by the proposed amendment.
 - The dimensions, square footage & acreage of the land.
 - The existing conditions of the site, including all structures & parking layout.
 - A legal description of the land to be rezoned.
 - All public and private right-of-ways & easements bounding & intersecting the site.
 - A preliminary plan showing the proposed land use(s) of the land under consideration.
 - The zoning classification of all abutting zoning districts.
 - The structures and existing land uses on all property adjacent to the subject parcel and on other such property as may, in the City Planner's determination, be necessary to properly reflect the existing character of the surrounding neighborhood.
- 3) A copy of the Fully Dimensional Map submitted in a pdf. format either on a CD or it can be emailed to Planning@ci.livonia.mi.us

Owner of Property: Ventura Real Estate, LLC

Owner's Address: 2655 S Evergreen City: Southfield State: MI Zip Code: 48076

Owner's Phone # 734 751-5600 Owner's Email peter@pacommercial.com

Signature of Owner: Peter Ventura Print Name: Peter Ventura

Subscribed and sworn to before me, a Notary Public in and for the County of Wayne State of Michigan

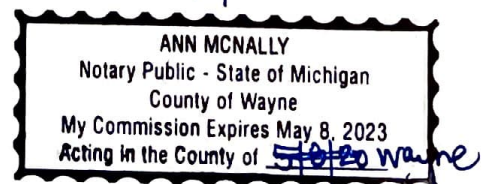
on this 22nd day of December 20 21

Signature of Notary Ann McNally My commission expires 5/8/2023

APPROVED AS FORM
Department of Law

By: _____

Date: _____



WESTFIELD AVENUE

Westfield
Office
Building
9170-9206

N-1

GRANDON AVENUE

MIDDLEBELT ROAD

OXBOW AVENUE

C-1

RUF

NM-1



Midd Retail Plaza

997

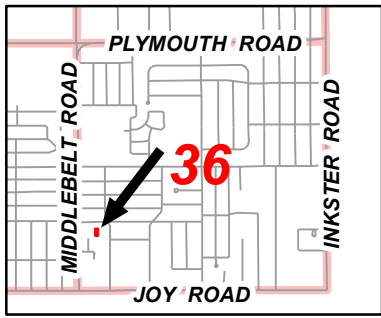
Address & Zoning Map

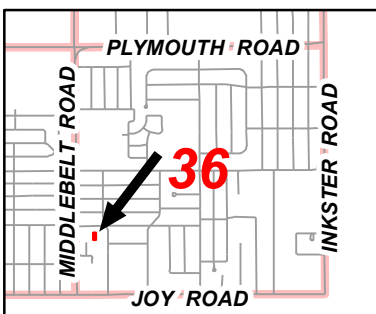
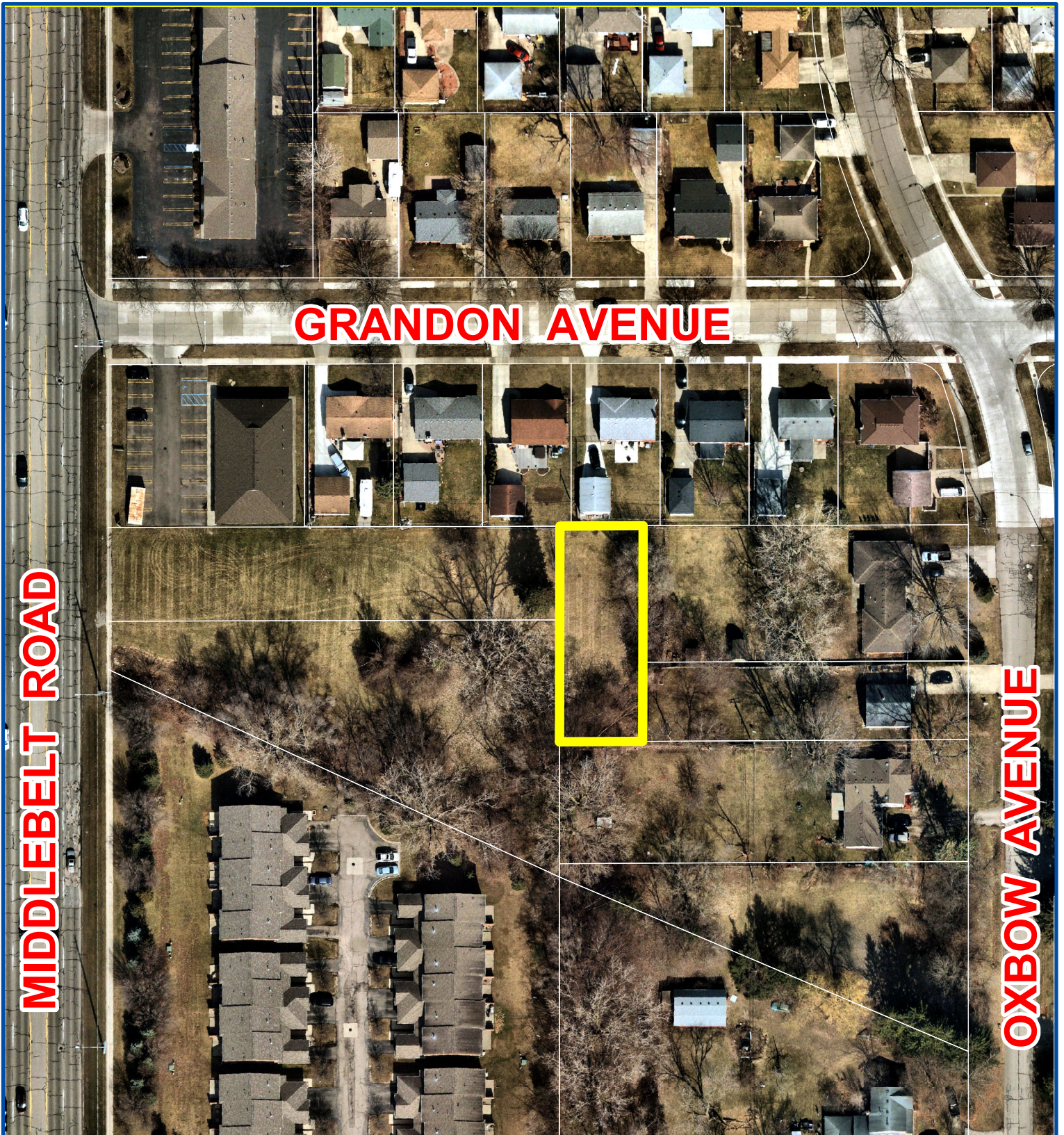
Petitions 2021-12-01-11
Maple Real Estate Group
9120 Middlebelt Road
RUF to C-1



Not to Scale

City of Livonia
Planning Department





Aerial Map

Petitions 2021-12-01-11
Maple Real Estate Group
9120 Middlebelt Road
RUF to C-1



Not to Scale



City of Livonia
Planning Department

Office
Building
9170-9206

**Corridor
Commercial**

GRANDON AVENUE

9130-9146

29196

29184

29172

29160

29148

29136

29082

29197

29185

29173

29161

29149

29137

29121

29069

9120

9106

9119

**Low Density
Residential**

9061

**Medium Density
Residential**

9105
9097
9089
9081
9073

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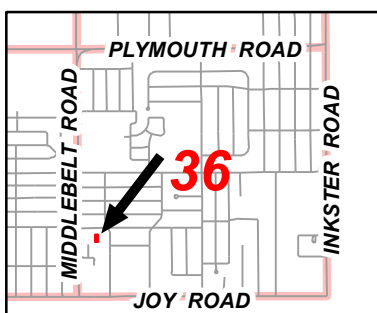
9047

9035

9023

MIDDLEBELT ROAD

OXBOW AVENUE



Future Land Use Map

Petitions 2021-12-01-11
Maple Real Estate Group
9120 Middlebelt Road
RUF to C-1



Not to Scale

City of Livonia
Planning Department

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 1

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

January 18, 2022: Study Meeting:

This petition seeks to rezone the rear (easterly) part of a parcel located at 9120 Middlebelt Road, from RUF (Rural Urban Farm) to C-1 (Local Business). The remaining westerly part of the subject property, along with the adjacent parcel to the south—both owned in common—are currently zoned C-1 and would be developed as a single site. Both parcels are currently vacant. The purpose of the rezoning is to facilitate the future development of a Planned Residential Development (PRD) consisting of a multifamily apartment complex. The subject parcel is L-shaped with approximately sixty-seven feet (67') of frontage along Middlebelt Road by a depth of 373 feet along its north property line. The rear fifty-eight feet (58') of the parcel extends south for a distance of 151 feet. This is the area proposed to be rezoned. The parcel overall is 29,843 square feet in size, or 0.68 acre. The area requested to be rezoned measures 58' x 151' for a total of 8,758 square feet. The adjoining trapezoidal-shaped parcel to the south, 9106 Middlebelt, adds approximately thirty-four feet (34') of road frontage and 33,464 square feet of land area. So overall, the two (2) parcels, as a single site, contain roughly 100 feet of road frontage and have a total combined land area of 63,307 square feet, or 1.45 acres.

Section 5.02 of the Livonia Vision 21 Zoning Ordinance provides special standards for Planned Residential Developments which are treated as a waiver use in commercial districts, subject to review and approval by the Planning Commission and City Council. Planned Developments are afforded considerable design flexibility, including modification in lot sizes, modifications of yard requirements, and allowing uses not permitted in the zoning district within which the Planned Development is located, when it is determined that such modifications will result in a more efficient use of land and will not be injurious to surrounding land and to the public. Planned Developments under Section 5.02 are intended to help overcome natural and other unique obstacles or constraints that pose challenges to land development under conventional design standards. Additionally, the final determination shall be based upon the following standards as set forth in Section 5.02(4):

- a) The proposed use or uses shall be of such location, size, and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
- b) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this

standard, the Commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the Commission shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation, or other external effects, from any source whatsoever which relates to the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.

- c) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- d) The standards of density and required open space in the proposed project are at least equal to those required by this Ordinance in the zoning district in which the proposed project is to be located.

The preliminary plan shows a multifamily apartment complex made up of three (3) buildings containing eight (8) units per building for a total of twenty-four (24) dwelling units. The proposed development would occupy both parcels, including the rear portion of 9120 Middlebelt Road; thus, the rezoning is necessary since Planned Developments are not permitted in RUF zoning districts. Building #1 is positioned towards the front of the site, whereas Building #2 would occupy the rear, including the area proposed to be rezoned. Building #3 is between Buildings #1 and #2 along the southern edge of the property. A two-way private road from Middlebelt Road would provide access to all three (3) buildings. The plan shows a total of forty-eight (48) parking spaces which meets the ordinance requirement of two (2) spaces per unit. Each building would be two stories in height and contain eight (8) units, four (4) on each floor. Each unit would have two (2) bedrooms, a living/dining area, kitchen, one and half baths, and a walk-in closet. The buildings would be constructed out of brick with stone accents. The buildings' roofs would be peaked consisting of asphalt shingles. Fiber cement siding would be used on the gable ends of the apartment buildings.

Abutting the property to the north, east and south are single-family houses, zoned N1, (Neighborhood Single Family) and RUF (Rural Urban Farm). Bordering the north side of the property are four (4) ranch-style homes, zoned N1, that are a part of the Pearl Wilson Subdivision. The lots along this side of Grandon Avenue all measure approximately 62' x 113' with detached garages. To the east and partially to the south, are RUF-zoned homes on acreage parcels along the west side of Oxbow Avenue. Generally, these homes are located approximately 140 - 145 feet from the west boundary of the subject parcel. Also to the south is Newport Park, a residential condominium zoned NM1, Multifamily Residential. This 27-unit attached condominium was approved in 2001 under the R-C, Condominium Residential district regulations of the former Zoning Ordinance No. 543, as amended.

The Livonia Vision 21 (LV21) Future Land Use map designates the subject property as *Medium Density Residential*, which corresponds to a density of between 5 to 14 dwelling units per acre. With 24 units on 1.45 total acres, the proposed multifamily housing development would have an overall density of 16.5 dwelling units per acre, which is slightly higher (4 units)

PUBLIC HEARING

ITEM 1 Petition 2021-12-01-11 – 9120 Middlebelt Road

Page 3

than what the Master Plan recommends. Additionally, the proposed development plan shows all (100%) of the units as attached, whereas the Master Plan recommends that attached dwelling units should not represent more than 35% of all dwelling units. In comparison, Newport Park to the south, which is zoned NM1 (Multifamily Residential) and designated as Medium Density Residential on the Future Land Use Map, contains 27 units on 2.94 acres, representing a density of 9.18 dwelling units per acre, with 92.6% of the units being attached.

January 25, 2022: Public Hearing:

At the Study Meeting, the general consensus was that the change of zoning was appropriate in that it would align with the Future Land Use Map and bring the entire parcel under one zoning classification. Concerns related to the design of the project and other issues raised at the Study Meeting will be addressed when and if a waiver use/site plan application is submitted.

Approving Resolution: That the request to rezone the eastern fifty-eight feet (58') of 9120 Middlebelt Road from RUF (Rural Urban Farm) to C-1 (Local Business) is hereby approved, subject to City Council approval, for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use Map.

Denying Reasons: That the request to rezone the eastern fifty-eight feet (58') of 9120 Middlebelt Road from RUF (Rural Urban Farm) to C-1 (Local Business) is hereby denied for the following reasons:

1. That the petitioner has failed to affirmatively show that the proposed change of zoning and the intended use of the property as a multifamily apartment complex would be compatible to and in harmony with the surrounding neighborhood.
2. That the proposed change of zoning is inconsistent with the established pattern of the surrounding development and would adversely alter the character of the area.

PUBLIC HEARING

ITEM 1 Petition 2021-12-01-11 – 9120 Middlebelt Road

Page 4

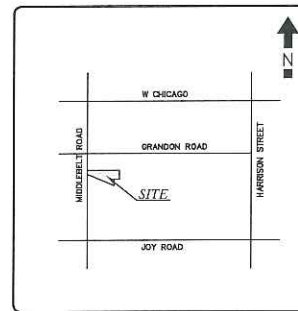
3. That the proposed change of zoning is not needed to develop the property.
4. That the density and number of attached apartment units shown on the submitted preliminary plans are contrary to the recommendations of the Livonia Vision 21 Master Plan.
5. That maintaining a low-density residential use is more consistent with the established pattern of development and character of the area, and
6. That the proposed zoning and use is contrary to the purposes, goals and objectives of the Zoning Ordinance, which seek to ensure compatibility and appropriateness of uses so as to enhance property values and to create and promote a more favorable environment for neighborhood use and enjoyment.

THE DESCRIBED PARCEL 1 & PARCEL 2 ARE NOT LOCATED WITHIN THE FLOOD HAZARD AREAS AS INDICATED BY (FIRM) FLOOD INSURANCE RATE MAP. MAP NUMBER 26163C0227E
PANEL 227 OF 575
COMMUNITY: CITY OF LIVONIA
NUMBER: 260233
PANEL: 0227
SUFFIX: E
WAYNE COUNTY, MICHIGAN
AS PREPARED BY THE (NFIP) NATIONAL FLOOD INSURANCE PROGRAM,
FEDERAL EMERGENCY MANAGEMENT AGENCY,
EFFECTIVE DATE: FEBRUARY 2, 2012

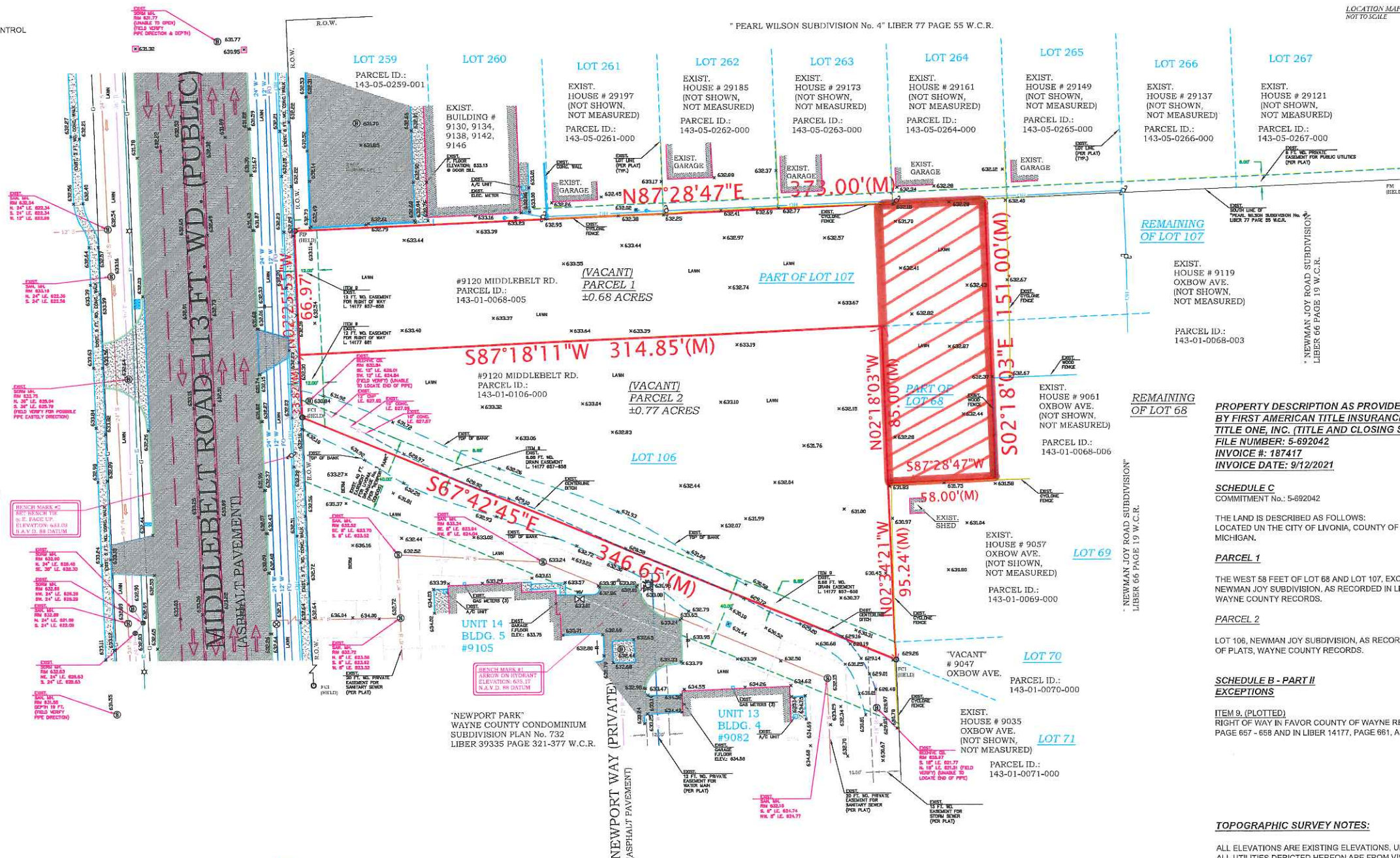
ALL ELEVATIONS SHOWN ON THIS MAP
ARE BASED ON:
N.A.V.D. 1988 DATUM
ESTABLISHED BY GPS MEASUREMENTS (MEASURED CONTROL
POINTS WITHIN THE SITE LIMITS)
DATE OF SURVEY: NOVEMBER 10, 2021

● FM	FOUND CONCRETE MONUMENT
○ FCI	FOUND CAPPED IRON ROD
○ FIP	FOUND IRON PIPE
(R)	OTHER RECORDED MEASUREMENT
(M)	FILED MEASUREMENT
ELEV.	ELEVATION
ELEC.	ELECTRIC
I.E.	INVERT ELEVATION
WD.	WIDE
FT.	FEET
EXIST.	EXISTING
CONC.	CONCRETE
R.O.W	RIGHT-OF-WAY
x000.00	BOUNDARY LINE
—	SPOT ELEVATION
— OH —	OVERHEAD LINES
— G —	GAS
— W —	WATER
— R —	STORM SEWER
— S —	SANITARY SEWER
— FO —	BURIED FIBER OPTIC
— E —	BURIED ELECTRIC LINES
GV	GAS VALVE
WV	WATER IN THE BOX
⌵	WATER SHUT-OFF-VALVE
⌵	FIRE HYDRANT
⊙	SANITARY SEWER MANHOLE
⊙	ROUND CATCH BASIN
⊙	STORM MANHOLE
⊗	GATE VALVE & WELL
□	SQUARE CATCH BASIN
⊙	GUY WIRE
⊙	UTILITY POLE
☆	LIGHT POLE
●	STEEL POST
✉	MAIL BOX
	CONCRETE SURFACE
	ASPHALT PAVEMENT

" PEARL WILSON SUBDIVISION No. 4" LIBER 77 PAGE 55 W.C.R.



LOCATION MAP
NOT TO SCALE



ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED. ALL UTILITIES DEPICTED HEREON ARE FROM VISIBLE EVIDENCE. SURVEYOR DID NOT CONTACT SUBSURFACE UTILITY LOCATOR SERVICE. THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS, EXACTNESS OF LOCATION OR ACCURACY THEREOF. THE LOCATOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITIES CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION.



3 FULL WORKING DAYS
BEFORE YOU DIG
ON YOUR NEAR OVERHEAD WIRES
CALL MISS DIG
1-800-482-7171
FOR THE LOCATION OF
UNDERGROUND FACILITIES

JOB NO. 021-172 SHEET NO. 1 Of 1

Middle Belt Rd
(County Road)

**Proposed Multifamily Planned
Residential Development
C1-Local Business Zoning District
Single Phase Project**

9106 Middle Belt Rd

- 8 Two-Bedroom Units per building
- 24 Apartment Units total
- 48 10ft x 20ft Parking Spaces

- 60 ft front setback
- Fire apparatus widths observed

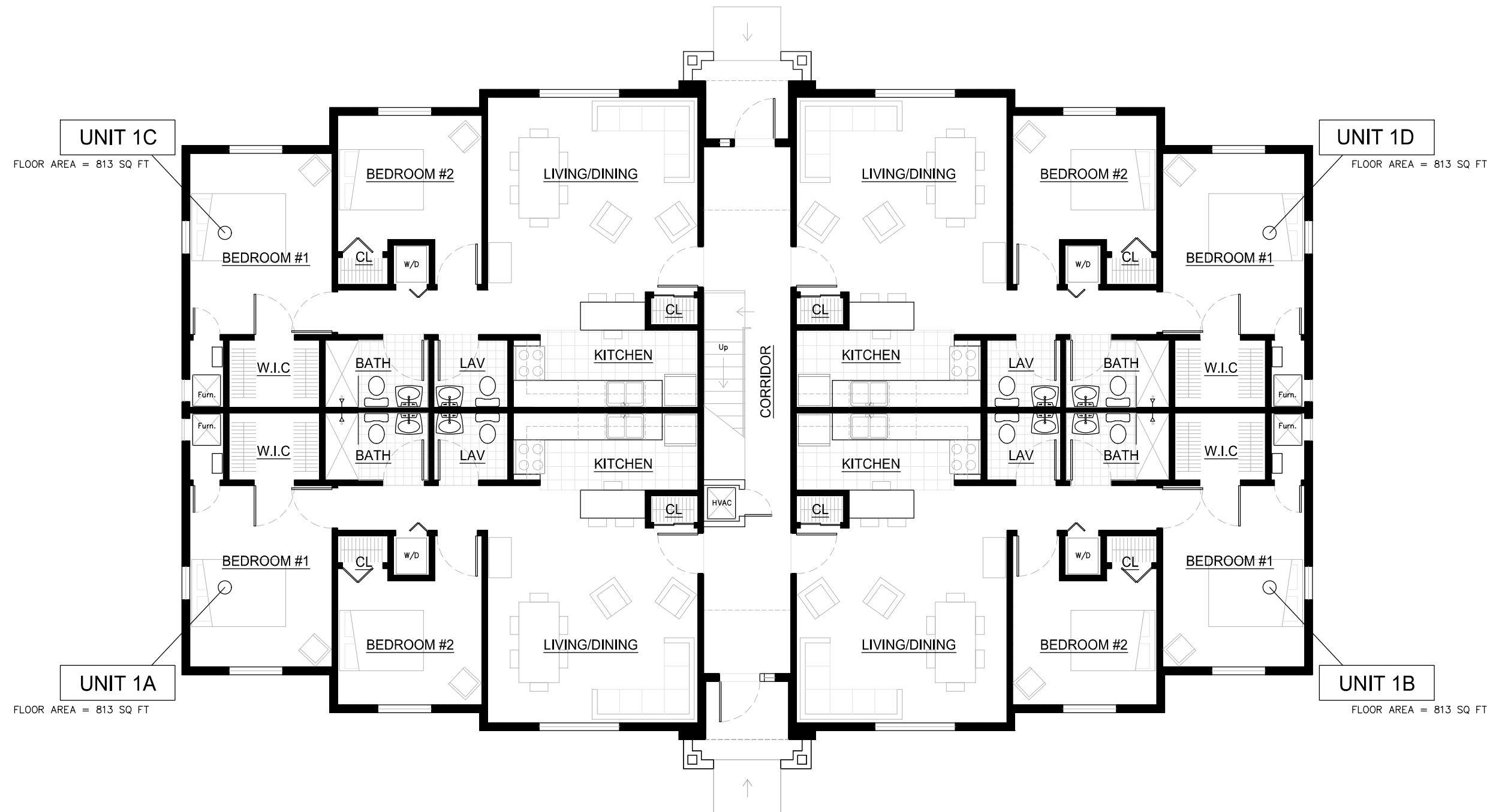
- Floor Area Per Building 7,130 sf
- Total Floor Area all Buildings 21,390 sf
- Building Footprint, Per Building = 3,774 sf
- Site Area 63,134 sf
- Site Coverage by Buildings = 18%
- Floor-to-Area Ratio = 0.34



SITE PLAN

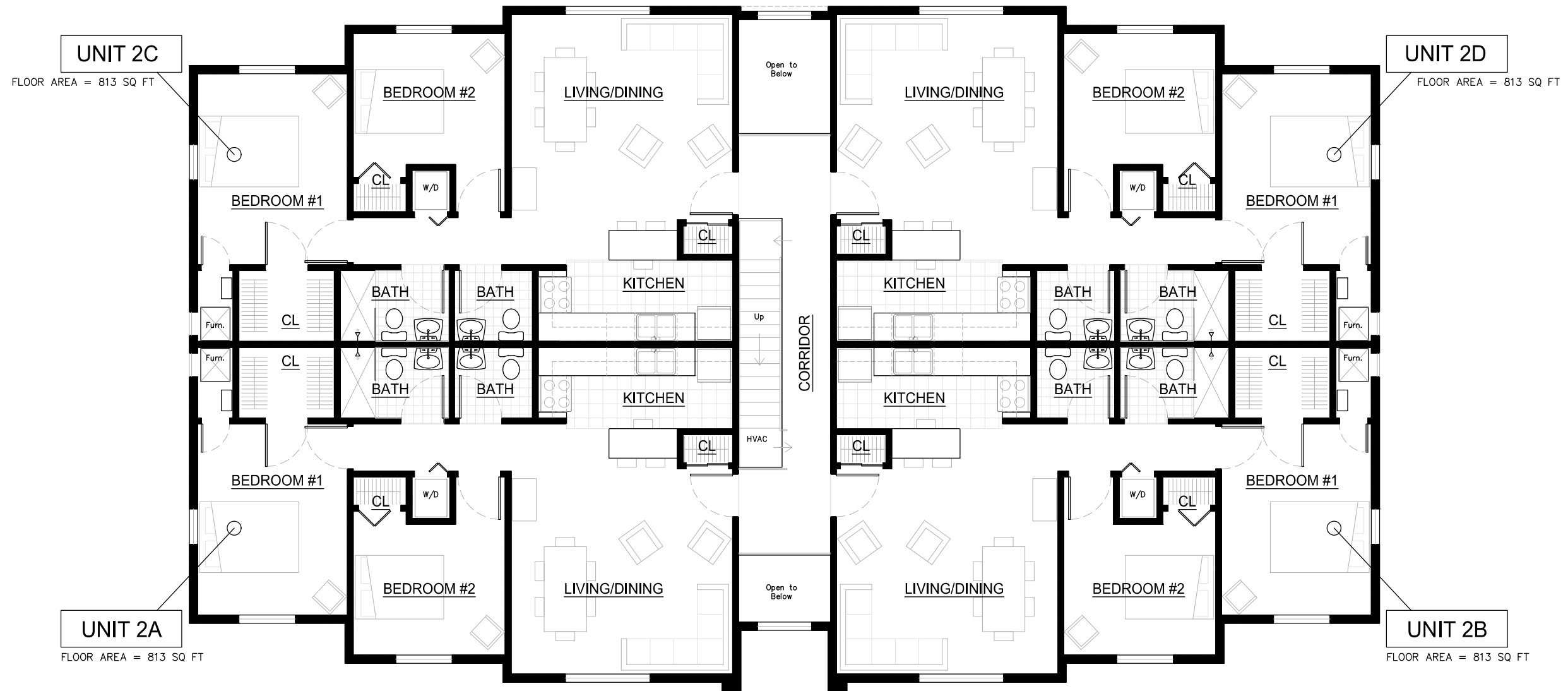
1/16" = 1'-0" @ 24x36

0 10 40 feet



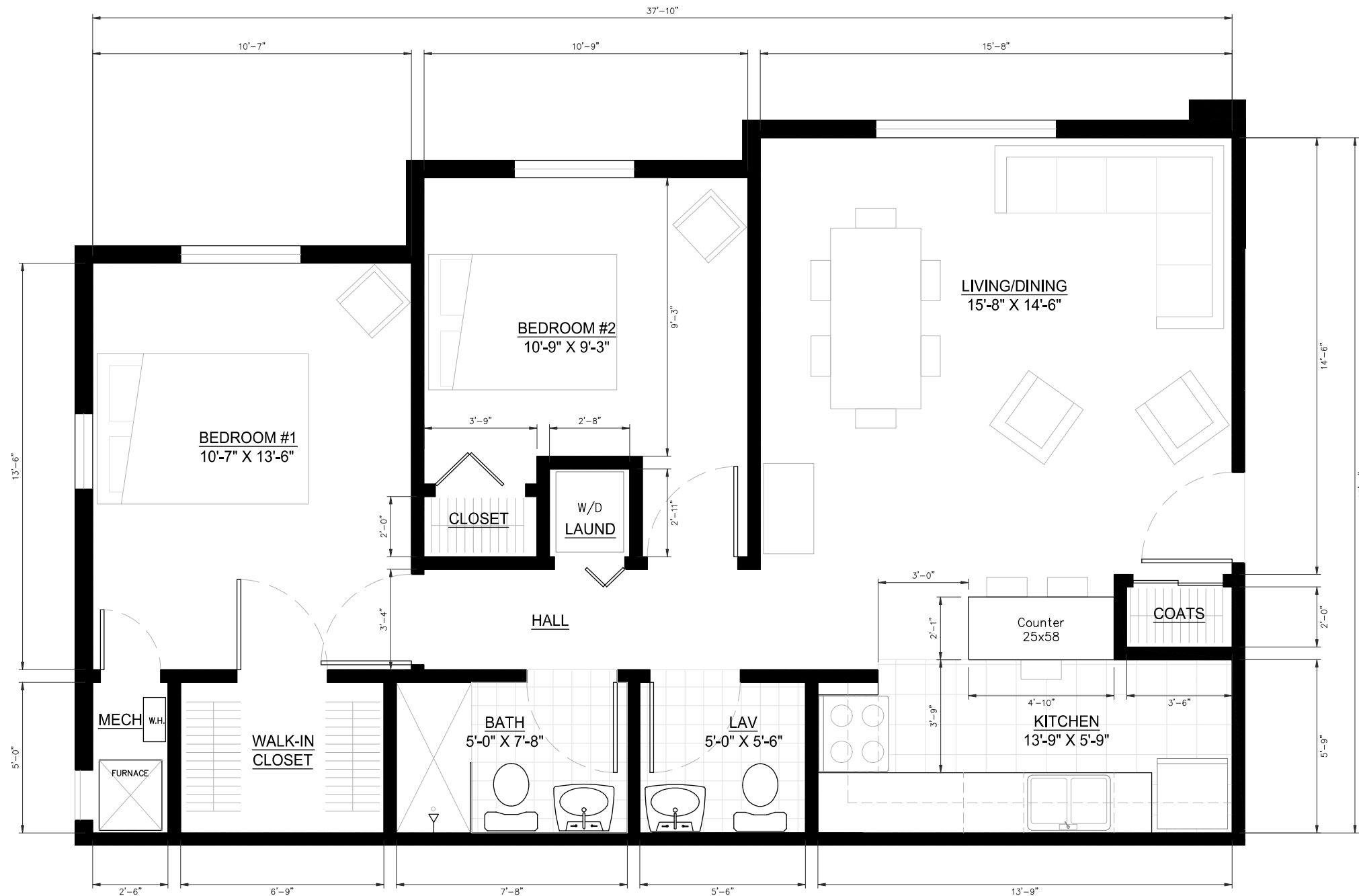
FIRST FLOOR PLAN

1/4" = 1'-0"
 BUILDING FLOOR AREA = 3,565 SQ FT PER FLOOR
 BLDG #1 PLAN SHOWN, BLDGS #2 AND #3 SIMILAR



SECOND FLOOR PLAN

1/4" = 1'-0"
BUILDING FLOOR AREA = 3,565 SQ FT PER FLOOR
BLDG #2 AND #3 PLAN SHOWN, BLDG #1 SIMILAR



TYPICAL UNIT FLOOR PLAN

1/2" = 1'-0"
FLOOR AREA = 813 SQ FT, Version "C"

ASPHALT SHINGLES

COATED METAL TRIM

FIBERGLASS WINDOW UNITS

BRICK

NATURAL STONE VENEER



FRONT ELEVATION (Typical)

1/4" = 1'-0"

ASPHALT SHINGLES

COATED METAL TRIM

FIBERGLASS WINDOW UNITS

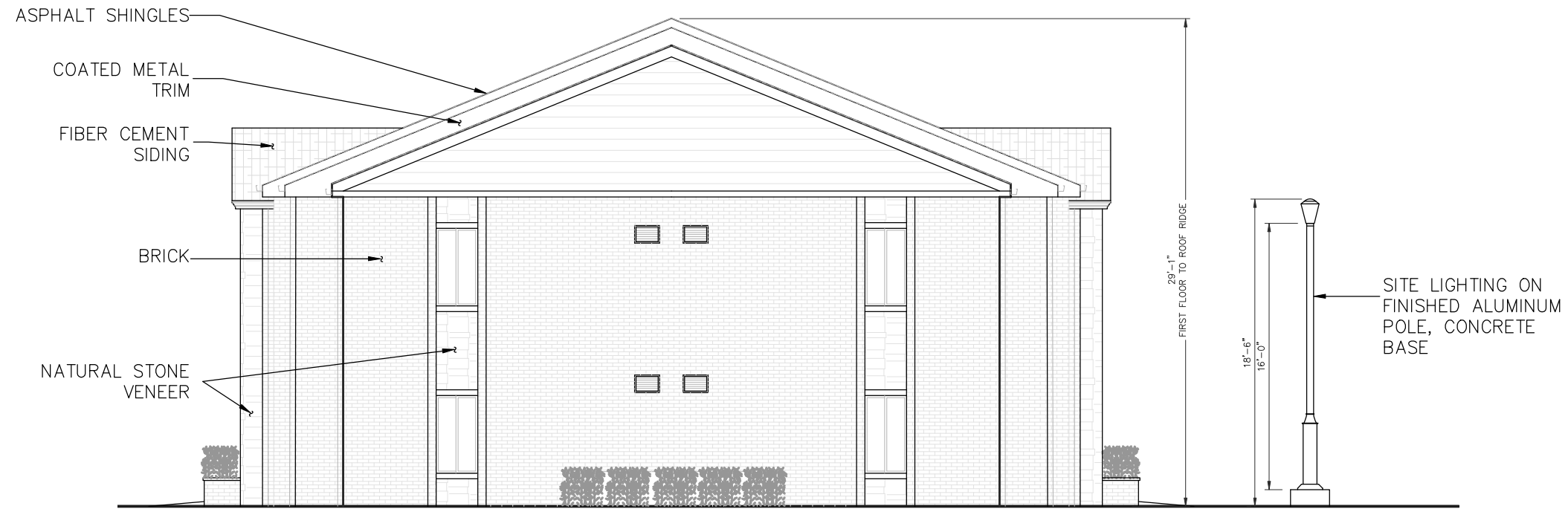
BRICK

NATURAL STONE VENEER



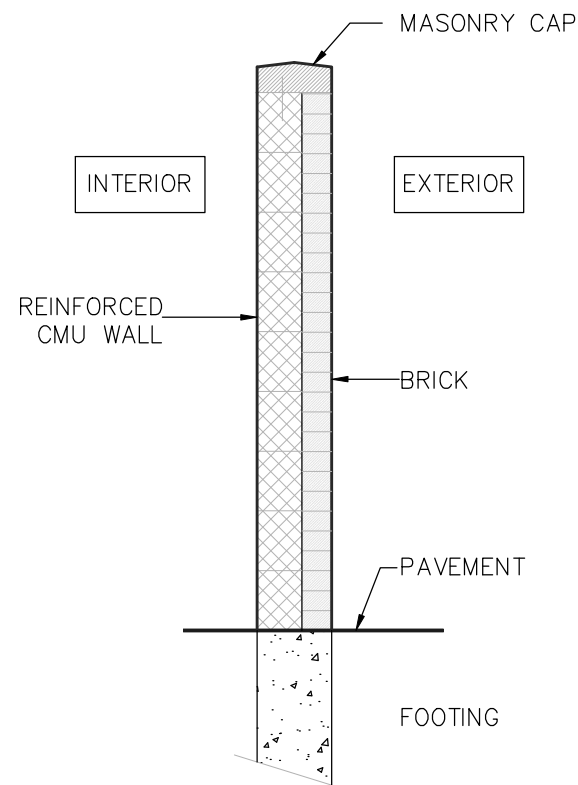
REAR ELEVATION (Bldgs 2 and 3)

1/4" = 1'-0"



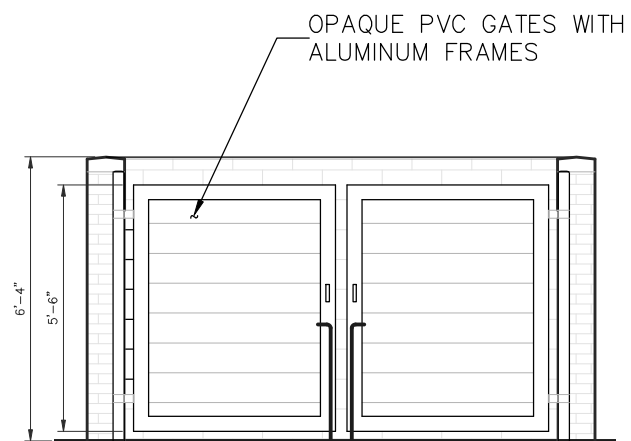
SIDE ELEVATION (Typical)

1/4" = 1'-0"



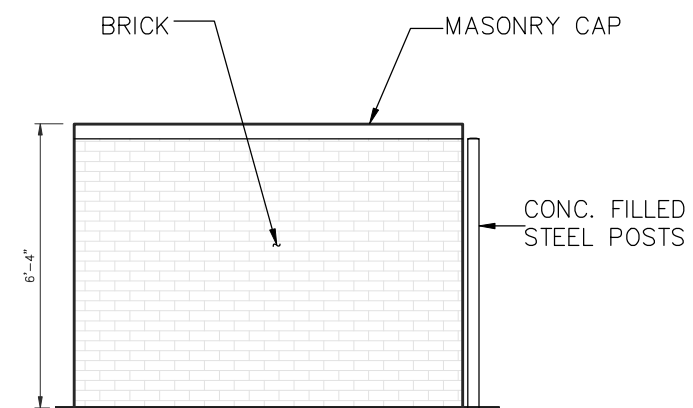
DUMPSTER ENCLOSURE
WALL SECTION

1" = 1'-0"



DUMPSTER ENCLOSURE
FRONT ELEVATION

1/2" = 1'-0"



DUMPSTER ENCLOSURE
SIDE ELEVATION

1/2" = 1'-0"









DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
CITY ENGINEER

DAVID W. LEAR, P.E.
ASST. CITY ENGINEER



MAUREEN MILLER BROSNAN
MAYOR

DONALD R ROHRAFF
DIRECTOR OF PUBLIC WORKS

12973 FARMINGTON ROAD
LIVONIA, MICHIGAN 48150
(734) 466-2571
FAX: (734) 466-2195

December 29, 2021

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2021-12-01-11 – #9120 Middlebelt Road

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no issues with the proposed re-zoning at this time. The subject parcel is assigned the address of **#9120 Middlebelt Road**. The legal description contained within the submittal appears to be correct for the overall parcel, although the owner should provide a legal description for the portion of the property to be rezoned.

The existing parcel currently has access to public water main, storm sewer and sanitary sewer, although the sanitary sewer is located on the west side of Middlebelt Road. At this time, there is nothing that would indicate negative impacts to any of the existing utilities since the petition is for zoning purposes and shows no development details. Should the site be developed, the owner would need to submit drawings to this Department for a proper plan review and permitting.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you can e-mail either of us at dlear@livonia.gov or tzilincik@livonia.gov.

Sincerely,

David W. Lear, P.E.
Assistant City Engineer

cc: 2021 Petition File

DEPARTMENT OF FINANCE

Michael T. Slater
DIRECTOR OF FINANCE

Connie Kumpula
CHIEF ACCOUNTANT



MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2260
FAX: (734) 421-1807

January 14, 2022

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2021-12-01-11 - 9120 Middlebelt Road

Dear Mr. Miller,

I have reviewed the address connected with the above noted petition. As there are no outstanding amounts receivable (general or water and sewer), I have no objections to the proposal.

Please contact me if you have any further questions.

Very truly yours,

Connie Kumpula
Chief Accountant

CK: jw

OFFICE OF THE TREASURER

LYNDA L. SCHEEL
CITY TREASURER



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3060
(734) 466-2245
FAX: (734) 421-7230

January 13, 2022

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

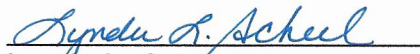
Re: Petition 2021-12-01-11

9120 Middlebelt Road
Maple Real Estate Group

Dear Mr. Miller,

In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time no taxes are due, therefore I have no objections to the proposal.

Sincerely,


Lynda L. Scheel
Treasurer, City of Livonia

**OTHER ITEMS
RELATED TO THE
PETITION**

UNAPPROVED MINUTES

1

MINUTES OF THE 1,182nd PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, January 25, 2022, the City Planning Commission of the City of Livonia held its 1,182nd Public Hearing and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7 p.m.

Members present: David Bongero Sam Caramagno Glen Long
 Betsy McCue Carol Smiley Peter Ventura
 Ian Wilshaw

Members absent: None

Mr. Mark Taormina, Planning Director, Jacob Uhazie, Planning & Economic Development Coordinator, and Stephanie Reece, Program Supervisor, were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #1 PETITION 2021-12-01-11 Maple Real Estate Group, LLC

Mr. Caramagno, Secretary, announced the first item on the agenda, Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue

UNAPPROVED MINUTES

2

in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

Mr. Wilshaw: Mr. Ventura?

Mr. Ventura: Mr. Chairman, I have a conflict of interest on this agenda item and I would like to recuse myself from these proceedings.

Mr. Wilshaw: Okay, we will note that Mr. Ventura is going to step away from our dais and stay in the audience for the remainder of this agenda item. With that, we will move on to Mr. Taormina with background information on this petition.

Mr. Taormina: Thank you, Mr. Chairman. This is a request to rezone property that is located on the east side of Middle Belt Road just south of Grandon Ave. The change would be from RUF (Rural Urban Farm) to C-1 (Local Business). The address of the property is 9120 Middle Belt Road. The rezoning would affect only the east 58 feet of the parcel. The remaining westerly part is currently zoned Local Business, thus, the intent is to bring the entire parcel under the same C-1 zoning classification. 9120 Middle Belt Road is an "L" shaped parcel with 67 feet of road frontage by a depth 373 feet along its north property line. The rear 58 feet of the parcel extends south for a distance of 151 feet. This is the area that is proposed to be rezoned. It measures 58 feet by 151 feet, for a total area of 8,758 square feet. The parcel overall is roughly 29,800 square feet in size, or 0.68 acres. Adjoining 9120 Middle Belt to the south is 9106 Middle Belt Road, which is under the same ownership and is zoned C-1. 9106 Middle Belt adds another 35 feet of road frontage and 33,464 square feet of land area. Together, the two parcels have roughly 100 feet of frontage on Middle Belt Road and contain a total land area of 1.45 acres. Both parcels are vacant and would be combined and developed as a single site. The purpose of the rezoning is to facilitate the future development of a Planned Residential Development consisting of a multi-family apartment complex. Section 5.02 of the zoning ordinance provides special standards for Planned Residential Developments, which are treated as a waiver-use in commercial districts, subject to the review of the Planning Commission and City Council. Planned developments are afforded considerable design flexibility, including modification in lot sizes, yard requirements, and allowing uses that are not permitted in the zoning district, within which the planned development is located. The preliminary plan shows a multi-family apartment complex that would be made up of three buildings. Each building

contains eight units, for a total of 24 dwelling units. The proposed development would occupy both parcels, including the rear portion of 9120 Middle Belt Road. Building 1 is positioned toward the front of the site, whereas Building 2 would occupy the rear, including the area that is proposed to be rezoned. Between these two buildings is Building 3, which is along the southern edge of the property. A two-way private road from Middle Belt would provide access to all three of the buildings. The plan shows 48 parking spaces. Each building would be two-stories in height and would contain eight units, four on each floor. Each unit would have two bedrooms, a living and dining area, kitchen, one and a half baths, as well as a walk-in closet. The buildings would be constructed out of brick. The roofs would be peaked and would consist of asphalt shingles. Fiber cement siding would be used on the gable ends of the apartment buildings. This is a rendering of what the buildings would look like. Bordering the site to the north are four single-family homes that are on lots that measure approximately 62 feet in width by 113 feet in depth. These lots are part the Pearl Wilson subdivision. The zoning is N-1 (One family). To the east and partially to the south are single-family homes along Oxbow Street. These homes are on slightly larger unplatted parcels that are zoned RUF (Rural Urban Farm). To the south is Newport Park, which is multi-family development zoned NM1. This is a 27 unit attached condominium project that was approved in 2001 under the previous R-C (Condominium Residential) regulations. The Future Land Use plan designates the subject property as medium density residential. This corresponds to a density of between 5 to 14 dwelling units per acre. The proposed multi-family housing development as shown on the preliminary plans has a density of 16 ½ dwelling units per acre, which is slightly higher by about four units than what the Master Plan recommends. With that, Mr. Chairman, I can read out the departmental correspondence.

Mr. Wilshaw: Yes, please.

Mr. Taormina: The first item is from the Engineering Division, dated December 29, 2021, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no issues with the proposed rezoning at this time. The subject parcel is assigned the address of #9120 Middlebelt Road. The legal description contained within the submittal appears to be correct for the overall parcel, although the owner should provide a legal description for the portion of the property to be rezoned. The existing parcel*

currently has access to public water main, storm sewer and sanitary sewer, although the sanitary sewer is located on the west side of Middlebelt Road. At this time, there is nothing that would indicate negative impacts to any of the existing utilities since the petition is for zoning purposes and shows no development details. Should the site be developed, the owner would need to submit drawings to this Department for a proper plan review and permitting." The letter is signed by David W. Lear, P.E., Assistant City Engineer. The next letter is from the Finance Department, dated January 14, 2022, which reads as follows: *"I have reviewed the addresses connected with the above noted petition. As there are no outstanding amounts receivable, general or water and sewer, I have no objections to the proposal."* The letter is signed by Connie Kumpula, Chief Accountant. The next letter is from the Treasurer's Department, dated January 13, 2022, which reads as follows: *"In accordance with your request, the Treasurer's Office has reviewed the address connected with the above noted petition. At this time, there are no outstanding amounts receivable for taxes. Therefore, I have no objections to the proposal."* The letter is signed by Lynda Scheel, Treasurer. That is the extent of the correspondence.

Mr. Wilshaw: Are there any questions of the Planning Director? If not, Mr. Taormina, can you explain for our benefit and also for our audience, the difference that would occur in developing this as a C-1 zoning with Planned Residential Development versus an NM1 or NM2 Multi-family zoning? There is a reason that these are being done differently. I am curious as to what the criteria is that is different between them.

Mr. Taormina: The NM1 and NM2 districts are the city's two neighborhood multi-family districts. NM1 is strictly for owner-occupied housing, including condominiums, whereas NM2 would allow for apartment dwellings. The standards are slightly different in terms of setbacks, percentage of lot covered by buildings, and a few other items. I am not sure how it affects this particular development since it has not been reviewed under those standards. What I can tell you is that the petitioner is looking to retain the majority of the existing zoning, in this case, C-1. The change only affects a small portion of the property. The ability to develop the site under the special waiver-use provisions really is very similar if the entire property was rezoned to NM2. The planned development option, however, affords flexibility in the design standards. It does give us the ability to move things around that may not entirely comply with the strict standards of

the NM2 district regulations. That is one of the benefits of applying these special waiver-use standards in this case.

Mr. Wilshaw: Okay, thank you, Mr. Taormina. I think that is beneficial for us to hear, but also even for anyone is interested in this petition. Thank you. Is there any other questions for our planning staff? If not, our petitioner is in the audience. We will need your name and address for the record please.

Sam Fakh, 16030 Michigan Ave., Ste. 200, Dearborn, MI. I am one of the owners of Maple Real Estate Group. I don't have anything formal to present. I think Mr. Taormina did a wonderful job in presenting the project. Today's petition is really to rezone this 56 x 100 feet of land. I think it is kind of like an island in the back of the property where the entire property is zoned C-1. This one, I think, they might have forgotten about it or I am not really sure why it was stuck back there and was never rezoned with the remainder of the property. The property was all one parcel or two parcels. It was never separated, but I think that maybe when the zoning map was created, didn't recognize the fact that this was the same owner for the entire parcel. In terms of the project, the future project, I could talk about it if you would like. I talked about it briefly last time I was in front of you at the study session. It is a unique property in terms of shape. So, it is kind of hard to develop this property as a commercial property because it only has 100 feet of frontage. To maximize the use of the property, because it is kind of a triangle, we thought about developing it as a multi-family and these are luxury apartments. As we spoke before and I mentioned before, these are all two-bedroom apartments, 800 square feet, open space, two bedrooms with a walk-in closet, high-end finishes, all the buildings are brick and stone. We have a two-story atrium or lobby for each building and four units on each level. In terms of the building size itself, it is about 29 feet in height, which is similar to the condos right next door, so it's not really an enormous height that doesn't fit in the area. It is an enclosed community, meaning that it is going to be fenced off all the way around. There are a lot of mature trees in the back of the property where the 50 x 106 that is being rezoned. There is going to be a lot of mature trees. This particular site plan doesn't show it, but we have a newer site plan that shows the mature trees that we are going to keep. That will keep a little bit of privacy between both the residences in the back and the building we are going to develop. Same thing on this side of the property where the condos are at. Lots of mature trees that will give a lot of privacy. In terms of the development itself, as you

can see, we are not using the entire property. We are keeping a lot of greenery. We have the footprints in terms of square footage compared to the entire property is somewhat low. We did a nice gazebo on the property, and we also did a walkway across the property for the residents to enjoy. A couple detention ponds on the property. I think that is basically summarizes the highlights of the project itself. If you have any questions, obviously, I am here. We have the architect here that can answer any of your questions.

Mr. Wilshaw: Thank you, Mr. Fakh. It is important to note that this is rezoning that you are asking for today. We are going to try and focus our discussion and decision making on that rezoning. The site plan presented to us is certainly conceptual. It gives us an idea of what you want to do to develop it, but that will come back to us in a separate process. The site plan process. If this moves forward, we will get into a lot more details about that site plan and the building materials and so on. I just want to reiterate that. Is there anyone on the Commission with questions for our petitioner?

Mr. Caramagno: Hello sir. I was over there today looking around a little bit. I looked at the condos to the south of there. I know that I looked at some of the details here aside from the rezoning and it looks like there is a lot more thought put into the layout of this than what the property next door would be looking like. At least in my mind. It appears that this would be a fair application in my mind. I just wanted to tell you that right out of the gate.

Mr. Fakh: Thank you.

Mr. Wilshaw: Thank you, Mr. Caramagno. Any other questions or comments for our petitioner?

Mr. Long: Mr. Fakh, I think this makes sense bringing in the zoning inline. Obviously, this is a preliminary site plan. There are some concerns when I look at that, as far as proximity to the property lines and things like that, but obviously we will take care of that if and when you come back for site plan. I think this makes sense. Thank you.

Mr. Wilshaw: Thank you, Mr. Long. Any other questions or comments? Is there anybody in the audience that wishes to speak for or against this item? Feel free to come forward. I see a gentleman getting up in the back. Good evening, sir. We will just ask for your name and address for our record.

Don Schekel, 29161 Grandon, Livonia, MI. The proposed property that you are talking about rezoning abuts my property. Several things on this that I have noticed. About a year ago when they put this property up for sale, I contacted the Planning Department and the Zoning Board. 9120 the L-shaped lot was zoned as single-family residential and 9120 was commercial office. When we seen the notice and got this notice, I looked it up again. It changed to C-1. When did that happen?

Mr. Wilshaw: We will see if we can get an answer for you, sir. Mr. Taormina, are you aware of the history of the rezoning's on these parcels?

Mr. Taormina: Yes. So, the adoption of the Livonia Vision 21 Zoning Ordinance, as you will recall, consolidated several of the districts. One of the major changes was the elimination of the OS district and those districts being rezoned to C-1. That affected all of the OS zoned properties in the city, including several properties along Middle Belt Road, including this site.

Mr. Wilshaw: Thank you, Mr. Taormina. So, sir, when we went through a process last year to update all of our zoning classifications, the office zoning was eliminated. They were all incorporated into commercial or C-1 zoning, so that is when that happened. That was 9120. 9106, excuse me. That was 9106 that was changed. 9120 was single-family. It wasn't office. It was single-family residential and then you have it behind my property as Rural Urban Farm. It wasn't classified as that before. That was single-family, so I don't understand how these changes got made and we were never notified, but now someone wants to build on it and we have to have a hearing that says we are going to rezone this, and we are going to notify you. Why was there never any notifications given out before?

Mr. Wilshaw: When the zoning map was updated for the entire city, it was notified to the entire community as a large project of all zonings being updated. That would have changed the office zoning to the commercial. That wouldn't have changed any commercial to...or residential to commercial. That would not have happened. So, what is 9120 zoned now?

Mr. Wilshaw: 9120 is currently zoned C-1 commercial.

Mr. Schekel: That is what I am saying. It was single family and now it is C-1. When...also the urban family. When did that get changed?

UNAPPROVED MINUTES

8

- Mr. Wilshaw: Let me see if Mr. Taormina has some information for us.
- Mr. Taormina: Yes, so I think maybe part of the confusion is what was the zoning of 9120 prior to the adoption of the Livonia Vision 21 Zoning Ordinance. This is the parcel right here, although it may be difficult to see the outline, but the westerly portion of the site was zoned OS (Office Services) prior to the adoption of Livonia Vision 21. This area to the east that we are reviewing this evening, that was always zoned RUF (Rural Urban Farm), so the change only affected this portion of 9120 Middle Belt and it went from OS to C-1. It was not previously zoned single-family residential as Mr. Schekel has indicated.
- Mr. Wilshaw: Perhaps it is a bit of a misunderstanding in the sense that the rear portion of the lot, which is what we are discussing tonight, has been zoned RUF and that has been zoned RUF for a long long time.
- Mr. Schekel: Like I said, I went through your Planning Commission just about a year ago. The site maps for the City of Livonia show that L-shaped lot, the entire thing as single-family residential. Now it is C-1 and Rural Urban. At some point that property got split and like I said, I am curious as to when that...how that happened?
- Mr. Wilshaw: I think we are at a bit of an impasse. We don't have that information for you right here as you understand it. Let's see if we can find out your feelings on it at this point with what we are dealing with right now.
- Mr. Schekel: Also, with the rezoning of that, and listening to a number of times people are talking about all the different waivers. Looking at the site maps and the plans all...they look great and all that stuff, but you are talking about an apartment complex right behind my property. Is there a waiver on the footage from my property line to where they are actually going to establish a building?
- Mr. Wilshaw: There are standards as to how close they can be to property lines. Mr. Taormina can give us those details if you would like, but we are at the point right now where we are looking at the zoning of this one parcel. When we get into the site plan process, is when we will look to see what they propose in terms of where they want the building located and where they fit within those setbacks and those limitations and if there is anything that violates those, then they would have to go through an additional

process of getting zoning and waivers from the Council and zoning boards and so on. We are not at that point yet.

Mr. Schekel: I am just trying to figure it out before we get to that point and if there are going to be waivers and all that put in, are we going to be notified or do I have to read it in the Livonia Observer.

Mr. Wilshaw: You will definitely be notified. You are within the radius of the property.

Mr. Schekel: Thank you.

Mr. Wilshaw: Thank you, sir. Next, Mr. Wilshaw.

Jeff Wilshaw, 29137 Westfield, Livonia, MI. I am a few hundred feet north of the property. A little nervous about the entire parcel going C-1. As C-1 can be restaurants is my understanding and other more commercial. I don't think we have very many properties in the city where it is a narrow band that jets in deep like this piece of property. I have no problem at all with an apartment or a condominium complex. I think this proposed development is a little too dense in nature personally, but I would welcome something in that property, just not as dense, but certainly not in C-1 classification because from my understanding and please correct me if I am wrong, is that if the developer at the end after having the C-1 says you know what, I want to throw a restaurant there or something different that he would have the green light to go ahead and do that more or less. It is a real long piece of property jetting right into the middle of the residential area. That is my only concern about it. Thank you for your time.

Mr. Wilshaw: Very good. Thank you. Good evening, sir.

Brandon Grysko, 41700 West Six Mile Road, Northville, MI 48168. I represent Ventura Real Estate. I am here representing Ventura Real Estate as I said. They are currently the property owner. I commend you Mr. Chair for keeping us on track today with respect to what the issue actually is that is before the Commission at this time. Which, in my view, is simply whether or not it makes sense to leave sort of this little island in the back of this parcel that is zoned for Urban Farm, whereas the rest of the parcel is zoned C-1 for commercial. I think that is really the appropriate focus of the Commission and I again, I commend the Commission for keeping us focused kind of on that issue there. I think it is pretty clear that planning standards and public policy sort of all favor the idea that a parcel probably shouldn't

be split zoned. Particularly not in this manner where you have sort of these wild different standards for one part of the parcel, in fact for a vast majority of the parcel and a totally separate set of standards for another more narrow piece of the parcel, so I really urge the commission to recommend that this entire parcel be zoned cohesively for all the reasons you would expect, including cohesive administration of the zoning ordinance and the ability for developers to come in and do something with the property without having to go back through this sort of process again, so I think that is really important to keep in mind here. I don't want to stray too far off track from what the purpose of this hearing is, but I will say that being someone that is out in the community and involved in the community, being involved in the local Chamber of Commerce, I do hear a lot from local businesses that there is an urgent need for housing and this is certainly a project that I commend Mr. Fakhri for putting forth a nice looking project and understand that this is going to be back before probably the Commission and City Council for waiver-use approval and things of that nature in the future, but overall this is a nice looking project and I think it fills a need in the city's Master Plan for this type of housing, so Ventura Real Estate and myself would encourage the Commission to recommend approval of this rezoning for just this one piece of a parcel to C-1.

Mr. Wilshaw: Great. Thank you, Mr. Grysko. Is there anyone else wishing to speak for or against this project? If not, I don't see anyone else in our audience. Mr. Taormina, there was a question asked in regard to other uses that could occur on this property if it is rezoned to C-1. Of course, we are just looking at the back portion, but what controls are in place to follow-up on that question? What controls are in place that would exclude or prevent this project from becoming a commercial development, like say a McDonalds or something along those lines through this process?

Mr. Taormina: There are a couple of answers to that question. So, the current zoning of most of the property is C-1. There is nothing that would prevent a petition being submitted, at this point, for a commercial development. As long as it included uses that were treated as permitted under the C-1 district regulations and it complied with all the other regulations, height, bulk, and area standards, there is very little the city could do. Now, with the development of a planned residential project, like the one we are discussing, we have the ability through this process to include a development agreement. Through that development

agreement we could look to have certain terms and conditions included that would restrict the future use of this property to only the apartments or other specific uses that the city deemed would be appropriate for that land, should the apartment complex not be developed. There is a couple options we could look at, but a general planned residential development agreement is something that we could consider along with the waiver application to address some of those concerns.

Mr. Wilshaw: Okay, Mr. Taormina. I appreciate that answer to that question. Also, the process by which the city goes through the rezoning and site plan process and correct me if I am wrong, we look at the zoning and we send this on to City Council and City Council will hold the rezoning of a parcel until the site plan catches up to it and then they approve both the rezoning and the site plan at the same meeting typically, and that provides some protection as to making sure that this rezoning is used for the intended purpose that the petitioner indicated.

Mr. Taormina: Yes, it offers some protection, but it is no guarantee.

Mr. Wilshaw: Sure. Okay. Thank you. Is there anyone else in our audience wishing to speak on this item? If not, is there anyone on the Commission wishing to speak on this item?

Mr. Bongero: Mark, just so I understand, a planned residential agreement, is that something that we would do tonight?

Mr. Taormina: No. That is something that we would do along with the waiver petition.

Mr. Bongero: Okay. So, it would be down the road?

Mr. Taormina: Yes, it would.

Mr. Bongero: Okay, thank you.

Mr. Wilshaw: Thank you, Mr. Bongero. Any other questions from any of our commissioners? Mr. Fakh, is there anything else you would like to say I regard to this petition before we make our decision? We always like to give you the last word.

Mr. Fakh: Nothing further. I just want to thank you for your time and hope that you guys approve the rezoning of this little parcel. Thank you.

Mr. Wilshaw: Thank you, sir. If there is no other business or questions from any of the commissioners, I can close the public hearing at this time and a motion would be in order.

On a motion by McCue, seconded by Caramagno, and unanimously adopted, it was

#01-04-2022 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on January 25, 2022, on Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business), the Planning Commission does hereby recommend to the City Council that Petition 2021-12-01-11 be approved for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use Map.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of Livonia Vision 21 Zoning Ordinance.

Mr. Wilshaw: Is there any discussion?

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.

CITY OF LIVONIA

NOTICE OF PUBLIC HEARING

In accordance with the provisions set forth in Section 401 of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended (MCL 125.3502) as well as Livonia Vision 21 Zoning Ordinance, Article XIII, the Council has determined that a Public Hearing will take place before the Council of the City of Livonia on **Wednesday, February 23, 2022 at 7:00 P.M.**, in the Auditorium at City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the following item:

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36 from RUF (Rural Urban Farm) to C-1 (Local Business).

SUSAN M. NASH, CITY CLERK

PUBLISH: February 6, 2022

CITY OF LIVONIA

NOTICE OF PUBLIC HEARING

In accordance with the provisions set forth in Section 401 of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended (MCL 125.3502) as well as Livonia Vision 21 Zoning Ordinance, Article XIII, the Council has determined that a Public Hearing will take place before the Council of the City of Livonia on **Wednesday, February 23, 2022 at 7:00 P.M.**, in the Auditorium at City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the following item:

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36 from RUF (Rural Urban Farm) to C-1 (Local Business).

SUSAN M. NASH, CITY CLERK

**PUBLIC HEARING
DIRECTION**

WEDNESDAY, FEBRUARY 23, 2022

PETITION 2021-11-01-08 submitted by Schoolcraft College, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone property at 17950 College Parkway (Formerly Unit 15 of College Park Condominium), located on the east side of Haggerty Road between Six Mile and Seven Mile Roads in the Southwest ¼ of Section 7, from C-1, Local Business to P-L, Public Lands.

DIRECTION: 1) APPROVING

PETITION 2021-11-01-09 submitted by Schoolcraft College, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the property at 17420 College Parkway (Unit 11 of College Park Condominium), located on the east side of Haggerty Road between Six Mile and Seven Mile Roads in the Southwest ¼ of Section 7 from C-4, High Rise Commercial to P-L, Public Lands.

DIRECTION: 1) APPROVING

PETITION 2021-11-01-10 submitted by Schoolcraft College, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone property at 13001 Merriman Road, located on the west side of Merriman Road, between Glendale Avenue and Schoolcraft Road in the Northeast ¼ of Section 27, from M-2, General Manufacturing to P-L, Public Lands.

DIRECTION: 1) APPROVING

PETITION 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36 from RUF, Rural Urban Farm to C-1, Local Business.

**DIRECTION: 1) DENYING
2) APPROVING**

**THESE ITEMS ARE TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF MARCH 14, 2022**



LETTER TO THE LIVONIA CITY COUNCIL

23.

Planning
February 24, 2022

MEETING DATE

Public Hearing of
February 23, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

REZONING PETITION: Planning Commission, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).
Public Hearing held on February 23, 2022.

BACKGROUND

RECOMMENDATION

At the 1,182nd Public Hearing and Regular Meeting held by the City Planning Commission on January 25, 2021, the following resolution was unanimously adopted:

#01-04-2022 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on January 25, 2022, on Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business), the Planning Commission does hereby recommend to the City Council that Petition 2021-12-01-11 be approved for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use Map.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of Livonia Vision 21 Zoning Ordinance.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. PH022322 Petition 2021-11-01-11 (Maple Real Estate Group) Minutes
2. 2021-12-01-11_Maple Real Estate_E-COUNCIL Pkt
3. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group)
4. PH022322 Petition 2021-12-01-11(Maple Real Estate Group) Legal Notice
5. DIRECTION 2021-11-01-11

APPROVED BY

Paul Bernier, City Attorney

Date:

Maureen Miller Brosnan, Mayor

Date:

THE GRANDON
APARTMENT COMMUNITY - LIVONIA, MICHIGAN

MAPLE REAL ESTATE GROUP
16030 Michigan Avenue, Suite 200, Dearborn Michigan 48126
Ph: (313) 846-6300 Fax: (313) 846-6358

March 13, 2022

City of Livonia
c/o Respected Council Members
33000 Civic Center Drive
Livonia, MI 48154

Sent Via Electronic Mail

Re: The Grandon –
Apartment Community,
9106 Middlebelt Rd., Livonia, Michigan

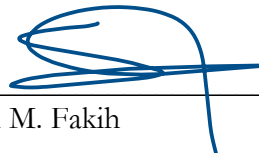
Dear Respected Council Members,

On behalf of The Maple Real Estate Group, thank you for taking time to consider our current project for 9106 Middlebelt Rd, near Grandon Street (the “Property”). After our last meeting, we were asked to provide a list of real estate projects which our group was involved in developing. We submit the attached list for your review and consideration. We feel that we have great experience in development, construction, marketing, and completion of projects. We have overseen numerous, complex projects from proposal, to groundbreaking, to completion.

Again, we are thankful for your consideration and hope that this is the start of a strong partnership between our company and the City of Livonia. Should you have any additional questions or concerns regarding our project, please do not hesitate to contact us at your convenience. You may contact me directly at (313) 477-9777. Your attention to this matter is appreciated and we look forward to addressing any and all other outstanding concerns you may have.

Sincerely Yours,

The Maple Real Estate Group

A handwritten signature in blue ink, appearing to read 'S M Fakh', written over a horizontal line.

Sam M. Fakh

New Development Projects – Finished and/or Under Construction

- **1031 Mason St, Dearborn, Mi 48124- Downtown West Dearborn**
Four-Story mixed retail and residential loft apartments in West Dearborn. Project is near completion.
- **Wagner West Apartments- 1265 Monroe St., Dearborn, MI 48124- Downtown West Dearborn**
90 Unit studio apartment complex- Project is in Permitting stage
- **Shopping Center 4171 Old Canton Center Rd, Canton MI**
Renovated Shopping Center, tenants include State Farm Insurance, Liberty Tax, Northland Hearing Center.
- **Shopping Center 10401-10413 Ford Road, Dearborn**
Developed from ground-up 15,000 sq ft Shopping Center, tenants include Buff's Pizza, Nova Dental, and Lobster Pitstop
- **Muirehead Place- Downtown West Dearborn**
22370 Michigan Ave, Dearborn
Developing 33,000 Sq Ft Mixed Retail/Office- Project is near completion
- **Red Cross Building-Riverview**
14031 Pennsylvania Rd., Riverview Mi-
Re-Developed 10,500 Sq ft building for Red Cross + Beaumont Sleep Center + Edward Jones
- **Tim Horton's Café- East Dearborn**
10401 Ford Rd, Dearborn, MI 48126
Developed from ground-up 3000 sq ft Tim Horton's Café with Drive-Thru

- Tim Horton's Café- West Dearborn**
 24921 Ford Rd, Dearborn, MI 48128
 Developed from ground-up 2200 sq ft Tim Horton's Café with Drive-Thru
- Tim Horton's Café- East Dearborn/Detroit**
 7285 Greenfield Rd, Detroit, MI 4822824921
 Developed from ground-up 2200 sq ft Tim Horton's Café with Drive-Thru
- Sonic Drive-In- Dearborn**
 10403 Ford Rd, Dearborn, MI 48126
 Developed from ground-up 3200 sq ft Sonic Drive-In Café with Drive-Thru
- Caesars Coney & Grill Building- Dearborn**
 22445 Ford Rd, Dearborn Mi
 Developed 4,500 Sq Ft Building in to a Coney Island to house Caesars Coney & Grill
- DMC Sports Medicine- Dearborn**
 23823 Ford Rd., Dearborn, Michigan
 Developed 8,000 Sq Ft Orthopedic Medical Center to house DMC Sports Medicine
- 22332 Garrison St, Dearborn, MI 48124**
 Renovated historic house to retail currently home of Eternal Ink.
- 13823 Michigan Ave., Dearborn**
 Renovated 3500 Sq Ft Restaurant
- Fitness Center 22126 Ford Rd.,**
 22126 Ford Dearborn Heights, MI 48127
 Renovated vacant building to a 3300 sq ft fitness center
- Office Lofts at 16030 Michigan, Dearborn**
 Renovated vacant building to 5 office suites

AN ORDINANCE AMENDING SECTION 36 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF THE LIVONIA VISION 21 ZONING ORDINANCE KNOWN AND CITED AS “THE CITY OF LIVONIA ZONING ORDINANCE” BY ADDING SECTION 3.____ THERETO.

THE CITY OF LIVONIA ORDAINS:

Section 1. Pursuant to the report of the City Planning Commission, dated January 25, 2021, recommending approval of Petition 2021-12-01-11, having been considered by the Council, and the Council having conducted a public hearing on February 23, 2022, on said petition, and having concurred in the recommendation of the City Planning Commission, the Council hereby adopts said Petition 2021-12-01-11 to amend the Zoning Ordinance and Zoning Map of the City of Livonia and all proceedings heretofore conducted on said petition are hereby approved.

Section 2. Section 13.15 of the Livonia Vision 21 Zoning Ordinance, is hereby amended by adding thereto the following section:

Section 3. Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., is hereby approved, and the zoning classification of the premises hereinafter described is hereby changed from RUF (Rural Urban Farms) to C-1 (Local Business):

Land situated in the City of Livonia, County of Wayne, State of Michigan described as follows:

PARCEL 1

The West 58 feet of Lot 68 and Lot 107, except the East 227.00 feet, Newman Joy Subdivision, as recorded in Liber 66, Page 19 of Plats, Wayne County Records.

PARCEL 2

Lot 106, Newman Joy Subdivision, as recorded in Liber 66, Page 19 of Plats, Wayne County Records.

and the Southwest 1/4 of Section 36 of the Zoning Map is hereby amended to conform to the changes made in this section.

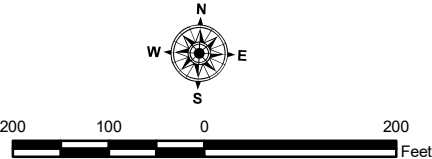
Proposed Zoning Ordinance Amendment
Petition 2021-12-01-11 - p 2

Section 4. The attached map designated “Amendment No. ____ to the Zoning Map of the City of Livonia” showing all of the amendments and changes made in the foregoing Section 2 of this ordinance is hereby approved, established and made a part hereof.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

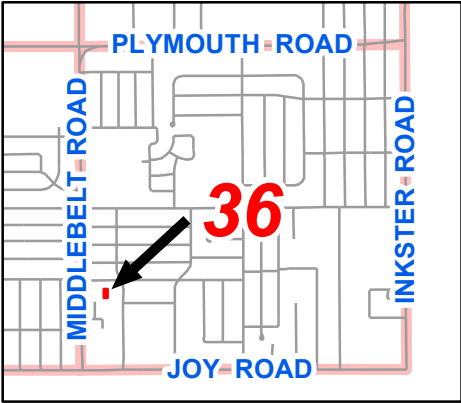
Section 6. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

BOUNDARY OF DISTRICT AS AMENDED
FROM RUF, RURAL URBAN FARM
TO C-1, LOCAL BUSINESS



PETITION NO. 2021-12-01-11
A PART OF THE S.W. 1/4 OF SECTION 36

AMENDMENT NO. TO THE
ZONING MAP OF THE
CITY OF LIVONIA, MICHIGAN
Adopted by the City Council on



MAYOR
CLERK



LETTER TO THE LIVONIA CITY COUNCIL

24.

Planning
February 24, 2022

MEETING DATE

Public Hearing of
February 23, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

REZONING PETITION: Planning Commission, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

Public Hearing held on February 23, 2022.

NEW DATA ITEM 24 - Additional locations submitted by Petitioner

BACKGROUND

RECOMMENDATION

At the 1,182nd Public Hearing and Regular Meeting held by the City Planning Commission on January 25, 2021, the following resolution was unanimously adopted:

#01-04-2022 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on January 25, 2022, on Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business), the Planning Commission does hereby recommend to the City Council that Petition 2021-12-01-11 be approved for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use

Map.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of Livonia Vision 21 Zoning Ordinance.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. PH022322 Petition 2021-11-01-11 (Maple Real Estate Group) Minutes
2. 2021-12-01-11_Maple Real Estate_E-COUNCIL Pkt
3. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group)
4. PH022322 Petition 2021-12-01-11(Maple Real Estate Group) Legal Notice
5. DIRECTION 2021-11-01-11
6. Council Letter PH 02232022
7. R031422 New Data Item 24

APPROVED BY



LETTER TO THE LIVONIA CITY COUNCIL

9.

Law
March 14, 2022

MEETING DATE

Regular Meeting of April
4, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

PROPOSED AMENDMENT TO LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED:
Department of Law, re: Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance in order to correct certain defects, add and delete provisions, and provide clarification to others.

Public Hearing held on Monday, March 21, 2022

BACKGROUND

RECOMMENDATION

At the 1,184th Public Hearing and Regular Meeting held by the City Planning Commission on February 22, 2022, the following resolution was unanimously adopted:

#02-15-2022 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on February 22, 2022, on Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance in order to correct certain defects, add and delete provisions, and provide clarification to others, the Planning Commission does hereby recommend to the City Council that Petition 2022-01-06-01 be approved for the following reasons:

1. That the proposed language amendments are needed to correct certain errors and omissions that were overlooked with the adoption of the original Livonia Vision 21 Zoning Ordinance.
2. That the proposed amendments add and delete certain provisions in a way that will serve to improve the effectiveness of the City's land use regulations.
3. That the proposed amendments will serve to further the implementation of the goals and objectives of the Livonia Vision 21 Master Plan and are in the best interests of the community as a whole.
4. That the proposed amendments to are in full compliance with the requirements of the Livonia Vision 21 Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. 2022-01-06-01_LV21 Amendments_V2PCPH_E-COUNCIL Pkt
2. Petition 2022-01-06-01 Notice
3. LTC PH032122
4. DIRECTION - LANG - Livonia Vision 21
5. 2022-01-06-01_LV21ZoningOrdinance_edit_V2PCPH

APPROVED BY



Paul Bernier, City Attorney

Date: March 23, 2022



Maureen Miller Brosnan, Mayor

Date: March 25, 2022

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 2

Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the **LIVONIA VISION 21 Zoning Ordinance** in order to correct certain defects, add and delete provisions, and provide clarification to others.

February 22, 2022 Planning Commission Public Hearing:

This item involves multiple revisions to the Livonia Vision 21 Zoning Ordinance. Many of the changes are needed to correct defects and omissions that went unnoticed during the adoption of the new regulations last summer. The amendment process also presents a good opportunity to add and delete provisions, and clarify the language in others in an effort to better achieve the stated purpose of the Ordinance and the goals and objectives of the Livonia Vision 21 Master Plan. The changes affect 35 various sections of the Zoning Ordinance. This report provides a reference to each section along with a brief description of the proposed change. **To see the actual language, click anywhere on the blue text to navigate to the LV21 Zoning Ordinance and the specific amendment being proposed.**

Per discussion at the Study Meeting, several changes were made to Section 10.03 Landscape Design Requirements, and more specifically, Section 10.03(5) Screen Wall and Greenbelt Buffering.

Section 3.03 Permitted Uses by District

Section 3.03(2) Permitted Residential Uses by District: [Added “Planned Developments” as a waiver use in the N1, N2, RUF, NM1, NM2, C-1, C-2, C-3, and C-4 districts with a reference to Sections 5.02 and 5.02\(2\) in the corresponding Use Standards.](#) (A)

Section 3.03(4) Permitted Public and Quasi-Public Uses by District: [Changed “Local and suburban passenger terminals; trucking transportation terminals, including maintenance and service facilities” from a permitted use to a waiver use in the M-1 and M-2 districts.](#) (B)

Section 3.03(5) Permitted Commercial and Retail Uses by District:

Ambulance services, local and suburban bus terminals and taxicab terminals: [Changed “bus terminal” to “bus terminals.”](#) (C)

Planned developments: [Changed from “Planned general developments” and added as a waiver use in the N1, N2, RUF, and NM1 districts with a reference to Section 5.02\(2\) in the corresponding Use Standards.](#) (D)

Section 3.03(6) Permitted Industrial Uses by District:

Industrial Parks: [Added as a permitted use in the ML, M-1 and M-2 districts with a reference to Section 7.28 in the corresponding Use Standards.](#) (E)

Steel fabricators, truck terminals, truck and trailer rental facilities, special trade contractors, and vehicle tow yards: [Changed from a permitted use to a waiver use in the M-2 district.](#) (F)

Section 3.04 N1 Neighborhood District

Waiver Uses: Planned developments: [Added “Planned developments” with reference to Section 5.02 and Section 5.02\(2\).](#) (G)

Section 3.05 N2 Neighborhood District

Waiver Uses: Planned developments: Added “Planned developments” with reference to *Section 5.02 and Section 5.02(2)*. (H)

Section 3.06 RUF District Regulations

Waiver Uses: Planned developments: Added “Planned developments” with reference to *Section 5.02 and Section 5.02(2)*. (I)

Section 3.07 NM1 Neighborhood Multifamily Regulations

Permitted Uses:

One-family dwellings: Added reference to *Section 6.19(2)*. (J)

Two-family dwellings: Added reference to *Section 6.20(2)*. (K)

Waiver Uses: Planned developments: Added “Planned developments” with references to *Section 5.02 and Section 5.02(2)*. (L)

Section 3.08 NM2 Neighborhood Multifamily District

Permitted Uses:

One-family dwellings: Added reference to *Section 6.19(2)*. (M)

Two-family dwellings: Added reference to *Section 6.20(2)*. (N)

Waiver Uses: Planned developments: Changed from “Planned general developments” and added a reference to *Section 5.02(2)*. (O)

Dimension Regulations: Lot Standards: Max. Usable Floor Area in percentage of lot area: Increased from 30% to 35% and added a reference to footnote (s). (P)

Section 3.10 C-1 District Regulations

Waiver Uses: Planned developments: Changed from “Planned general developments.” (Q)

Dimension Regulations: Lot Standards: Front Yard Setback: Added footnote (p). (R)

Section 3.11 C-2 District Regulations

Waiver Uses:

Planned developments: Changed from “Planned general developments.” (S)

Ambulance services, local and suburban bus terminals and taxicab terminals: Changed “bus terminal” to “bus terminals.” (T)

Dimension Regulations: Lot Standards: Front Yard Setback: Added footnote (p). (U)

Section 3.12 C-3 District Regulations

Permitted Uses: Ambulance services, local and suburban bus terminals and taxicab terminals: Changed “bus terminal” to “bus terminals.” (V)

Waiver Uses: Planned developments: Changed from “Planned general developments.” (W)

Dimension Regulations: Lot Standards:

Front Yard Setback: Added footnote (p). (X)

Side Yard Setback: Added footnote (p). (Y)

Rear Yard Setback: Added footnote (p). (Z)

Section 3.13 C-4 District Regulations

Waiver Uses: Planned developments: Changed from “Planned general developments.” (AA)

Dimension Regulations: Lot Standards:

Front Yard Setback: Added footnote (p). (BB)

Side Yard Setback: Added footnote (p). (CC)

Rear Yard Setback: Added footnote (p). (DD)

Max. Building Height: Changed footnote from (h) to (g) to match Schedule of Regulations. (EE)

Section 3.15 ML District Regulations

Permitted Uses: Industrial parks: Added “Industrial parks” with a reference to *Section 7.28*. (FF)

Section 3.16 M-1 District Regulations

Permitted Uses:

Industrial parks: Added “Industrial parks” with a reference to *Section 7.28*. (GG)

Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities: Deleted. (HH)

Waiver Uses:

Ambulance services, local and suburban bus terminals and taxicab terminals: Changed “bus terminal” to “bus terminals.” (II)

Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities: Changed to a waiver use with a reference to *Section 6.36*. (JJ)

Parking structures: Changed “structure” to “structures.” (KK)

Steel fabricators, truck terminals, truck and trailer rental facilities, special trade contractors, and vehicle tow yards: Deleted “where vehicles, trailers, equipment and material.” (LL)

Section 3.17 M-2 District Regulations

Permitted Uses:

Industrial Parks: Added “Industrial parks” with a reference to *Section 7.28*. (MM)

Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities: Deleted. (NN)

Steel fabricators, truck terminals, truck and trailer rental facilities where vehicles, trailers, equipment and material: Deleted. (OO)

Waiver Uses:

Ambulance services, local and suburban bus terminals and taxicab terminal: Changed “bus terminal” to “bus terminals.” (PP)

Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities: Changed to a waiver use with a reference to *Section 6.36*. (QQ)

Steel fabricators, truck terminals, truck and trailer rental facilities, special trade contractors, and vehicle tow yards: Changed to a waiver use with a reference to *Section 6.58*. (RR)

Vehicle tow yards: Deleted. (SS)

Section 4.02 Schedule of Regulations

Zoning District: NM2, Neighborhood Multifamily: Lot Area, Lot Coverage, and Dwelling/Business Unit Standards: Maximum Usable Floor Area in Percentage of Lot Area: Increased from 30% to 35% and added a reference to footnote (s). (TT)

Zoning District: C-1, Local Business: Minimum Yard Setbacks (ft.): Front (ft.): Added a reference to footnote (p). (UU)

Zoning District: C-2, General Business: Minimum Yard Setbacks (ft.): Front (ft.): Added a reference to footnote (p). (VV)

Zoning District: C-3, Highway Services: Minimum Yard Setbacks (ft.):

Front (ft.): Added a reference to footnote (p). (WW)

Side (ft.): Added a reference to footnote (p). (XX)

Rear (ft.): Added a reference to footnote (p). (YY)

Zoning District: C-4, High Rise Commercial: Minimum Yard Setbacks (ft.):

Front (ft.): Added a reference to footnote (p). (ZZ)

Side (ft.): Added a reference to footnote (p). (AAA)

Rear (ft.): Added a reference to footnote (p). (BBB)

Section 4.03 Footnotes to Schedule of Regulations

Section 4.03(p): Added language to footnote (p) prohibiting the outside storage of merchandise and equipment in the front, side and rear yards of a commercial zoning districts, except as otherwise permitted, including merchant vehicles. (CCC)

Section 4.03(s): Added footnote (s) to specify the maximum usable floor area as a percentage of lot area shall be 35% except in cases where City Council determines an increase is warranted with an overall limit of 45%. (DDD)

Section 5.02 Special Waiver Use Standards for Planned Developments, including Planned Residential Developments and Planned General Developments

Section 5.02 Special Waiver Use Standards for Planned Developments, including Planned Residential Developments and Planned General Developments: Changed heading from “Special Waiver Use Standards for Planned Residential Developments and Planned General Developments.” (EEE)

Section 5.02(2)C) Authority to Grant Waiver for Planned Residential Development or Planned General Development: Added provision requiring a two-thirds (2/3) vote of City Council to allow a Planned General Development in a residential district (N1, N2, RUF, NM1 or NM2). (FFF)

Section 5.02(4) Action by Planning Commission: Replaced “planned project” with “Planned Development.” (GGG)

Section 5.04 Form-Based Development Option in Commercial Districts

Section 5.04(6)B) Carriage House/Accessory Dwelling Unit: Replaced “residential lot” with “principal dwelling unit.” (HHH)

Section 6.10 Caregiver Grow Facilities

Section 6.10(1) Caregiver Grow Facilities: Replaced “...indoor recreational facility or athletic training school permitted pursuant to Section 16.11(f)...” with “...indoor recreational uses permitted pursuant to *Section 6.32...*” for accurate reference. (III)

Section 6.15 Dwelling, Accessory Unit

Section 6.15 Dwelling, Accessory Unit: Section deleted and “*Reserved*” for future use. (JJJ)

Section 6.16 Dwelling, Condominium

Section 6.16(3) Minimum Size within Zones: Deleted. (KKK)

Section 6.19 Dwelling, Single-Family

Section 6.19(2) Requirements in Multifamily Zones: Added to require N1 standards for one-family dwellings in NM1 and NM2 districts. (LLL)

Section 6.19(3) Minimum Size within Zones: Deleted. (MMM)

Section 6.20 Dwelling, Two-Family

Section 6.20(2) Requirements in Multifamily Zones: Added to require N2 standards for two-family dwellings in NM1 and NM2 districts. (NNN)

Section 6.36 Local and Suburban Passenger Terminals; Trucking Transportation Terminals Including Maintenance and Service Facilities.

Section 6.36(1) Districts Permitted: Changed from a permitted use to a waiver use in the M-1 and M-2 districts. (ooo)

Section 6.52 Retail Sales.

Section 6.52(1)A) Districts Permitted: Added C-4 district as a waiver use for buildings greater than 30,000 sq.ft. (ppp)

Section 6.57 Ambulance Services, Local and Suburban Bus Terminals and Taxicab Terminals

Section 6.57 Ambulance Services, Local and Suburban Bus Terminals and Taxicab Terminals: Changed heading from “Terminals, Ambulances Services, Bus, and Taxicab.” (qqq)

Section 6.58 Steel Fabricators, Truck Terminals, Truck and Trailer Rental Facilities, Special Trade Contractors, and Vehicle Tow Yards

Section 6.58 Steel Fabricators, Truck Terminals, Truck and Trailer Rental Facilities, Special Trade Contractors, and Vehicle Tow Yards: Changed heading from “Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, Special Trade Contractors, and Vehicle Tow Yards.” (rrr)

Section 6.58(1) Districts Permitted: Changed from a permitted use to a waiver use in the M-2 district. (sss)

Section 7.10 Separate Dwellings for Domestic Employees

Section 7.10 Separate Dwellings for Domestic Employees: Section deleted and “Reserved” for future use. (ttt)

Section 7.26 Encroachments and Exempt Structures.

Section 7.26(1) Permitted Yard Encroachments: Section 7.26(1)C): Chimneys, Fireplaces, Eaves, Overhangs, and Cornices in the Side, Rear and Front Yard Setbacks: Added to allow for encroachments up to twenty-four (24) inches. (eeee)

Section 7.28 Industrial Parks

Section 7.28 Industrial Parks: Added regulations for Industrial Parks that was inadvertently omitted from the Zoning Ordinance, including:

- Setback Requirements.
- Maximum Ground Coverage by Principal Structure.
- Landscaping Requirements.
- Driveways and Parking Areas.
- Off-Street Parking Requirements. (uuu)

Section 9.04 Off-Street Parking Space Layout Standards

Section 9.04(4) Modifications: Added language giving City Council the authority to approve 9' x 18' parking stalls for up to 90% of the required number of parking spaces for general and professional office centers greater than 15,000 sq.ft. in area. (vvv)

Section 10.01 Applicability

Section 10.01 Applicability: Added “and screening” in two (2) places to match the title of Article X. Landscaping and Screening. (FFFF)

Section 10.03 Landscape Design Requirements

Section 10.03(5) Screen Wall and Greenbelt Buffering: Changed heading from “Greenbelt Buffering” and included “screen wall” where applicable in the ensuing paragraph. (GGGG)

Developing Zoning District: ML, M-1, and M-2 Districts: Adjacent to: C-1, C-2, C-3, and C-4 Districts: Footnote “c” replaced with footnote “b.” (www)

Developing Zoning District: ML, M-1, and M-2 Districts: Adjacent to: ML, M-1, and M-2, and Railroad and Utility rights-of-way: Footnote “a” eliminated. (HHHH)

Footnote “b”: Added language giving City Council the authority to require a six (6) foot high masonry wall or opaque fence in lieu of, or in conjunction with, a greenbelt. (xxx)

Footnote “c”: Added language giving City Council the authority to require a seven (7) foot high masonry wall or opaque fence in lieu of, or in conjunction with, a greenbelt. (IIII)

Section 10.03(5)(E) Circumstances Requiring Construction of a Wall: Added language giving City Council the authority to require construction of a masonry screen wall where it is determined that a wall is needed to adequately buffer a developing district from the adjacent use or district. (vvv)

Section 10.03(5)(F) Separation Agreement: Added same language from Ordinance No. 543 that allowed for written agreements among the owners of property requiring installation of a protective wall or greenbelt and all adjacent residential property owners to waive the requirement for a period up to five (5) years. (zzz)

Section 11.08 Zoning District Regulations

Section 11.08(2) Sign Regulations for C-1 Districts: Monument Signs: Sites comprised of one (1) building or multiple architecturally uniform buildings and sharing a common parking area:

Maximum Area: Monument sign area increased from twenty (20) square feet to thirty (30) square feet. (AAAA)

Section 13.13 City Planning Commission

Section 13.13(12) Site Plan Review and Approval: A) Authority: Added section requiring site plan review in N1, N2, RUF, NM1, NM2, NM3, P, C-1, C-2, C-3, C-4, ML, M-1 and M-2 districts. (BBBB)

Section 13.13(12)H) Application Fee: Deleted. This section was recently added to Code of Ordinances. (CCCC)

Section 13.15 Amendments.

Section 13.15(6) Action by City Planning Commission; Notice; Public Hearing: Deleted requirement for City Clerk to provide inserts to applicants for public notification signs in the case of rezoning petitions. (DDDD)

Approving Resolution: That having conducted a public hearing with regard to Petition 2022-01-06-01, submitted by the City Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance, the City Planning Commission does hereby recommend approval of the Proposed Amendments Version 2.0, dated February 22, 2022, as prepared by the City of Livonia Planning Commission, for the following reasons:

1. That the proposed language amendments are needed to correct certain errors and omissions that were overlooked with the adoption of the original Livonia Vision 21 Zoning Ordinance.
2. That the proposed amendments add and delete certain provisions in a way that will serve to improve the effectiveness of the City's land use regulations.
3. That the proposed amendments will serve to further the implementation of the goals and objectives of the Livonia Vision 21 Master Plan and are in the best interests of the community as a whole.
4. That the proposed amendments to are in full compliance with the requirements of the Livonia Vision 21 Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.



LIVONIA VISION 21

Zoning Ordinance

City of Livonia, Michigan

CITY COUNCIL ADOPTED AUGUST 23, 2021

Petition 2022-01-06-01
Proposed Amendments Version 2.0
February 22, 2022



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Communities for real life.

Acknowledgments

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Maureen Miller Brosnan

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Table of Contents

Article I.	Title, Purpose, and Scope	1
Section 1.01	Short Title.....	1
Section 1.02	Purpose.....	1
Section 1.03	Construction.....	2
Section 1.04	Enabling Authority.....	2
Article II.	Definitions	3
Section 2.01	General.	3
Section 2.02	Specific Terms.	13
Article III.	Zoning Districts and Map	23
Section 3.01	Zoning Districts.	23
Section 3.02	Adoption of Zoning Map.....	25
Section 3.03	Permitted Uses by District.....	25
Section 3.04	N1 Neighborhood District.....	36
Section 3.05	N2 Neighborhood District.....	37
Section 3.06	RUF District Regulations.....	38
Section 3.07	NM1 Neighborhood Multifamily Regulations.....	39
Section 3.08	NM2 Neighborhood Multifamily District.....	40
Section 3.09	NM3 District Regulations.	41
Section 3.10	C-1 District Regulations.	42
Section 3.11	C-2 District Regulations.	44
Section 3.12	C-3 District Regulations.	46
Section 3.13	C-4 District Regulations.	48
Section 3.14	P-L District Regulations.	50
Section 3.15	ML District Regulations.	51
Section 3.16	M-1 District Regulations.....	52
Section 3.17	M-2 District Regulations.....	55
Section 3.18	NP District Regulations.....	57
Section 3.19	P District Regulations.....	57
Article IV.	Schedule of Regulations	58
Section 4.01	Statement of Purpose.	58
Section 4.02	Schedule of Regulations.....	58
Section 4.03	Footnotes to Schedule of Regulations.....	60
Article V.	Supplemental Zoning District Standards	64
Section 5.01	Special Area Development Control.....	64
Section 5.02	Special Waiver Use Standards for Planned Residential Developments and Planned General Developments.	65
Section 5.03	Single-Family Clustering.....	69
Section 5.04	Form-Based Development Option in Commercial Districts.....	72
Article VI.	Standards Applicable to Specific Uses	96
Section 6.01	Adult Entertainment.	96
Section 6.02	Adult Foster Care.....	96

Section 6.03	Alcohol Sales (Specially Designated Merchant [SDM] and Specially Designated Distributor [SDD]).	97
Section 6.04	Apartments.	97
Section 6.05	Automobile Sales and Rental and Mobile Home Sales.	98
Section 6.06	Automobile Repair (Up to One (1) Ton GVWR).	98
Section 6.07	Auto-Wash Establishments.	99
Section 6.08	Bed and Breakfast Establishments.	99
Section 6.09	Brewer, Micro Brewer, Brewpub, and Distilleries.	100
Section 6.10	Caregiver Grow Facilities.	101
Section 6.11	Child Care, Family Home.	101
Section 6.12	Child Care, Group Home.	102
Section 6.13	Day Care Nurseries.	103
Section 6.14	Dance Halls and Ballrooms.	103
Section 6.15	Dwelling, Accessory Unit.	103
Section 6.16	Dwelling, Condominium.	103
Section 6.17	Dwelling, Mobile Homes and Modular Homes.	104
Section 6.18	Dwelling, Multi-Family and Apartments.	105
Section 6.19	Dwelling, Single-Family.	105
Section 6.20	Dwelling, Two-Family.	106
Section 6.21	Essential Services.	106
Section 6.22	Establishments Having Liquor Licenses Such as Class C, Tavern, and Club.	106
Section 6.23	Facilities for the Detention, Incarceration, Commitment, and/or Rehabilitation of Adults or Minor Children and Psychiatric Hospitals.	107
Section 6.24	Garages, Repair Shops, Rustproofing and Similar Highway Services.	108
Section 6.25	Gardening and Tree Nurseries.	108
Section 6.26	Gasoline Service Station.	108
Section 6.27	Heliports.	110
Section 6.28	Home Occupations.	111
Section 6.29	Hospitals.	112
Section 6.30	Hotel.	112
Section 6.31	Housing for the Elderly.	113
Section 6.32	Indoor Recreational Uses.	113
Section 6.33	Internet-based Exotic Vehicle Sales.	113
Section 6.34	Keeping of Animals (Fowl, Rabbits, Horses, Cows, etc.).	114
Section 6.35	Kennels.	114
Section 6.36	Local and Suburban Passenger Terminals; Trucking Transportation Terminals Including Maintenance and Service Facilities.	114
Section 6.37	Massage Establishment.	114
Section 6.38	Motels.	115
Section 6.39	Nature Preserves.	115
Section 6.40	Nursing Homes and Convalescent Homes.	116
Section 6.41	Oil and Gas Wells and Storage.	116
Section 6.42	Open Air Business Uses Sales, Display, and/or Rental of Utility Trailers and Recreational Equipment.	116
Section 6.43	Open-Air Sales of Christmas Trees by Churches, Public and Parochial Schools and Other Bona Fide Charitable Organizations.	117
Section 6.44	Outdoor Storage of Recreational Equipment.	117
Section 6.45	Pawnshops.	117
Section 6.46	Payday Lenders.	118
Section 6.47	Personal Service Establishment.	118
Section 6.48	Privately Owned and Operated Recreational Uses.	118
Section 6.49	Raising of Fur Bearing Animals.	119
Section 6.50	Religious Institutions.	119

Section 6.51	Restaurants.....	120
Section 6.52	Retail Sales.....	121
Section 6.53	Second-hand Stores.....	123
Section 6.54	Self-Storage, Indoor Climate Controlled.....	123
Section 6.55	Small Cell Wireless Facilities.....	124
Section 6.56	Temporary Uses and Sidewalk and Tent Sales.....	126
Section 6.57	Terminals, Ambulances Services, Bus, and Taxicab.....	126
Section 6.58	Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, Special Trade Contractors, and Vehicle Tow Yards.....	127
Section 6.59	Veterinarian.....	128
Section 6.60	Wireless Communication Facilities.....	128
Article VII.	General Provisions	139
Section 7.01	Applicability.....	139
Section 7.02	Scope.....	139
Section 7.03	Buildings Under Construction.....	139
Section 7.04	Building and Easement Grades.....	140
Section 7.05	Minimum Lot Size and Width.....	140
Section 7.06	Application to Lots of Record.....	140
Section 7.07	Approval of Plats.....	141
Section 7.08	Lot Limitation.....	141
Section 7.09	Residential Accessory Building and Recreational Equipment Storage.....	141
Section 7.10	Separate Dwellings for Domestic Employees.....	142
Section 7.11	Yards; Double Frontage Lots.....	142
Section 7.12	Front Yards; Schoolcraft Road.....	142
Section 7.13	Yards; Use.....	143
Section 7.14	Yard; Alley.....	143
Section 7.15	Lots; Use for Yards, Courts, Etc.....	143
Section 7.16	Room Requirements.....	143
Section 7.17	Heights; Public, Quasi-Public, Form-Based Development Option, Planned Developments, and Major Business Buildings.....	143
Section 7.18	Height; Items Not Included.....	144
Section 7.19	Height; Parapet Walls.....	144
Section 7.20	Height; Public Buildings; Utilities.....	145
Section 7.21	Division or Partitioning of Lots.....	145
Section 7.22	Lighting.....	145
Section 7.23	Accessory Structures and Uses.....	147
Section 7.24	Fences and Walls.....	148
Section 7.25	Alternative Energy.....	148
Section 7.26	Encroachments and Exempt Structures.....	151
Section 7.27	Subdivision and Site Condominiums.....	151
Article VIII.	Environmental Performance Standards	154
Section 8.01	Sound/Noise.....	154
Section 8.02	Odors.....	154
Section 8.03	Waste and Rubbish Facilities.....	154
Section 8.04	Soil Removal, Excavation, and Dumping Soil, Sand, Clay, or Gravel.....	154
Section 8.05	Performance Standards for Industrial Uses.....	157
Section 8.06	Special Flood Hazard Areas.....	158
Section 8.07	Outdoor Toilets.....	159
Article IX.	Parking, Loading, and Access Management.....	160
Section 9.01	Applicability.....	160
Section 9.02	Access Management.....	160

Section 9.03	Off-Street Parking Requirements	162
Section 9.04	Off-Street Parking Space Layout Standards	164
Section 9.05	Minimum Number of Parking Spaces Required	165
Section 9.06	Barrier-Free Parking Required	169
Section 9.07	Parking and Loading for Multiple Uses and Joint Use	169
Section 9.08	Off-Street Loading Space	170
Section 9.09	Parking structures	171
Section 9.10	Surfacing and Drainage	171
Section 9.11	Curb	172
Section 9.12	Approval	172
Section 9.13	Off-Street Parking: Study and Report	172
Section 9.14	Illegal Parking of Motor Vehicles; Tickets; Towing of Motor Vehicles	172
Section 9.15	Electric Vehicle (EV) Charging Stations or Ports	173
Section 9.16	Limitation of the Use	174
Article X.	Landscaping and Screening	175
Section 10.01	Applicability	175
Section 10.02	Landscape Plan Requirements	175
Section 10.03	Landscaping Design Requirements	176
Section 10.04	Standards for Plant Materials	181
Section 10.05	Landscape Installation and Maintenance	182
Section 10.06	Modifications	183
Article XI.	Signs	184
Section 11.01	Applicability	184
Section 11.02	Intent	185
Section 11.03	Substitution Clause	185
Section 11.04	General Requirements for All Signs	185
Section 11.05	Prohibited Signs	186
Section 11.06	Exempt Signs	187
Section 11.07	Measurement of Sign Area	189
Section 11.08	Zoning District Regulations	191
Section 11.09	Billboards	195
Section 11.10	Sign Illumination	195
Section 11.11	Construction and Maintenance	196
Section 11.12	Permits	198
Section 11.13	Sign Removal	200
Section 11.14	Dangerous Signs	200
Section 11.15	Non-Conforming Signs	200
Section 11.16	Severability	201
Article XII.	Nonconformities.	202
Section 12.01	Nonconforming Uses and structures; Continuance	202
Section 12.02	Certificates of Valid Nonconforming Uses and structures	202
Section 12.03	Nonconforming Uses and structures; Termination	202
Section 12.04	Nonconforming Uses and structures; Restoration	203
Section 12.05	Nonconforming Uses and structures; Repair	203
Section 12.06	Nonconforming Uses and Structures; Exceptions	203
Section 12.07	Nonconforming Uses and Structures; Elimination	204
Section 12.08	Nonconforming Due to Reclassification	204
Article XIII.	Administrative Procedures	205
Section 13.01	Administration and Enforcement	205
Section 13.02	Zoning Permit and Zoning Compliance Permit Required	205

Section 13.03	Duties and Limitations of the Building Official.....	205
Section 13.04	Permit Fees.....	206
Section 13.05	Duration of Permit.....	206
Section 13.06	Revocation of Permit.....	207
Section 13.07	Inspection.....	207
Section 13.08	Certificate of Compliance Required.....	207
Section 13.09	Temporary Certificate of Occupancy.....	208
Section 13.10	Application for Certificates.....	208
Section 13.11	Record of Certificates.....	208
Section 13.12	Exception to Barrier Free Design Requirements—Posting of Final Order.....	208
Section 13.13	City Planning Commission.....	208
Section 13.14	Board of Appeals.....	215
Section 13.15	Amendments.....	218
Article XIV.	Violations and Penalties.....	222
Section 14.01	Compliance and Responsibility.....	222
Section 14.02	Violation Nuisance Per Se.....	222
Section 14.03	Penalty.....	223
Section 14.04	Other Remedies.....	223
Section 14.05	Severability.....	223
Section 14.06	Repeal.....	223

Article I.

Title, Purpose, and Scope

Section 1.01 Short Title.

This Ordinance shall be known and may be cited as the LIVONIA VISION 21 Zoning Ordinance.

Section 1.02 Purpose.

The comprehensive plan of this Ordinance is for the purpose of promoting public health, safety, morals, convenience, comfort, amenities, prosperity, and general welfare of the community and of a wholesome, serviceable, and attractive municipality. These purposes are attained by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that provide for a more uniformly just land-use pattern and tax assessment basis; that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, parkways, recreation, schools, public buildings, housing, light, air, water supply, sewerage, sanitation, and other public requirements that lessen congestion, disorder and danger which often inhere in unregulated municipal development; that prevent overcrowding of land and undue concentration of population; that assist in carrying out the Master Plan of the City of Livonia; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends. In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this comprehensive plan, the City is divided into districts of such number, shape, and area, as well as, of such common unity of purpose and adaptability of use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious, and economic results in civic service, activities, and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy, and uses of buildings and other structures, including the percentage of plot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

Section 1.03 Construction.

This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare. Whenever the requirements of this Ordinance impose requirements of lower heights of buildings, or a less percentage of lot that may be occupied, or require wider or larger courts, or deeper yards than are imposed or required by existing provisions of law or ordinance, the provisions of this Ordinance shall govern. Where, however, the provisions of the State Housing Code or other ordinance or regulations of the City of Livonia impose requirements for lower heights of buildings, or less percentage of lot that may be occupied, or require wider or larger courts, or deeper yards than are required by this Ordinance, the provisions of the State Housing Code or other ordinance or regulations shall govern. The provisions of this Ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with each other and likewise with the provisions of all existing and future ordinances of the City of Livonia, and all amendments thereto provided, however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail.

Section 1.04 Enabling Authority.

This Ordinance is adopted pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, as amended; its predecessor statute, Act 208, Public Acts of Michigan, 1949, as amended; and Section I of Chapter II and Sections 11 and 20 of Chapter IV of the Charter of the City of Livonia. Said acts are hereby made a part of this Ordinance just as if they were word for word repeated herein.

Article II.

Definitions

Section 2.01 General.

(1) Definitions Pertaining to Grammatical Usage.

Meaning of Words and Phrases. The words and phrases defined in this Article, when used in this Ordinance, shall, for the purpose of this Ordinance, have the meanings ascribed to them in this Article, except in those cases where the context clearly indicates a different meaning. Words used in the present tense include the future tense, words in the singular number include the plural number, words in the plural number include the singular number, and the word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." The word "lot" includes the word "plot" or "parcel." Terms not herein defined shall have the meaning customarily assigned to them.

Occupied and Used. The word "occupied", and the word "used" shall each be considered and construed as though followed by the words "or intended, arranged, or designed to be used or occupied."

Person. The word "person" shall include any individual, firm, co-partnership, corporation, company, association, club, joint venture, estate, trust, or any other group or combination acting as a unit, and the individuals constituting such group or unit and the plural as well as the singular number; the singular masculine pronoun, the singular feminine pronoun, and the corresponding plural pronouns shall include the masculine, feminine, neuter and plural unless the intention to give a more limited meaning is disclosed by the context.

(2) Definitions of General Zoning Terms.

Board of Appeals. The Zoning Board of Appeals operating pursuant to the provisions of Michigan Zoning Enabling Act, MCL 125.3101, et seq, as amended.

Building Official. The Director of the Department of Inspection or any of his or her duly authorized assistants.

Department of Inspection. The Department of Inspection of the City of Livonia.

Family. A family is any number of persons living together in a single dwelling unit comprising a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family and including the domestic employees thereof. Any group of persons not so related but inhabiting a single dwelling unit shall, for the purpose of this Ordinance, be considered to constitute one (1) family for each five (5) persons exclusive of domestic employees contained in such group.

Future Transportation Map. Current adopted Future Transportation Map included in the Livonia Vision 21 Master Plan, as amended.

Non-Conforming Building. A building or structure, lawfully existing at the time of enactment of this Ordinance or a subsequent amendment thereto, that does not conform to the regulations or provisions of this Ordinance applicable to the zoning district in which it is located.

Non-Conforming Use. A use of a building, structure, or of a tract of land, lawfully existing at the time of enactment of this Ordinance or a subsequent amendment thereto, that does not conform to the regulations or provisions of this Ordinance applicable to the zoning district in which it is situated.

Planning Commission. The City Planning Commission operating pursuant to the provisions of the Michigan Planning Enabling Act, MCL 125.3801, et seq, as amended.

Plat. A map or chart of a subdivision of land.

Platted Subdivision. A parcel or tract of land which has been partitioned or divided by the proprietor thereof or by his or her heirs, executors, administrator, legal representative, successors, or assigns for the purpose of sale or of building development where the act of division created parcels in accordance with the provisions of MCL 560.101, et seq, as amended, being the "Land Division Act."

Single Ownership. Ownership by a person or by two or more members of the same family of a lot of record which is completely isolated from any other property held by the same person or persons.

Subdivision Regulations. Regulations and amendments thereto adopted by the City Planning Commission and authorized by the Michigan Planning Enabling Act, MCL 125.3801, et seq, as amended and Land Division Act, MCL 560.101, et seq, as amended.

Use. The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied, used, or for which they are occupied or maintained.

Variance. A modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when in its judgment the strict enforcement of the Zoning Ordinance would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Waiver Use. Uses as enumerated under the zoning district that are permitted upon review and submission of findings by the City Planning Commission and approved by the City Council. Waiver uses are synonymous to special land uses, as defined in Section 125.3502 of the Michigan Zoning Enabling Act.

Waiver Use Open Space Planned Residential Development. The variation of residential zoning district requirements so as to achieve greater flexibility in the creation of open space and improved design without increasing density.

(3) Definitions Pertaining to Rights-of-Way and Public Utilities.

Alley. A passage or way open to public travel, not more than thirty (30) feet wide, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Cul-de-sac. A street with only one (1) outlet having sufficient space at the closed end to provide vehicular turning facilities.

Essential Services. The construction, alteration, or maintenance by private companies, municipal departments, or commissions of the various transmission, distribution, or disposal systems that are necessary for the preservation of the public health, safety, or general welfare, such as gas, electricity, telephone, telegraph, fire alarm, steam, water and sewage. This term shall also include all poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, emergency outdoor warning sirens, and other similar equipment or accessories reasonably necessary for the furnishing of adequate service by such private company, municipal department, or commission, but it shall not be deemed to include buildings or public utility substations. This term shall not include telecommunication towers, solar energy facilities, and wind energy conversion systems.

Major Thoroughfare. An arterial street intended to serve as a large volume trafficway for both the City of Livonia and the region beyond and which may be designated as a parkway, freeway, expressway, arterial highway, arterial street, special arterial, city major, or equivalent term for identification purposes. Any street with a width, either existing or proposed (as shown on the Future Transportation Map) of one hundred (100) feet or more shall be considered a master or major thoroughfare.

Minor Street. A street designated as a minor street pursuant to Act 51 of the Public Acts of 1951 intended primarily for providing access to abutting properties. A "Minor Street" includes a street supplementary to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

Public Utility. Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing general community services to the public, under state or municipal regulations, including, but not restricted to, electrical, gas, steam, communication, transportation, sewer, or water service. Telecommunication towers, small wireless communication facilities, solar energy facilities, and wind energy conversion systems are not public utilities.

Public Utility Buildings. This term shall include telephone exchange buildings, transformer stations and substations, gas regulator stations, and similar structures.

Street. A dedicated and accepted public thoroughfare, other than a public alley, open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designation, having a right-of-way at least thirty (30) feet in width. A street may also accommodate non-motorized traffic.

(4) Definitions of Basic Types of Buildings and Uses.

Accessory Buildings and Structures. A subordinate building or structure whether attached, detached, or a subordinate adjunct to the principal building.

Building, Principal. A building or, where the context so indicates, a group of buildings in which the main or principal use of the lot is conducted.

Educational Uses. Uses that provide educational services, such as public libraries, public primary and secondary schools, and publicly owned and operated institutions of higher learning.

General Farming. Standard farming activities such as horticulture, dairying, livestock and poultry raising, farm forestry, and similar bona fide agricultural enterprises or uses of land and structures, except farms operated wholly or in part for the disposal of garbage, sewage, rubbish, offal, and wastes from rendering plants.

Use, Accessory. A use normally incidental to, and subordinate to the principal use of the premises.

Use, Principal. The primary and chief purpose for which a lot is used.

Temporary Use, Temporary Building, Temporary Structure. A structure building or use permitted by the City Building Official or City Council to exist during periods of construction of the principal use, for special events, or purposes, which shall not exceed one (1) year unless otherwise permitted or extended by the City Council. Temporary uses shall be only those which are clearly short duration.

(5) Definitions of Basic Building and Structural Terms.

Alterations. A change, addition, or modification in construction or type of occupancy. Any change in the structural members of a building, such as walls, partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Basement. That portion of a building which is wholly or partly below the average grade of the ground level adjoining the building is a basement when the height from the grade up to the first floor level is less than the height from the grade level down to the floor; provided, however, that if the height from the grade level to the first floor level is five (5) feet or more, such basement shall be considered a story.

Building. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Building Area. That portion of the lot occupied by the main building, accessory building, and other structures. The term is synonymous with lot coverage.

Building, Front of. That façade of a building most nearly parallel to and nearest the front lot line.

Building Height. The vertical distance between the average grade (see definition of "Grade") and the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof.

Building Line. The line formed by the outer surface of a building, structure, or enclosure wall at ground level.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill drainage, and the like, shall be considered a part of erection.

Grade, Finished. The final elevation of ground surface after man-made alterations to a site in conformance with the approved plans or designs relating thereto.

Grade, Natural. The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Mezzanine. An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Soil. Includes land, earth, dirt, clay, sand, gravel, soil components, minerals, and kindred substances.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building between the upper surface of the topmost floor and the ceiling above it.

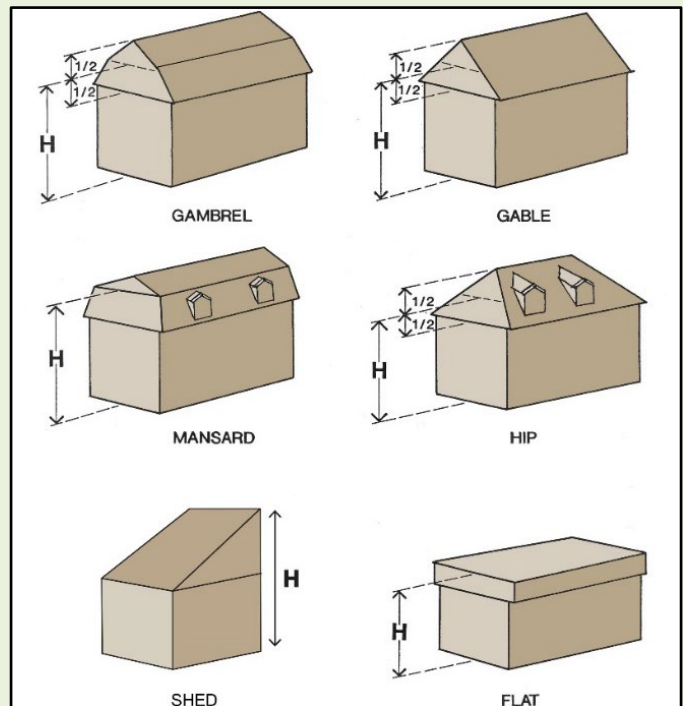
Story, Half. A half story is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75) per cent of the floor area of the story immediately below it.

Structure. A structure is anything erected or constructed which requires permanent location on the ground or attachment to something having such location.

Usable Floor Area, Non-Residential. The measurement of usable floor area for non-residential uses shall be the sum of the area of the first floor, as measured to the exterior face of the exterior walls, plus that area, similarly measured, of all other stories that are accessible by a fixed stairway, ramp, escalator or elevator, which may be made fit for occupancy. The measurement shall include the floor area of all accessory buildings measured similarly.

Usable Floor Area, Residential. The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured to the exterior face of the exterior walls, plus that area, similarly measured, of all other stories having more than ninety (90) inches of headroom that are accessible by a fixed stairway and which may be made usable for human habitation, but excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, unenclosed breezeways, and unenclosed porches.

Utility Room. A utility room, or space, is a room, or space, located other than in the basement, specifically designed and constructed to house any home utilities such as the heating unit and laundry facilities.



(6) Definitions Pertaining to Lots and Areas.

Lot. An area of land, which may consist of lots of record and/or parcels or parts thereof, occupied or intended for occupancy by not more than one main building or dwelling unit, unless otherwise specifically provided in this Ordinance.

Lot, Area. The total horizontal area within the lot lines of a lot.

Lot, Corner. A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the two (2) streets is one hundred thirty-five (135) degrees or less; or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the curve, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. That part or percent of the lot occupied by buildings, including accessory buildings. See Figure below.

Lot Depth. The average depth of a lot.

Lot, Double Frontage. An interior lot having a street line for both the front lot line and the rear lot line.

Lot, Interior. An interior lot is a lot other than a corner lot.

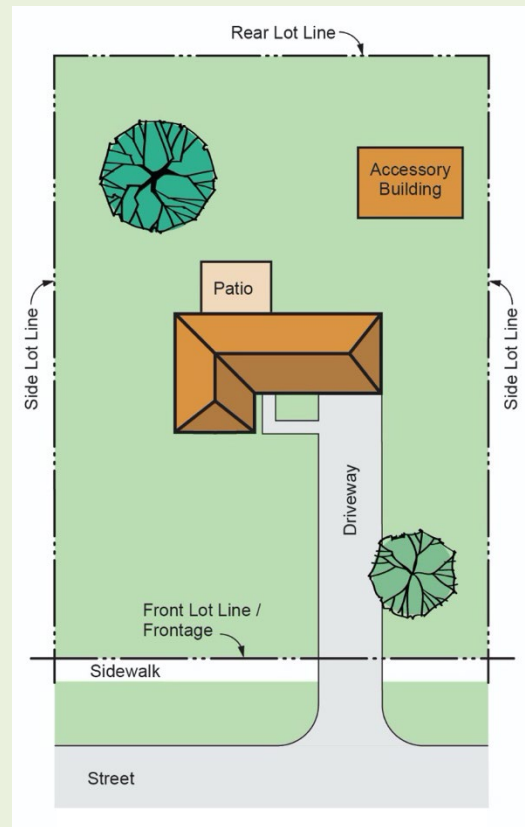
Lot of Record. A lot of record is a lot the dimensions of which are shown on a plat recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, and which actually exists as so shown.

Lot Lines. The lines bounding a lot as defined herein. In case a recorded ownership is to the center line of a public thoroughfare, the lot line, for the purposes of this Ordinance, shall be the outside line of the right-of-way as shown on the Future Transportation Map.

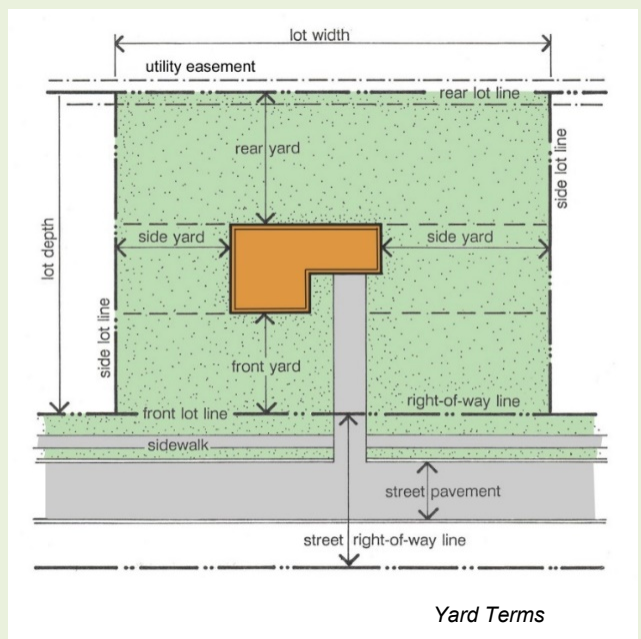
Lot Line, Front. The line abutting a street. On a corner lot the shorter street line shall be considered the front lot line. Where new street lines are established by ordinance or the Future Transportation Map of the City of Livonia, such lines shall be the front lot line. See Figure above.

Lot Line, Rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet long, lying most distant from the front lot line and wholly within the lot. See Figure above.

Lot Line, Side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot, or lots is an interior lot line. See Figure above.



Lot Terms



Yard Terms

Lot Width. The shortest straight-line dimension of a lot measured between side lot lines at the distance required for a front yard, but not encroaching into the setback, in the district in which the lot is located.

Outlot. An outlot is a parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

Setback. The minimum required horizontal distance between the foundation of a building or other structure, excluding allowable projections and encroachments, and the front, side, or rear lot line or right-of-way line.

Setback Lines. A line marking the setback distance from the lot lines which establishes the minimum required front, side, or rear yards of a lot.

Yards. The open spaces on the same lot with a principal building are established by and between the lot lines and the required building setback lines and which are open, unoccupied, and unobstructed by any structure or any part thereof from the ground upward, except as may otherwise be provided in this Ordinance.

Yard, Front. A front yard is an open space extending the full width of a lot and of a uniform depth equal to required setback line as measured horizontally and perpendicular to the front lot line, unoccupied from the ground upward except as hereinafter specified. See Figure below.

Yard, Rear. A rear yard is an open space extending the full width of a lot and of a uniform depth equal to the required setback line measured horizontally and perpendicular to the rear lot line, unoccupied from the ground upward except as hereinafter specified. See Figure to the right.

Yard, Side. A side yard is an open space extending from the front yard to the rear yard and of a uniform width equal to the required setback line measured horizontally and perpendicular to the side lot line, unoccupied from the ground upward except as hereinafter specified. See Figure to the right.

(7) Definitions Pertaining to Types of Dwellings.

Apartments. A suite of rooms forming one residence, typically in a building containing a number of these.

Condominium. A form of property ownership in which dwelling units are owned individually but the associated land (limited and common) and common elements in the structure are owned jointly.

Congregate Elderly Housing. Apartments and dwellings for the elderly with communal dining facilities and services, such as housekeeping, organized social and recreational room(s) and activities, transportation services, and other support services appropriate for the residents under common management.

Dwelling, Converted. A "converted dwelling" is a building containing more dwelling units than the number for which it was originally designed and constructed.

Dwelling, Multiple Family. A building containing three (3) or more dwelling units arranged either side by side or one above the other.

Dwelling, One-Family. A separate detached building designed exclusively for and containing only one (1) dwelling unit.

Dwelling, Two-Family. A separate detached building designed exclusively for and containing only two (2) dwelling units, each of which is independent from the other.

Dwelling Unit. Any room or group of rooms located within a dwelling and forming a residential household unit with facilities that are used or intended to be used for living, sleeping, cooking, and eating, with a restroom(s) and bathing facility(ies) to be utilized by a family, a household unit as that term is defined in this Chapter, or three or more unrelated individuals. A building or portion thereof designed as a unit for occupancy by only one (1) family for residential living purposes and having principal kitchen facilities.

Independent Elderly Housing. Attached or detached dwellings (apartment, townhouse, or single-family structures) occupied by elderly persons in good health who desire and are capable of maintaining independent households as part of a planned development and provided with qualified management services, such as security, housekeeping, and recreational and social activities, to maintain the premises.

Mobile Home. A structure, transportable in one (1) or more sections, which is built on a chassis and is designed to be used as a one-family dwelling, with or without a permanent foundation, when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Mobile Home Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Modular Home. A structure, transportable in two (2) or more sections and designed to be used as a one-family dwelling with a permanent foundation.

Senior Assisted Living Facility. Elderly residences that provide 24-hour supervision and are designed and operated for elderly people who require some level of support for daily living. Such support shall include meals, security, and housekeeping, and may include daily personal care, transportation, and other support services, where needed. Individual dwellings may contain kitchen facilities.

Site Condominium. Any development which is (i) exempt, pursuant to MCL 559.110(1), being Section 10(1) of the Condominium Act, MCL 559.101, et seq., from the provisions of the Land Division Act, MCL 560.101, et seq., and (ii) not a condominium as that term is used in [Section 2.01 \(7\)](#) of this Ordinance, and shall include, but not be limited to, one-family dwellings.

(8) Definitions of Terms Relating to Commercial Buildings and Uses.

Adult Businesses:

- A) **Adult Bookstore.** An establishment housing as a substantial or significant portion of its stock in trade, books, magazines, periodicals, or other materials which are distinguished or characterized by their emphasis on sexually explicit matter, or an establishment with a segment or section devoted to the sale or display of such material.
- B) **Adult Motion Picture Theater.** An enclosed building with a capacity of four hundred (400) or more persons used for the presentation of material that has a dominant theme which is distinguished or characterized by an emphasis on the depicting or describing of sexually explicit matter, for observation by patrons therein.
- C) **Adult-oriented Merchandise.** Goods, products, commodities, or other ware, including, but not limited to videos, CD ROMs, DVDs, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties which depict, describe, or simulate sexual activities.
- D) **Adult-oriented Retail.** An enclosed building or any portion thereof which for money, including any portion thereof, or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer, or viewing of adult-oriented merchandise.

Antique Store. A retail establishment selling objects made in a bygone period having special value because of their age.

Artisan, Craftsman, Printing, Engraving Shops, and other similar uses. A service that requires a skilled trade, especially one that involves making things by hand.

Bakeries, Dairies, Creameries, Soft Drink and Bottling Plants, and other similar uses. Retail stores where bread and cakes are made and sold; establishments for the storage, processing, and distribution of milk and milk products at said retail stores; and the production and manufacturing of soft drinks and bottles to be sold at retail stores.

Consignment Shop. A store that sells Second-hand items (typically clothing and accessories) on behalf of the original owner, who receives a percentage of the selling price.

Escort Services. An establishment which provides the services of escorting members for payment of a fee.

Garage, Community. A community garage is a structure or a series of structures, for the storage of motor vehicles, having no public shop or services in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two (2) or more owners or occupants of property in the vicinity.

Garage, Public. A public garage is a structure, other than a private or community garage, for the storage, care, repair, or refinishing of motor vehicles. Except that a structure or room used solely for the display and sale of such vehicles, in which they are not operated under their own power and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered a garage for the purposes of this Ordinance.

Gasoline Service Station. Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of oil, gasoline, or other fuel for the propulsion or lubrication of motor vehicles, including facilities for changing of tires, tube repairing, polishing, greasing, washing, or minor servicing of such motor vehicles, but excluding high-speed automotive washing, high-speed automotive steam cleaning, body repairing, chassis repairing, and bumping and painting.

Home Occupation. Any use customarily conducted entirely within a dwelling unit by the inhabitant thereof which is incidental and secondary to the use of the dwelling unit for dwelling purposes not requiring internal or external alterations or construction features or the use of equipment, machinery, outdoor storage, or signs not customary in residential areas. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, bed and breakfast establishments, animal hospitals, kennels, and uses of similar character shall not be deemed to be home occupations.

Hotel. An establishment providing accommodations, meals, and other services for travelers and tourists.

Ice Cream Parlor. An ice cream parlor is any establishment where ice cream (which may be in bulk form), desserts, confectioneries, packaged dairy products, and beverages are sold and which ice cream, desserts, confectioneries, and beverages may be consumed in the establishment at chairs and tables located within the premises only; provided, however, that there shall be no in-car customer service on the premises, and provided, further, that no food other than that enumerated above shall be consumed on the premises.

Indoor recreational activities. Indoor commercial amusement services such as but not limited to bowling alleys; billiard parlors and poolrooms; and swimming pools.

Junkyard. Place, structure, or parcel of land where junk, waste, discarded, salvaged, or similar materials, such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled. Including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials, and equipment; excluding pawn shops, establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel. A kennel is a building, pen or enclosure used for the keeping, sheltering, maintaining, or boarding of four (4) or more dogs, or for the keeping or boarding of any number of dogs as a regular business. The term "kennel" shall not include the keeping or maintaining of puppies less than three (3) months old when borne by dogs which are legal accessory house pets.

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

Massage Establishment. A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapist or speech pathologist who treats patients referred by a licensed physician and operates only under such physician's direction. Massage establishments, as defined herein, shall not include properly licensed hospitals, medical clinics, nursing homes, beauty salons, barber shops, tanning and/or nail salons, athletic clubs, or other licensed facilities where massages are administered as an incidental or accessory use to the main use of the premises, provided, that the facility maintains a separate room equipped with appliances and apparatus for massages and; provided further, that the massages are administered only by massage therapists who are licensed by the State of Michigan and have and continue to satisfy all the requirements and abide by all the restrictions and prohibitions set forth in the Mich. Admin. Code R 338.701 through R 338.727 inclusive, as amended; and, provided further, that the establishment or facility has obtained a separate zoning compliance permit from the Inspection Department for this use on an annual basis. Massage establishments, as defined herein, shall also not include offices where occasional chair massages are administered as an incidental or accessory use to the main use of the premises as long as the massages are administered only by massage therapists who are licensed by the State of Michigan and have and continue to satisfy all the requirements and abide by all the restrictions and prohibitions set forth in the Mich. Admin. Code R 338.701 through R 338.727 inclusive, as amended.

Motel. A motel is a building or group of buildings, cabins, courts or similar structures, containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units, and designed, intended and actually used, if at all, for the provision of sleeping accommodations for travelers and auxiliary facilities for the person or persons in charge of such motel. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges, and similar facilities within this definition, but it shall not include tourist homes, bed and breakfast establishments, rooming houses, boarding houses, multiple dwellings, or hotels.

Nursery. Any grounds or premises on or in which nursery stock is propagated, grown, or cultivated for the purpose of distributing and/or selling the same as a business and required to be licensed under Insect Pest and Plant Disease Act, MCL 286.201, et seq., as amended.

Office Business. Place of business where professional or clerical duties are performed. Includes but not limited to advertising offices and businesses; consumer credit reporting agencies and offices; and telephone and public utility business offices.

Outdoor Dining Areas. Use of an adjacent, outside area by a food or beverage establishment for the same eating and drinking activities that occur within the establishment.

Paint Shops, Automotive. A service shop where vehicles and parts are painted, typically by spraying.

Payday Lenders. Any business licensed pursuant to the deferred presentment service transactions act, MCL 487.2121, et. Seq.

Places of Assembly. Shall include limited service and full-service restaurants; banquet facilities; business schools, colleges, and trade schools; auditoriums and theaters; lodge halls, social clubs, and fraternal organizations; and religious institutions.

Restaurants:

- A) **Full-Service Restaurant.** A structure or portion of a structure which is maintained, operated, and advertised or held out to the public as a place where food, confections, frozen dessert, and beverages are served and consumed at chairs and tables primarily within the structure and which has a minimum seating capacity for more than thirty (30) persons.
- B) **Limited Service Restaurant.** A structure or portion of a structure which is maintained, operated, and advertised or held out to the public as a place where food, confections, frozen dessert, and beverages are served and consumed within the structure, and which has seating for no more than thirty (30) persons.

- C) **Carry-out Restaurant.** A structure which is maintained, operated, and advertised or held out to the public as a place where the principal activity is food, confections, frozen dessert and beverage take-out service and which includes, as an accessory use, a dining or eating area which has seating for no more than twelve (12) persons, where food and beverages may be selected and consumed within the structure.
- D) **Drive-In Restaurant.** Any establishment where food, confections, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverage in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption, and which are located outside of the building.
- E) **Drive-Thru Restaurant.** A structure or portion of a structure which is maintained, operated, and advertised or held out to the public as a place where food, confections, frozen dessert, and/or beverages are purchased by customers from a drive-up window while seated in their motor vehicle and where no consumption of such food or beverage, when purchased at the drive-thru, shall take place anywhere on the site or within the structure.

Retail Sales. A business that sells commodities or goods to the public for personal, household, or business consumption. Includes but not limited to automobile accessory stores; monument sales, not including stone cutting; and office equipment sales.

Retail Sales and Service Incidental to Trades in which a workshop is required. A business that sells commodities or goods in small quantities to the public for personal, household, or business consumption that also includes a workshop. Includes but not limited to air conditioning sales, service and repair shops; electrical and lighting fixture sales, service, and repair shops; lawnmower sales, service and repair shops; and office equipment sales, service, and repair establishments.

Retail Services. Retailing that focuses on services rather than goods. Includes but not limited to blueprint, photostat, and photo-copying establishments; dry cleaning stores (including coin-operated) and plants; and exterminating services and shops.

Retail Stores. A place of business usually owned and operated by a retailer but sometimes owned and operated by a manufacturer or by someone other than a retailer in which merchandise is sold primarily to ultimate consumers. Includes but not limited to antique shops, with no outside storage; bicycle stores, including sales, rental, and repairs; candy, confectionery stores, and ice cream parlors; electrical and household appliance stores; garden supply and seed stores; locksmith shops; orthopedic and medical supply stores, not including assembly or manufacture of such articles; and sporting goods stores.

Sexually Explicit Matter. "Sexually explicit matter," as defined in MCL 722.673, as amended. All definitions therein are hereby adopted and included herein by reference.

Specially Designated Distributor (S.D.D). A person engaged in an established business licensed by the Michigan Liquor Control Commission pursuant to Michigan Public Act 58 of 1998, as amended, to distribute spirits and mixed spirit drink in the original package for consumption off the premises.

Specially Designated Merchant (S.D.M.). A person engaged in an established business licensed by the Michigan Liquor Control Commission pursuant to Michigan Public Act 58 of 1998, as amended, to sell beer or wine, or both, at retail for consumption off the licensed premises.

Storage. The keeping of goods, merchandise, or materials for subsequent sale, distribution or use on the site wherein said goods, merchandise, or materials are stored.

Theater. An enclosed building used principally for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

Theater, Drive-In. An open-air theater constructed and operated in an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in automobiles. The term as used herein shall mean and include the entire premises upon which such theater is constructed, including parking areas, and all other facilities accessory to such business but excluding driveways and marquees.

Used Car Lot. A used car lot shall include and refer to any lot or parcel of land, or to any part thereof, used for the identification, exchange, or sale of used motor vehicles or used house trailers of any description whatsoever.

Wholesale Business Uses. The sale of goods or merchandise to retailers; to industrial, commercial, institutional, or other professional business users; or to other wholesalers. Includes but not limited to candy, jewelry, and tobacco products.

Section 2.02 Specific Terms.

(1) Definitions of Parking Terms.

Off-street Parking Lot. A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two (2) vehicles. Off-street parking lots must be durable and smooth.

Parking Space. An area suitable for the parking of a motor vehicle with a driveway connecting such parking space with a street or alley, arranged to facilitate the convenient and safe ingress and egress of a motor vehicle. The minimum area required above shall be exclusive of necessary driveways, aisles, or maneuvering areas for all uses other than one- and two-family dwellings.

(2) Definition of Miscellaneous Terms.

Adult Foster Care Facility. A governmental or nongovernmental establishment that provides foster care to adults. Subject to Michigan Public Act 218 of 1979, as amended, and MCL 400.701, et seq, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled, who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, child caring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institution, or any other use excluded under Act 218 of 1979, as amended.

Agriculture. The art and science of cultivating the ground, the production of crops or livestock, and the processing of milk produced on the farm on which the processing is located, excluding, however, commercial greenhouses, the sale of nursery stock, riding stables, mink or fox or similar fur farms, hog or poultry farms using garbage as the principal source of feed, and dairy processing operations.

Automobile Car Wash Establishment. A facility for the washing or cleaning of vehicles. A car wash may be:

- A) a single unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand; or
- B) an automated single unit type which has a single bay to accommodate one vehicle at a time; or
- C) a tunnel unit type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

Automobile or Vehicle Dealership. A business that sells new or used cars at the retail level. It may also provide maintenance services for cars and employ automotive technicians to stock and sell spare automobile parts and process warranty claims.

Automobile Service Station. A complex used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories; and which may or may not include washing, lubricating, and other minor servicing except for automobile body work.

Bed and Breakfast Establishment. An owner-occupied dwelling where no more than 5 (five) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment. See also definition of “Bed and Breakfast Inn” and “Homestay.”

- A) **Bed and Breakfast Inn.** A structure primarily used for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but not more than 30 (thirty) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and persons temporarily residing at the establishment. See also definition of “Bed and Breakfast Establishment” and “Homestay.”
- B) **Homestay.** An owner-occupied, single-family dwelling, or a dwelling unit in a duplex or multi-family dwelling structure, that may rent up to three (3) single bedrooms with bathroom access for overnight accommodates for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a Homestay for purposes of complying with City of Livonia ordinances. See also definition of “Bed and Breakfast Establishment” and “Bed and Breakfast Inn.”

Breezeway. A roofed outdoor passage, as between a house and a garage.

Bulk Storage. Goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed, fertilizer, wood, sand, gravel, stone, lumber, equipment, and other similar materials and supplies.

Caregiver Grow Facility. An enclosed, locked facility in which a “caregiver” or “patient,” as those terms are used in the Michigan Medical Marihuana Act, Initiated Law 1, MCL 333.226421, et seq, cultivates marijuana.

Electric Vehicle (EV) Charging Station or Port. Equipment that connects a single electric or plug-in hybrid vehicle to a source of electricity.

Enclosed. Surrounded or closed off on all sides.

Establishments for the distribution of or the packaging, assembling, secondary processing, alteration, or repair. Includes but not limited to printing, publishing and related products; glass products made of purchased glass; and professional, scientific, and control instruments and parts; toys; amusement; sporting and athletic goods; office and artist materials; and jewelry and notions.

Exotic Vehicle. An investment-grade sport or luxury automobile specially made or produced in sufficiently limited numbers to be recognized for rarity, beauty, and general distinction.

Family Child Care Home. As defined by Public Act 1973, No. 116 of the State of Michigan, MCL 722.111, et seq, as amended, as a private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, for more than four (4) weeks during a calendar year, except children related to an adult member of the family by blood, marriage, or adoption.

Farm. A farm is a platted or unplatted parcel of land more than three (3) acres, in area in single ownership or single operation, on which agriculture takes place.

Fence. An artificially constructed physical barrier used to contain or enclose an area for protective measures, privacy, decorative purposes, or to mark a boundary.

Food Truck. A large-wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared.

Garage, Private. A private garage is a structure bearing a garage door and typically designed for the storage principally of non-commercial motor vehicles having no public shop or services in connection therewith.

Group Day Care Home. As defined by 1973 PA 116, of the State of Michigan, as amended, and MCL 722.111, et seq, as a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, for more than four (4) weeks during a calendar year, except children related to an adult member of the family by blood, marriage or adoption.

Heavy Manufacturing. Heavy manufacturing means primarily moderate- and high-impact industrial uses that need to be separated from residential and other uses due to potential land use conflicts. Heavy manufacturing usually means continuous processing, as in the assembly of motor vehicles or the manufacture of chemicals, and may involve the manufacture, processing or packaging of raw or unprocessed materials which that are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or toxicity. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment, that cannot be integrated into the building design, or engaging in largescale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planning facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production.

Helicopter. A vehicle where support in the air is derived from the vertical component of the force produced by airfoils mechanically rotated about an approximately vertical axis.

Heliport. An area of land, water, or a structural surface which is designed, used, or intended to be used for the landing and take-off of helicopters, and any appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling, and parking.

- A) *Personal-use Heliport.* Any heliport used exclusively by the owner and/or operator.
- B) *Public-use Heliport.* Any heliport open to the general public and not requiring prior permission of the owner and/or operator to land.
- C) *Private-use Heliport.* Any heliport that restricts usage to the owner and/or operator or to persons authorized by the owner and/or operator.
- D) *Temporary Heliport.* Any heliport used on a one-time or temporary basis which is limited to a maximum of ten (10) operations per day for not longer than thirty (30) consecutive days.

Home, Rooming. A rooming house is a building where, for compensation, and by prearrangement for definite periods, lodging or lodging and meals are provided for more than three (3) persons. The term "rooming house" shall include lodging house and boarding house, but not a tourist home, bed and breakfast establishment, automobile court, hotel, or motor court.

Home, Tourist. A dwelling furnishing overnight sleeping quarters to transient guests and containing not more than three (3) guest bedrooms.

Hospital. A hospital is an institution for the diagnosis and treatment of sick or injured people with both in-patient and outpatient facilities. The term "hospital" shall not include any institution established principally for the care of mental disorders or the treatment of alcoholics or drug addicts.

House Unit, Rooming. Any room or group of rooms forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

Industrial Park. A legally recorded subdivision that has been specifically designed for industrial purposes and use.

Industrial plants manufacturing, processing, or assembling. Industries that engage in the transformation of goods, materials, or substances into new products. The transformational process can be physical, chemical, or mechanical. Manufacturers often have plants, mills, or factories that produce goods for public consumption. Includes but not limited to agricultural products; food and kindred products, excluding, slaughterhouses and abattoirs; fabricated metal products, except heavy machinery, transportation equipment, and steel fabricators; and dies, gauges, instruments, patterns, and leather goods.

Landscaping. Notwithstanding any other provisions contained in this Ordinance, in commercial and industrial zoning districts, sodding, seeding or decorative treatment of the area lying between the property line and the pavement shall be required of the owner and/or developer of the lot, as approved by the Inspection Department.

Light Manufacturing. Light manufacturing refers to industrial activity that uses small or moderate amounts of raw or partially processed materials to produce items of relatively high value per unit weight. Light manufacture is most often associated with batches or discrete production runs. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages are some examples of light manufacturing. In determining whether a use is classified as light manufacturing or some other classification of use (e.g., heavy manufacturing, commercial, accessory use, home occupation, etc.), the Building Official shall consider the material, process, quantities, and/or other similar factors.

Name Plate. A sign indicating the name and/or address of a building or the name of an occupant thereof and the nature of a permitted occupation therein.

Nature Preserve. An area of land managed to conserve wildlife, plant habitat, or other natural features. Activities such as hiking, day camping, and educational laboratories can take place in a Nature Preserve.

Nursing Home. (Convalescent Home-Sheltered Care Home). An establishment for the care of children, the elderly, or infirm. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals and shall be licensed as a nursing home by the State of Michigan.

Office, Medical. Medical office includes such occupations as physicians, dentists, and similar medical personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients are kept on the premises.

Outdoor Recreation Uses. Recreation engaged in out of doors, most commonly in natural settings. Including, but not limited to, baseball, soccer, basketball, nature trails, educational laboratories, etc.

Personal Service Establishments. An establishment engaged primarily in providing services involving the care of a person or apparel, includes but not limited to barber shops; custom dressmaking shops; health studios (not including reducing salons, massage parlors, and public baths); rental business with no outside storage or display of goods; and watch repair shops.

Professional. Having to do with a vocation, calling, occupation, or employment involving labor, skill, and education of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study.

Professional Offices. Including, but not limited to, the following: Medicine, osteopathy and dentistry (excluding veterinary clinics); Law, engineering and architecture; Optometry and chiropractic; and Insurance.

Psychiatric Hospital. A licensed publicly or privately-owned facility for in-patient care and treatment of mental disorders or the treatment of substance abusers such as alcoholics and drug addicts.

Publicly or privately-owned facility. Any facility in which a service is provided by any person, firm, corporation, municipal, county, state, or federal department or board, duly authorized and licensed to furnish such services to the public, under federal, state, county, or municipal regulations.

Recreational Equipment. Recreational equipment is defined and shall include the following:

- A) A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses; not to exceed eight (8) feet in width.

- B) A "*pickup camper*" is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- C) A "*motorized home*" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D) A "*folding tent trailer*" is a folding structure, mounted on wheels and designed for travel and vacation uses.
- E) Boats and "*boat trailer*" shall include boats, floats, and rafts, plus the normal equipment to transport the same on the highway.
- F) Snowmobile and "*snowmobile trailer*" shall include all motorized tracked recreational vehicles for use on snow and ice and normal equipment to transport the same on the highway.

Religious Institution. A Religious Institution for the purpose of this Ordinance shall mean: an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "Religious Institution" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Structures owned or operated by Religious Institutions located on parcels other than where the principal structure for religious services are held shall not, for the purpose of this Ordinance, be considered a Religious Institution, and the principal use of this structure shall be its use and the use shall conform to the requirements of the district in which it is located.

Residential Homes for Mentally or Physically Handicapped Persons. A state licensed residential facility constructed for the purpose of providing resident services with twenty-four (24) hour supervision or care for more than six (6) mentally or physically handicapped persons.

School. A building used for the purpose of elementary or secondary education, which meets all requirements of the compulsory education laws of the State of Michigan, and not providing residential accommodations.

School, Nursery. A public or private school or kindergarten wherein day care or day care and education are provided for five (5) or more children aged five (5) years and under.

School, Private. A building used for the purpose of elementary or secondary education and having a curriculum essentially the same as ordinarily given in a public school.

Site Plan. An accurate plan prepared by the applicant for evaluation by the Planning Commission and/or the City Council.

Solar Charging Facility. An infrastructure that supplies electric energy for the recharging of plug-in electric vehicles—including electric cars, neighborhood electric vehicles, and plug-in hybrids.

Sound Level. Sound level, in decibels, is defined as the reading of a sound level meter which conforms to the latest Standards of the American Standards Association for Sound Level Meters.

Steel fabricators, truck terminals, truck and trailer rental facilities, and special trade contractors. Including but not limited to concrete contractors; excavating contractors; paving contractors; septic tank installers and cleaners; landscape contractors; and vehicle tow yards.

Truck Stop. An establishment which shall be located on a major thoroughfare, and which shall be designed for and contain facilities to meet the needs of commercial truck traffic while in transit, including restaurants and vehicle service (minor), but excluding storage buildings, warehouses, and repair shops.

Vehicle Repair. All general repair and reconditioning of motor vehicles, including engine rebuilding, repair of collision damage, overall painting, and vehicle rust proofing.

- A) **Vehicle Repair, Major.** Major repairs include engine rebuilding; rebuilding or reconditioning of vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of vehicles; overhauling of engine requiring removal of cylinder head or crank case pan; steam cleaning; and similar activities.

- B) **Vehicle Repair, Minor.** Buildings or structures which are designed or used for the retail sale and furnishing fuel, lubricants, air, water, and other operating commodities for motor vehicles, including aircraft and water craft, but excluding semi-trucks, and which has space and facilities for:
- i) the storage of such fuel in underground tanks;
 - ii) the installation of such commodities on or in such vehicles, and the storage, minor repair or
 - iii) servicing of such vehicles, but which does not have a space and facilities for the major repair, bumping, painting, refinishing, overhauling, steam cleaning, rust proofing, or high-speed washing of such vehicles.

Warehouse. A building, or part of a building, used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises; sold wholesale from the same premises; for the storage of goods or chattels to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes.

(3) Definitions Pertaining to Signs.

The following definitions describe particular characteristics of certain words and phrases as used in the Ordinance. All other words and phrases used herein shall adhere to the rules of language construction described in [Section 2.01, Section 2.01\(1\)](#) above.

Abandoned Sign. Any sign which no longer directs a person to or advertises a bona fide business, tenant, owner, product or activity conducted, or product available on the premises where such sign is displayed, or any sign pole, frame or structure no longer containing a sign, or any sign not repaired or maintained properly, after notice pursuant to the terms of the Ordinance.

Area of Sign. The area of a sign, expressed in square feet, shall mean the entire area within any circle, triangle or rectangle, or square enclosing the extreme limits of writing, representation, emblem or any 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 the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

Awning Sign. A permanent Projecting Sign painted or printed on the exterior surface of an awning. Such signs may be internally illuminated pursuant to the requirements of this Ordinance. See Figure to the right.



Banner. A temporary sign made of cloth used in connection with some special event or promotion.

Billboard. A ground sign advertising a product, event, person, business, or subject not related to the premises on which the sign is located. Billboards typically have much greater height and area than signs permitted by this ordinance, and have characteristic types of installation, whether as pylon signs or with a substantial support structure.

Blade Sign. A small, pedestrian-oriented sign mounted so that the sign face is perpendicular to the face of the building.

Bulletin Board. A sign with temporary or replaceable letters or characters used to announce dates of functions or activities.

Business. Any legal use of a building other than for a religious institution, school, home occupation or residence by a person, firm, or corporation. Although contained in the same building as another business and owned by the same person, an activity may be treated as a separate business if it is physically separated from, uses different personnel than, and provides different products or services than such other related business.

Business Center. A group of four (4) or more contiguous businesses or offices, research facilities, or industrial facilities developed as a planned complex which collectively have a name different from the name of any individual business, are under common ownership or management and share a common parking area or otherwise present the appearance of one (1) development site.

Business Center Sign. A sign which gives direction, name and identification to a business center.

Business Sign. A sign which directs attention to a business or profession conducted or to a product, service, or activity sold or offered upon the premises where such sign is located.

Construction Sign. A sign erected at a construction site identifying the architects, engineers, contractors or other parties responsible for a project, or identifying the intended purposes or uses of the building.

Department. The Inspection Department of the City of Livonia.

Directional Sign. A sign directing vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building.

Development Site. A lot, combination of lots, or parcels of property when combined form a complete parcel of land for development purposes.

Director. The Director of Building Inspection.

Electronic Message Center (EMC) Sign. An electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed. EMCs typically use light emitting diodes (LEDs) as lighting sources.

Entranceway Sign. A sign that designates the street entranceway to a residential or industrial subdivision from a public right-of-way.

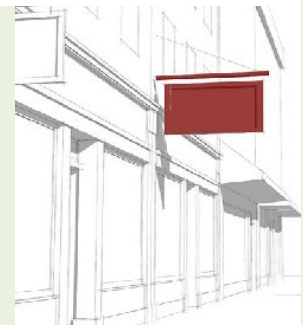
Flag. A piece of cloth or bunting bearing the symbol of a nation, state, corporation, or organization.

Freestanding Sign. A sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include, but are not limited to, Pole Signs and Monument Signs.

Frontage. Expressed in lineal feet, the width of the first-floor portion of a building occupied by a single business facing a street adjacent to the premises on which the business is located.



Banner



Blade Sign

Group Identification Sign. A single sign or entranceway structure listing the names and addresses only of the establishments occupying a development or subdivision. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.

Height of a Sign. The vertical distance measured from the surface grade of the land beneath the midpoint of the face of the sign to the highest point of the sign or supporting structure without including any berm, landscaping, grading, or other artificially or unnaturally constructed raised portion of land at the point of measurement.

Identification Sign. A sign containing the name of a business operating on the premises, where located, the type of business, owner or resident, and/or the street address, and sets forth no other advertisement display.

Master Sign Plan. A plan for signage used in a plaza, mall, business center, office complex, industrial complex, or shopping center indicating the location, style, and maximum square footage of possible wall signage and the location and size of ground signs and all other signs on the development site.

Monument Sign. A base-mounted, freestanding sign placed in the ground and not attached to any building or other structure. See Figure Below.

Moving Sign. A sign that has motion either constantly or at intervals, or that gives the impression of movement through intermittent flashing, scintillating, or varying the intensity of illumination whether or not said illumination is reflected from an artificial source or from the sun. Such signs shall not include banners, pennants, spinners, streamers, or barber poles.

Murals. An original painting or texturing applied to the surface of a wall or window. If what the mural depicts is commercial in nature, the mural will be considered a wall sign for purposes of this Ordinance.

Nameplate. A wall sign not exceeding one (1) square foot in area stating the name of a person, firm, or name or description of a certain permitted use.

Natural Materials. Substances determined to be "natural materials" for the purposes of this Ordinance shall include, but not be limited to wood, stone, and brick. Substances specifically excluded from this definition are plywood, pressed board, drywall, wood or metal paneling, sheet metal, or any substances synthetically created in a manufacturing process. A natural material sign may only be illuminated by an indirect light source.

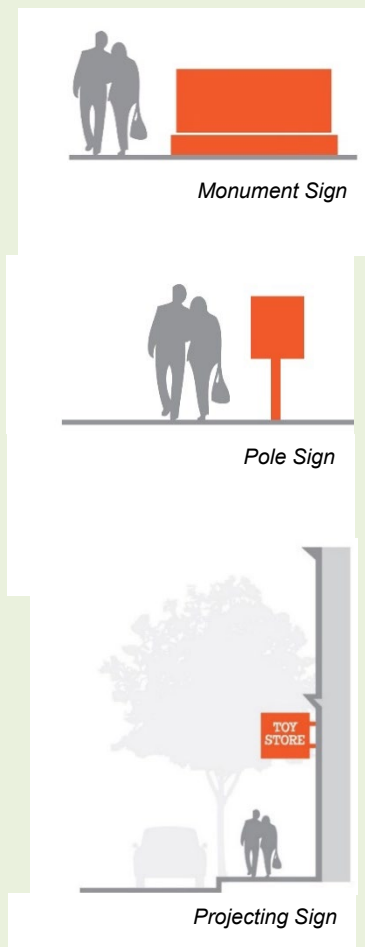
Non-Conforming Sign. Any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this Ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Ordinance, or a sign for which a permit was previously issued that does not comply with the provisions of this Ordinance.

Off-Premise[s] Sign. A sign which contains a message unrelated to a business or profession conducted on the subject property, or to a commodity, service, or activity not sold or offered upon the premises where such sign is located.

Outline Tubing Sign. An arrangement of tubes or bands of light that outline and call attention to a window or other building feature or certain features of an advertising device such as individual letters, figures, shapes, or words commonly referred to as a neon sign.

Owner. A person, firm, partnership, association, or corporation and/or their legal successors.

Pennant. A narrow triangular cloth of the general type which is sometimes associated with naval signaling.



Pole Sign. A type of freestanding sign that is elevated above the ground on poles or braces.

Portable Sign. A sign that is freestanding, not permanently anchored or secured to either a building or the ground, including but not limited to "A" frame signs, commonly called sandwich signs; "T" frame signs; or any other sign which by its description or nature may be, or is intended to be, moved from one location to another.

Poster Panel. A device used to draw attention to matters ordinarily temporary or transitory in nature announcing price changes, bargains, loss leaders, and is accessory to the property upon which such sign is located.

Premises. Any contiguous real property under common management or ownership.

Projecting Sign. A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.

Public Sign. A sign, noncommercial in nature, including but not limited to the following: legal notices, historic site designations, municipal facility directional or identification signs, street or traffic signs, railroad crossings, danger, and other emergency signs as may be authorized by the City of Livonia or any Federal, State, or County agency having jurisdiction over the subject matter of the sign.

Pylon Sign. A type of ground sign with a clear space of more than six (6) feet between the bottom of the face of the sign and the grade.

Real Estate Development Sign. A temporary non-illuminated business sign, of any content the owner deems appropriate, placed on the premises of a subdivision or other real estate development to advertise the development and provide information relative to availability while the development site is under construction.

Real Estate Sign. A temporary non-illuminated sign, of any content the owner deems appropriate, pertaining to the sale, lease, or rental of a single lot, parcel, or existing building situated thereon.

Regional Center. A planned complex of buildings containing a total gross leasable area of five hundred thousand (500,000) square feet or more and sharing a common parking area.

Required Announcement Sign. A temporary ground sign announcing to the general public a pending request for a lot split or rezoning of the property upon which the sign is displayed.

Roof Sign. A sign which is attached to a building and any part of which extends or projects above or beyond the roof or parapet.

Seasonal Decorations. Signs of a decorative nature not used for any commercial purpose and commonly associated with any national, local, or religious holiday.

Sign. A name, identification, description, display, light, balloon, flag, pennant, streamer, banner, illustration, letter, numeral, work, model, logo, trademark, representation, or device of any kind whatsoever, which is affixed to, painted, otherwise located, or set upon or in a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, sidewalk, alley, park, or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners and does not include goods displayed in a store window.

Sign Erector. Any person engaged in the business of erecting, altering, or removing signs on a contractual or hourly basis.

Sign Setback. The distance measured from the portion of the sign structure nearest to the property lines or public rights-of-way. For the purpose of this measurement, the property lines and public right-of-way lines extend vertically and perpendicularly from the ground to infinity.

Temporary Sign. A display, information sign, or banner with or without a structural frame intended for a limited period of display including decorative displays for holidays or public demonstrations, civic projects, or other special events of a temporary nature.

Trailer Sign. A sign calling attention to special events, sales, services, products, or new attractions and is portable by virtue of being part of a trailer, attached to wheels, or towed by a vehicle.

Variable Electronic Message Sign. A light emitting diode (LED), digital or other similar sign such as, but not limited to, a liquid crystal display sign, fiber optic sign, or plasma display screen sign, the content of which can be electronically changed by remote or automatic means without altering the face of the sign. A sign or portion of a sign on which the message or display is an electronic indication of fuel price is an example of a variable electronic message sign.

Wall Sign. A sign attached to, inscribed or painted on, or placed flat against the exterior surface of any building or the vertical face of a "mansard roof," no portion of which projects more than twelve (12) inches from the wall and which may not project above the roof or parapet line. The roof line meaning the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

Window Sign. A sign which is applied, affixed, or attached to the interior of any building window or which is displayed through the glass area so as to be visible from the exterior of the building.

(4) **Flood Plain Terms.**

Base Flood. A 100-year flood having a one (1) percent chance of being equaled or exceeded in any given year.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A) the overflow of inland or tidal waters;
- B) the usual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Area. Land which on the basis of available flood plain information is subject to a one (1) percent or greater chance of flooding in any given area. Flood Hazard Area shall also mean the designated regulatory flood plain.

Flood Hazard Boundary Map (FHBM). An official map of the City of Livonia, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM). An official map of the City of Livonia, on which the Federal Insurance Administration has delineated both the areas special flood hazards and the risk premium zones applicable to the City.

Flood Insurance Study. The official report provided by the Federal Insurance Administration. The report contains flood profiles as well as the Flood Hazard Boundary Floodway Map and the water surface elevation of the base flood.

Flood Plain. Any land area susceptible to being inundated by water from any source (see definition of flood).

Floodway. The channel of a river or other water course and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base.

Special Flood Hazard Area. The land area covered by the floodwaters of the base flood on National Flood Insurance Program (NFIP) maps.

Article III.

Zoning Districts and Map

Section 3.01 Zoning Districts.

- (1) **Established of Zoning Districts.** For the purpose of this Ordinance, the City of Livonia is hereby divided into the following zoning districts which shall be known by the following respective names and symbols:

N1	Neighborhood District.
N2	Neighborhood District.
RUF	Rural Urban Farm District.
NM1	Neighborhood Multifamily District.
NM2	Neighborhood Multifamily District.
NM3	Neighborhood Multifamily District.
C-1	Local Business District.
C-2	General Business District.
C-3	Highway Services District.
C-4	High Rise Commercial District.
P-L	Public Lands District.
M-L	Manufacturing Limited District.
M-1	Light Manufacturing District.
M-2	General Manufacturing District.
NP	Nature Preserves District.
P	Parking District.

- (2) **District Areas.** The areas assigned to and included in the districts created in [Section 3.01 \(1\)](#) of this Ordinance, together with the designation and boundaries of said districts as shown on the Zoning Map of the City of Livonia, are hereby established.
- (3) **Sections of Zoning Map.** Zoning Map of the City of Livonia is hereby divided into one hundred and forty-four (144) quarter sections which shall be the same in area, boundaries, and location as the thirty-six (36) sections of the City of Livonia, also known as Town One (1) South, Range Nine (9) East, Wayne County, Michigan, and which shall be known by the same section numbers as the corresponding sections of said City.

- (4) **Amendments of Zoning Map.** The Zoning Map of the City of Livonia may be amended from time to time, in whole or in part, by Ordinance to which there shall be attached a map of the section or sections, or any part thereof, affected by the amendment or amendments set forth in such Ordinance. Each map showing an amendment shall be designated "Amendment No. ____ to the Zoning Map of the City of Livonia" and shall be given a number. Whenever the Council shall cause the Zoning Map of the City of Livonia to be amended as a whole, such map shall contain and show all prior amendments. Each amendment stating or describing a change in the districts, areas, or boundaries established by the provisions of this Article shall be considered and designated as an additional section of this Article. All other amendments shall be affected by re-enacting and publishing at length the section or sections amended, as provided in Section 23, Chapter IV of the Charter.

A copy of the Zoning Map of the City of Livonia adopted by this Ordinance shall be prominently displayed for public examination in the City Planning Department. Thereafter the same shall be revised to reflect such amendments of the Zoning Ordinance as may be made from time to time, and it shall be the duty of the City Planner to make these revisions no later than thirty (30) days after the effective date of such enactment.

- (5) **Interpretation of the Zoning Map.** Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is an uncertainty, contradiction, or conflict as to the intended location of any Zoning District boundary as shown thereon, interpretation concerning the exact location of the Zoning District boundary line shall be determined by the Board of Appeals. The Board in arriving at a decision on these matters, shall apply the following standards:
- A) Zoning District boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way, or water courses, unless such Zoning District boundary lines are fixed by dimensions as shown on the Zoning Map.
 - B) When Zoning District boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
 - C) In unsubdivided property, or where a zoning district divides a recorded lot, the location of any such boundary, unless the same is indicated by dimensions shown on the zoning map, shall be determined by use of the map scale shown thereon.
 - D) If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Board of Appeals shall determine and fix the location of said line in a reasonable manner to best accomplish the purposes of this Ordinance.
- (6) **Districting of Vacated Streets and Alleys.** Whenever a street or alley shall have been vacated, the land within the former street or alley, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.
- (7) **District Regulations.** Each district, as created in this Article, shall be subject to the regulations contained in this Ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited. Waiver uses, because of their nature, require special restrictions and some measure of individual attention to determine whether or not such uses will be compatible with uses permitted by right in the district and with the purposes of this Ordinance. Waiver uses are therefore prohibited unless a waiver of such prohibition is reviewed, and findings submitted by the City Planning Commission as provided in this Ordinance and approved by the City Council.

Section 3.02 Adoption of Zoning Map.

The Zoning Map, as identified by the signature of the President of the Council, and signed by the Mayor and City Clerk, together with all notations, references, and other information shown thereon is hereby approved and adopted. Such map, together with all amendments which may be hereafter made thereto, shall be known and cited as the LIVONIA VISION 21 Zoning Map for all purposes. The LIVONIA VISION 21 Zoning Map of the City of Livonia is hereby made a part of this Ordinance with the same effect as if all matters and information set forth in said map were fully described therein.

Section 3.03 Permitted Uses by District.

The following table lists the permitted uses and waiver uses in each zoning district. Whenever a specific development standard is included for a particular use in the table below, any development must comply with the requirement of the referenced section in addition to all the other applicable requirements of this Code. All development standards for specific uses are listed in [Section 5.04\(1\)](#) and in other areas of this Code. Additionally, any use that is a waiver land use must also comply with the standards of [Section 13.13](#), [Section 13.13\(6\)](#).

P	Permitted
W	Waiver Use

(1) Permitted Agricultural Uses by District.

AGRICULTURAL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Fowl and rabbits for the owner's consumption			P														Section 6.34
Fowl and rabbits raised for sale			W														Section 6.34(3)
Gardening and Tree Nurseries			P					P	P	P							Section 6.25
Nurseries, including sale of garden supplies								P	P	P							
The raising of fur bearing animals			W														Section 6.49

(2) Permitted Residential Uses by District.

RESIDENTIAL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Accessory residential use for apartments										W							Section 7.23 Section 7.23(2)
Bed and breakfast establishments	W	W	W	W			P	P	P	P							Section 6.08
Boarding, rooming and lodging houses or tourist homes				W													
Condominium multiple dwellings				P	P	P											
Family child care home	P	P	P														Section 6.11
Group child care home	P	P	P														Section 6.12
Home occupations	P	P	P	P	P	P											Section 6.28
Housing for the elderly						P					P						Section 6.31
Multiple dwellings and apartment houses					P												Section 6.04 Section 6.18
One-family dwellings	P	P	P	P	P												Section 6.19
<u>Planned developments</u>	<u>W</u>	<u>W</u>	<u>W</u>	<u>W</u>	<u>W</u>		<u>W</u>	<u>W</u>	<u>W</u>	<u>W</u>							Section 5.02 Section 5.02(2)
Residential homes for mentally or physically handicapped persons			W														Section 6.02
Single-family clustering	W	W															Section 5.03
Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements	P	P	P														Section 6.56 Section 6.56(2)
Two-family dwellings				P	P												Section 6.20

(3) Permitted Medical Uses by District.

MEDICAL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Blood and plasma donation centers							P	P	P	P							
Hospitals							W	W	P	W	P						Section 6.29
Kidney transfusion centers							P	P	P	P							
Medicine, osteopathy and dentistry (excluding veterinary clinics)							P	P	P	P							
Optometry and chiropractic							P	P	P	P							
Orthopedic and medical supply stores, but not including assembly or manufacture of such articles							P	P	P	P							
Physical therapy and health services (not including massage establishments and public baths)							P	P	P	P							
Psychology and podiatry							P	P	P	P							
Veterinary clinics, animal clinics and animal hospitals			W				W	W	P								Section 6.59

(4) Permitted Public and Quasi-Public Uses by District.

PUBLIC AND QUASI-PUBLIC USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Cemeteries			W														
Clubs, lodges, and meeting halls, fraternal and religious							P	P	P								
Cultural service buildings, such as publicly owned museums, art galleries and libraries							P	P	P	P	P						
Educational uses	P	P	P				P	P	P	P	P						Section 2.01 Section 2.01(4)
Heliports										W	P	W	W	W			Section 6.27
Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment and/or rehabilitation of adults or minor children and psychiatric hospitals											W						Section 6.23
Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities													PW	PW			Section 6.36
Municipal or other governmental buildings											P						
Nature Preserve															P		Section 2.02 Section 2.02(2) Section 6.39
Parking Structure				W	W	W		W	W	W	P	W	W	P		W	Section 9.09
Parks and Outdoor recreational uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Section 2.02 Section 2.02(2)
Privately owned and operated recreational uses	W	W	W	W													Section 6.48
Public utility buildings and substations	W	W	W	W			P	P	P	P			P	P			

PUBLIC AND QUASI-PUBLIC USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Radio and television towers and broadcasting studios								P	P	P							
Religious Institutions	W	W	W	W			P	P	P	P							Section 6.50
Schools including, but not limited to dance, music and instrumental, and business/ training							P	P	P	P							
Universities, colleges, private colleges, including ancillary uses and facilities			P							P	P						

(5) Permitted Commercial and Retail Uses by District.

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Adult Businesses									W								Section 6.01
Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft			W														
Ambulance services, local and suburban bus terminals and taxicab terminals								W	P				W	W			Section 6.57
Artisan, Craftsman, Printing and Engraving Shops other similar uses							W	P	P	P			P	P			Section 2.01 Section 2.01(8)
Automobile and light truck (one (1) ton gross vehicle weight) repair								W	P								Section 6.06
Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps								W	P								Section 6.07
Bakeries							P	P	P	P							
Banks and savings and loans associations							P	P	P	P							
Brewer, Micro Brewer, Brewpub, and Distilleries							W	W	P	W	P	P	P	P			Section 6.09
Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more							W	W	P								Section 6.52 Section 6.52(1)
Carnivals, outdoor circuses or migratory amusement enterprises			W					W	P	W	P						Section 6.56 Section 6.56(3)

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Catering establishments							P	P	P	P							
Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis								W	P			P	P	P			Section 6.54
Convalescent and nursing homes							W	W	P	P							Section 6.40
Dairies, Creameries, Soft Drink and Bottling Plants, and other similar uses							W	W	W	W			P	P			Section 2.01(8)
Dance Halls and Ballrooms								W	P								Section 6.14
Day care nurseries					W		W	P	P	P							Section 6.13
Dog Kennels			W														Section 6.34(3)
Drive-in Restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks								W	P								Section 6.51 Section 6.51(3)
Drive-in Theaters								W	P								
Establishments having liquor licenses such as Class C, Tavern, and Club							W	W	P	W	P						Section 6.22
Full-Service Restaurants with or without outdoor dining areas							W	W	P	P							Section 6.51 Section 6.51(2)
Funeral homes and undertaking establishments							W	P	P	P							
Garages, repair shops, rustproofing and similar highway services													W	P			Section 6.24

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Gasoline service station								W	P								Section 6.26
Golf courses, but not including miniature golf courses or golf driving ranges	P	P	P														
General offices							P	P	P	P		P	P	P			
Hotels								P	P	P							Section 6.30
Indoor recreational uses							P	P	P	P			W				Section 2.01 Section 2.01(8) Section 6.32
Laundry and dry-cleaning establishments												P	P	P			
Limited Service and Carry-Out restaurants with or without outdoor dining areas							P	P	P	P							Section 6.51 Section 6.51(1)
Massage establishments							W	W	P	W							Section 6.37
Motels								W	P	P							Section 6.38
Museums							P	P	P	P							
Music, Dance, or Business academies							P	P	P	P							
New and Used Car Lots and Showrooms, New or Used Mobile Home Sales and Automobile Rental Facilities								W	P								Section 6.05
Open-air business uses							W	W	P								Section 6.42
Open-air sales of Christmas trees							P	P	P	P							Section 6.43
Automotive Paint shops								W	W	W			P	P			Section 2.01(8)
Parking, non-residential							P	P	P	P	P	P	P	P	P	P	Article IX
Pawn shops								W	P								Section 6.45
Payday lenders								W	P								Section 6.46

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Personal service establishments					W	W	P	P	P	P							Section 2.02 Section 2.02(2) Section 6.47
Photographic studios							P	P	P	P							
Planned general developments	<u>W</u>	<u>W</u>	<u>W</u>	<u>W</u>	W		W	W	W	W							Section 5.02 Section 5.02(2)
Professional offices							P	P	P	P		P	P	P			Section 2.02 Section 2.02(2)
Retail sales					W	W	P	P	P	P			W				Section 2.01 Section 2.01(8) Section 6.52
S.D.D. and S.D.M. licenses							W	W	P								Section 6.03
Second-hand stores and rummage shops								W	P								Section 6.53
Wholesale business uses								P	P	P							Section 2.01 Section 2.01(8)

(6) Permitted Industrial Uses by District.

INDUSTRIAL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	p	Use Standards
Bulk storage of refined petroleum products													P	P			
Caregiver grow facilities													P	P			Section 6.10
Data processing and computer centers								W	W			P	P	P			
Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair												P	P	P			Section 2.02 Section 2.02(2)
Experimental product development and testing including limited manufacturing												P	P	P			
Heavy manufacturing and general industrial plants														P			
Outdoor storage of Recreational Equipment													W	P			Section 6.44
Industrial, scientific, or business research development and testing laboratories and offices												P	P	P			
<u>Industrial parks</u>												P	P	P			Section 7.28
Industrial plants manufacturing, processing or assembling													P	P			Section 2.02 Section 2.02(2)
Internet-based exotic vehicle sales													P	P			Section 6.33
Steel fabricators, truck terminals, truck and trailer rental facilities, special trade contractors, and vehicle tow yards.													W	<u>P</u> W			Section 6.58

Tool and die shops and pattern making shops												P	P	P			
Warehouses												P	P	P			Section 2.01 Section 2.01(8)

(7) Permitted Other Uses by District.

OTHER USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	p	Use Standards
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Section 7.23 Section 7.23(1)
Any lawful use of land or buildings not herein expressly provided for or prohibited														P			
Temporary buildings for construction purposes for a period not to exceed the duration of construction							P	P	P	P		P	P	P			
Temporary Uses and Sidewalk and Tent Sales							P	P									Section 6.56(1)

Section 3.04 N1 Neighborhood District.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply to all N1 Districts.

PERMITTED USES

- Accessory structures and uses ([Section 7.09](#), [Section 7.23](#), [Section 7.23\(1\)](#))
- Educational uses ([Section 2.01](#), [Section 2.01\(4\)](#))
- Golf courses, but not including miniature golf courses or golf driving ranges
- Family child care home ([Section 6.11](#))
- Group child care home ([Section 6.12](#))
- Home occupations ([Section 6.28](#))
- One-family dwellings ([Section 6.19](#))
- Parks and outdoor recreational uses ([Section 2.02](#), [Section 2.02\(2\)](#))
- Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements ([Section 6.56](#), [Section 6.56\(2\)](#))

WAIVER USES

- Bed and breakfast establishments ([Section 6.08](#))
- Planned developments ([Section 5.02](#), [Section 5.02\(2\)](#))
- Public utility buildings and substations
- Single-family clustering ([Section 5.03](#))
- Privately owned and operated recreational uses ([Section 6.48](#))
- Religious institutions ([Section 6.50](#))

Refer to [Article II](#) for definitions of uses and refer to [Section 5.04\(1\)](#) for development standards for specific uses.

PROHIBITED USES

- Caregiver grow facilities.
- Non-residential uses, except as set forth in this Section.

DIMENSION REGULATIONS

Lot Standards	N1
Min. Lot Area (sq. ft.)	6,000
Min. Lot Width (ft.)	50 ((a))
Min. Lot Depth (ft.)	120 ((a)) ((b))
Front Yard Setback	25 feet ((r))
Rear Yard Setback	30 feet
Side Yard Setback	5 feet
Total of two side yard setbacks	14 feet
Side yard setback abutting street	15 feet
Rear yard abutting side yard, the side yard abutting upon a street not less than	25 feet
Max. Lot Coverage (%)	((c))
Max. Building Height	35 feet (2 stories), except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.05 N2 Neighborhood District.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply to all N2 Districts.

PERMITTED USES

- Accessory structures and uses ([Section 7.09](#), [Section 7.23](#), [Section 7.23\(1\)](#))
- Educational uses ([Section 2.01](#), [Section 2.01\(4\)](#))
- Golf courses, but not including miniature golf courses or golf driving ranges
- Family child care home ([Section 6.11](#))
- Group child care home ([Section 6.12](#))
- Home occupations ([Section 6.28](#))
- One-family dwellings ([Section 6.19](#))
- Parks and outdoor recreational uses ([Section 2.02](#), [Section 2.02\(2\)](#))
- Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements ([Section 6.56](#), [Section 6.56\(2\)](#))

WAIVER USES

- Bed and breakfast establishments ([Section 6.08](#))
- Planned developments ([Section 5.02](#), [Section 5.02\(2\)](#))
- Public utility buildings and substations
- Single-family clustering ([Section 5.03](#))
- Privately owned and operated recreational uses ([Section 6.48](#))
- Religious institutions ([Section 6.50](#))

Refer to [Article II](#) for definitions of uses and refer to [Section 5.04\(1\)](#) for development standards for specific uses.

PROHIBITED USES

- Caregiver grow facilities.
- Non-residential uses, except as set forth in this Section.

DIMENSION REGULATIONS

Lot Standards	N2
Min. Lot Area (sq. ft.)	8,400
Min. Lot Width (ft.)	70 ((a))
Min. Lot Depth (ft.)	120 ((a)) ((b))
Front Yard Setback	30 feet ((r))
Rear Yard Setback	30 feet
Side Yard Setback	6 feet
Total of two side yard setbacks	16 feet
Side yard setback abutting street	17 feet
Rear yard abutting side yard, the side yard abutting upon a street not less than	25 feet
Max. Lot Coverage (%)	((c))
Max. Building Height	35 feet (2 stories), except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.06 RUF District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply to all RUF Districts.

PERMITTED USES

- Accessory structures and uses ([Section 7.09](#), [Section 7.23](#), [Section 7.23\(1\)](#))
- Educational uses ([Section 2.01](#), [Section 2.01\(4\)](#))
- Fowl and rabbits for the owner's consumption ([Section 6.34](#))
- Gardening and tree nurseries ([Section 6.24](#))
- Golf courses, but not including miniature golf courses or golf driving ranges
- Family child care home ([Section 6.11](#))
- Group child care home ([Section 6.12](#))
- Home occupations ([Section 6.28](#))
- One-family dwellings ([Section 6.19](#))
- Parks and outdoor recreational uses ([Section 2.02](#), [Section 2.02\(2\)](#))
- Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements ([Section 6.56](#), [Section 6.56\(2\)](#))
- Universities, colleges, private colleges, including ancillary uses and facilities

WAIVER USES

- Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft
- Bed and breakfast establishments ([Section 6.08](#))
- Carnivals, outdoor circuses or migratory amusement enterprises ([Section 6.56](#), [Section 6.56\(3\)](#))
- Cemeteries
- Dog kennels ([Section 6.35](#))
- Fowl and rabbits raised for sale
- Planned developments ([Section 5.02](#), [Section 5.02\(2\)](#))
- Public utility buildings and substations
- Privately owned and operated recreational uses ([Section 6.48](#))
- Religious institutions ([Section 6.50](#))
- Residential homes for mentally or physically handicapped persons ([Section 6.02](#))
- The raising of fur bearing animals ([Section 6.49](#))
- Veterinary clinics, animal clinics and hospitals ([Section 6.59](#))

Refer to [Article II](#) for definitions of uses and refer to [Section 5.04\(1\)](#) for development standards for specific uses.

PROHIBITED USES

- Caregiver grow facilities.
- Non-residential uses, except as set forth in this Section.

DIMENSION REGULATIONS

Lot Standards	RUF
Min. Lot Area (sq. ft.)	15,000
Min. Lot Width (ft.)	75 ((a))
Min. Lot Depth (ft.)	150 ((a)) ((b))
Front Yard Setback	50 feet ((r))
Rear Yard Setback	45 feet
Side Yard Setback	10 feet
Total of two side yard setbacks	20 feet
Side yard setback abutting street	23 feet
Rear yard abutting side yard, the side yard abutting upon a street not less than	40 feet
Max. Lot Coverage (%)	(c)
Max. Building Height	35 feet (2 stories), except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.07 NM1 Neighborhood Multifamily Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all NM1 Districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 7.23, Section 7.23(1)) • Condominium multiple dwellings • One-family dwellings (Section 6.19, Section 6.19(2)) • Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) • Two-family dwellings (Section 6.20, Section 6.20(2)) • Home occupations (Section 6.28)	• Bed and breakfast establishments (Section 6.08) • Boarding, rooming and lodging houses or tourist homes • Planned developments (Section 5.02, Section 5.02(2)) • Privately owned and operated recreational uses (Section 6.48) • Public utility buildings and substations • Religious institutions (Section 6.50)
Refer to Article II for definitions of uses and refer to Section 5.04(1) for development standards for specific uses.	

DIMENSION REGULATIONS

Lot Standards	NM1
Min. Lot Width	80 ((a))
Front Yard Setback	30 feet
Rear Yard Setback	50 feet
Side Yard Setback	25 ((d))
Total of two side yard setbacks	60 ((d))
Side yard setback abutting street	((e))
Max. Lot Coverage	25%
Max. Building Height	35 feet (2.5 stories), except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.08 NM2 Neighborhood Multifamily District.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all NM2 Districts.

PERMITTED USES

- Accessory structures and uses ([Section 7.23](#) [Section 7.23\(1\)](#))
- Condominium multiple dwellings
- Home occupations ([Section 6.28](#))
- Multiple dwellings and apartment houses ([Section 6.04](#), [Section 6.18](#))
- One-family dwellings ([Section 6.19](#), [Section 6.19\(2\)](#))
- Parks and outdoor recreational uses ([Section 2.02](#), [Section 2.02\(2\)](#))
- Two-family dwellings ([Section 6.20](#), [Section 6.20\(2\)](#))

WAIVER USES

- Day care nurseries ([Section 6.13](#))
- Personal service establishments ([Section 2.02](#), [Section 2.02\(2\)](#)) ([Section 6.47](#))
- Planned ~~general~~ developments ([Section 5.02](#), [Section 5.02\(2\)](#))
- Retail sales ([Section 2.01](#), [Section 2.01\(8\)](#)) ([Section 6.52](#))

Refer to [Article II](#) for definitions of uses and refer to [Section 5.04\(1\)](#) for development standards for specific uses.

DIMENSION REGULATIONS

Lot Standards	NM2
Max. Usable Floor Area in percentage of lot area	30 35% ((s))
Front Yard Setback	50 feet ((f))
Rear Yard Setback	50 feet ((f))
Side Yard Setback	25 feet ((f))
Total of two side yard setbacks	60 feet ((f))
Max. Building Height	(g)

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.09 NM3 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all NM3 Districts.

PERMITTED USES

- Accessory structures and uses ([Section 7.23](#), [Section 7.23\(1\)](#))
- Condominium multiple dwellings
- Home occupations ([Section 6.28](#))
- Housing for the elderly ([Section 6.31](#))
- Parks and outdoor recreational uses ([Section 2.02](#), [Section 2.02\(2\)](#))

WAIVER USES

- Personal service establishments ([Section 2.02](#), [Section 2.02\(2\)](#)) ([Section 6.47](#))
- Retail sales ([Section 2.01](#), [Section 2.01\(8\)](#)) ([Section 6.52](#))

Refer to [Article II](#) for definitions of uses and refer to [Section 5.04\(1\)](#) for development standards for specific uses.

DIMENSION REGULATIONS

Lot Standards	NM3
Front Yard Setback	50 feet ((i))
Rear Yard Setback	50 feet ((i))
Side Yard Setback	25 feet ((i))
Total of two side yard setbacks	60 feet
Maximum ground coverage by principal structure	25%
Max. Building Height	((h))

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.10 C-1 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-1 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 7.23, Section 7.23(1)D) - Bakeries - Banks and savings and loans associations - Bed and breakfast establishments (Section 6.08) - Blood and plasma donation centers - Catering establishments - Clubs, lodges, and meeting halls, fraternal and religious - Cultural institutions, such as museums, art galleries and libraries - Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment - Educational uses (Section 2.01, Section 2.01(4)) - General offices - Indoor recreational uses - Kidney transfusion centers - Limited service and carry-out restaurants with or without outdoor dining areas (Section 6.51, Section 6.51(1)) - Medicine, osteopathy and dentistry (excluding veterinary clinics) - Music, dance, or business academies - Open-air sales of Christmas trees (Section 6.43) - Optometry and chiropractic - Orthopedic and medical supply stores, but not including assembly or manufacturing - Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) - Personal service establishments (Section 2.02, Section 2.02(2)) (Section 6.47) - Photographic studios - Physical therapy and health services (not including massage establishments and public baths) - Professional offices (Section 2.02, Section 2.02(2)) - Psychology and podiatry - Public utility uses - Religious institutions (Section 6.50) - Retail sales (Section 2.01, Section 2.01(8)) (Section 6.52) - Schools including, but not limited to dance, music and instrumental, and business/training - Schools - music, dance or business - Temporary buildings for construction purposes, not to exceed the duration of construction - Temporary Uses and Sidewalk and Tent Sales (Section 6.56(1))	- Artisan, craftsman, printing and engraving Shops other similar uses (Section 2.01, Section 2.01(8)) - Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more (Section 6.52, Section 6.52(1)) - Brewer, micro brewer, brewpub, and distilleries (Section 6.09) - Convalescent and nursing homes (Section 6.40) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Section 2.01, Section 2.01(8)) - Day care nurseries (Section 6.13) - Establishments having liquor licenses such as Class C, tavern, and club (Section 6.22) - Full-service restaurants with or without outdoor dining areas (Section 6.51, Section 6.51(2)) - Funeral homes and undertaking establishments - Hospitals (Section 6.29) - Massage establishments (Section 6.37) - Open-air business uses (Section 6.42) - Planned general developments (Section 5.02) - S.D.D. and S.D.M. licenses (Section 6.03) - Veterinary clinics, animal clinics and animal hospitals (Section 6.59)
Refer to Article II for definitions of uses and refer to Section 5.04(1) for development standards for specific uses.	

PROHIBITED USES

In all C-1 Districts no buildings shall hereafter be erected, altered, or used, nor shall any land be used in whole or in part for residential purposes; provided, however, that nothing contained in this section shall affect or interfere with dwellings now in existence in C-1 Districts on the date when this Ordinance becomes effective nor with any buildings accessory to such dwellings or in any way prevent the owners thereof from making any additions, alterations, or repairs to such dwellings or erecting any buildings accessory thereto; provided further, however, that all such dwellings and buildings accessory thereto shall conform to the same requirements as are provided in this Ordinance for the nearest district thereto in which a dwelling may hereafter be lawfully erected.

Nothing in this Article shall be construed as permitting the operation of material yards, new and used lumber sales, nor the sale of used machinery or auto parts, which uses are hereby expressly prohibited in C-1 Districts.

DIMENSION REGULATIONS

Lot Standards	C-1
Min. Lot Area	4,000 sq. ft.
Min. Size of Commercial Buildings	(<i>j</i>)
Front Yard Setback	15 feet (<i>p</i>)
Side Yard Setback	8 feet (<i>p</i>)
Total of two side yard setbacks	16 feet
Rear Yard Setback	8 feet (<i>p</i>)
Max. Building Height	35 feet (2 stories), except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.11 C-2 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-2 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 7.23, Section 7.23(1D)) - Artisan, craftsman, printing and engraving shops other similar uses (Section 2.01, Section 2.01(8)) - Bakeries - Banks and savings and loans associations - Bed and breakfast establishments (Section 6.08) - Blood and plasma donation centers - Catering establishments - Clubs, lodges, and meeting halls, fraternal and religious - Cultural institutions, such as museums, art galleries and libraries - Day care nurseries (Section 6.13) - Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment - Educational uses (Section 2.01, Section 2.01(4)) - Funeral homes and undertaking establishments - Gardening and tree nurseries (Section 6.24) - General offices - Hotels (Section 6.30) - Indoor recreational uses (Section 2.01 (8)) (Section 6.32) - Kidney transfusion centers - Limited service and carry-out restaurants with or without outdoor dining areas (Section 6.51, Section 6.51(1)) - Medicine, osteopathy and dentistry (excluding veterinary clinics) - Music, dance, or business academies - Nurseries, including sale of garden supplies - Open-air sales of Christmas trees (Section 6.43) - Optometry and Chiropractic - Orthopedic and medical supply stores, but not including assembly or manufacturing - Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) - Personal service establishments (Section 2.02, Section 2.02(2)) (Section 6.47) - Photographic studios - Physical therapy and health services (not including massage establishments and public baths) - Professional offices (Section 2.02, Section 2.02(2)) - Psychology and podiatry - Public utility uses - Radio and television towers and broadcasting studios - Religious institutions (Section 6.50) - Retail sales (Section 2.01, Section 2.01(8)) (Section 6.52) - Schools including, but not limited to dance, music and instrumental, and business/ training - Temporary buildings for construction purposes, not to exceed the duration of construction - Temporary Uses and Sidewalk and Tent Sales (Section 6.56(1)) - Wholesale business uses (Section 2.01, Section 2.01(8))	- Ambulance services, local and suburban bus terminals and taxicab terminals (Section 6.57) - Automobile and light truck (one (1) ton gross vehicle weight) repair (Section 6.06) - Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps (Section 6.07) - Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more (Section 6.52, Section 6.52(1)) - Brewer, micro brewer, brewpub, and distilleries (Section 6.09) - Carnivals, outdoor circuses or migratory amusement enterprises (Section 6.56, Section 6.56(3)) - Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 6.54) - Convalescent and nursing homes (Section 6.40) - Dairies, Creameries, Soft Drink and Bottling Plants, and other similar uses (Section 2.01 (8)) - Dance halls and ballrooms (Section 6.14) - Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks (Section 6.51, Section 6.51(3)) - Drive-in theaters - Establishments having liquor licenses such as Class C, tavern, and club (Section 6.22) - Full-service restaurants with or without outdoor dining areas (Section 6.51, Section 6.51(2)) - Gasoline service station (Section 6.26) - Hospitals (Section 6.29) - Massage establishments (Section 6.37) - Motels (Section 6.38) - New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities (Section 6.05) - Open-air business uses (Section 6.42) - Automotive paint Shops (Section 2.01 (8)) - Parking structure (Section 9.09) - Pawn shops (Section 6.45) - Payday lenders (Section 6.46) - Planned general developments (Section 5.02) - S.D.D. and S.D.M. licenses (Section 6.03) - Second-hand stores and rummage shops (Section 6.53) - Veterinary clinics, animal clinics and animal hospitals (Section 6.59)

Refer to Article II for definitions of uses and refer to Section 5.04(1) for development standards for specific uses.

PROHIBITED USES

In all C-2 Districts no building shall hereafter be erected, altered, or used, nor shall any land be used in whole or in part for residential purposes; provided, however, that nothing contained in this section shall affect or interfere with dwellings now in existence in C-2 Districts on the date when this Ordinance becomes effective nor with any buildings accessory to such dwellings, or in any way prevent the owners thereof from making any additions, alterations, or repairs to such dwellings or erecting any buildings accessory thereto; provided further, however, that all such dwellings and buildings accessory thereto shall conform to the same requirements as are provided in this Ordinance for the nearest district thereto in which a dwelling may hereafter be lawfully erected.

Nothing in this Article shall be construed as permitting the operation of material yards, new and used lumber sales, nor the sale of used machinery or auto parts, which uses are hereby expressly prohibited in C-2 Districts.

DIMENSION REGULATIONS

Lot Standards	C-2
Min. Lot Area	((k))
Min. Size of Commercial Buildings	((l))
Front Yard Setback	15 feet ((p))
Side Yard Setback	8 feet ((p))
Total of two side yard setbacks	16 feet
Rear Yard Setback	8 feet ((p))
Max. Building Height	35 feet (2 stories), except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.12 C-3 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-3 Districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 7.23, Section 7.23(1D)) • Ambulance services, local and suburban bus terminals and taxicab terminals (Section 6.57) • Artisan, craftsman, printing and engraving shops other similar uses (Section 2.01, Section 2.01(8)) • Automobile and light truck (one (1) ton gross vehicle weight) repair (Section 6.06) • Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps (Section 6.07) • Bakeries • Banks and savings and loans associations • Bed and breakfast establishments (Section 6.08) • Blood and plasma donation centers • Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more (Section 6.52, Section 6.52(1)) • Brewer, micro brewer, brewpub, and distilleries (Section 6.09) • Carnivals, outdoor circuses or migratory amusement enterprises (Section 6.56, Section 6.56(3)) • Catering establishments • Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 6.54) • Clubs, lodges, and meeting halls, fraternal and religious • Convalescent and nursing homes (Section 6.40) • Cultural institutions, such as museums, art galleries and libraries • Dance halls and ballrooms (Section 6.14) • Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment • Day care nurseries (Section 6.13) • Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks (Section 6.51, Section 6.51(3)) • Drive-in theaters • Educational uses (Section 2.01, Section 2.01(4)) • Establishments having liquor licenses such as Class C, tavern, and club (Section 6.22) • Full service restaurants with or without outdoor dining areas (Section 6.51, Section 6.51(2)) • Funeral homes and undertaking establishments • Gardening and tree nurseries (Section 6.24) • Gasoline service station (Section 6.26) • General offices • Hospitals (Section 6.29) • Hotels (Section 6.30) • Indoor recreational uses (Section 2.01, Section 2.01(8)) (Section 6.32) • Kidney transfusion centers • Limited service and carry-out restaurants with or without outdoor dining areas (Section 6.51 Section 6.51(1)) • Massage establishments (Section 6.37) • Medicine, osteopathy and dentistry (excluding veterinary clinics) • Motels (Section 6.38) • Music, dance, or business academies	• Adult businesses (Section 6.01) • Dairies, creameries, soft drink and bottling plants, and other similar uses (Section 2.01(8)) • Automotive paint shops (Section 2.01(8)) • Parking structure (Section 9.09) • Planned general developments (Section 5.02) •

PERMITTED USES	WAIVER USES
- New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities (Section 6.05) - Nurseries, including sale of garden supplies - Open-air business uses (Section 6.42) - Open-air sales of Christmas trees (Section 6.43) - Optometry and chiropractic - Orthopedic and medical supply stores, but not including assembly or manufacturing - Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) - Pawn shops (Section 6.45) - Payday lenders (Section 6.46) - Personal service establishments (Section 2.02, Section 2.02(2)) (Section 6.47) - Photographic studios - Physical therapy and health services (not including massage establishments and public baths) - Professional offices (Section 2.02, Section 2.02(2)) - Psychology and podiatry - Public utility uses - Radio and television towers and broadcasting studios - Religious institutions (Section 6.50) - Retail sales (Section 2.01, Section 2.01(8)) (Section 6.52) - S.D.D. and S.D.M. licenses (Section 6.03) - Second-hand stores and rummage shops (Section 6.53) - Schools including, but not limited to dance, music and instrumental, and business/ training - Temporary buildings for construction purposes, not to exceed the duration of construction - Veterinary clinics, animal clinics and animal hospitals (Section 6.59) - Wholesale business uses (Section 2.01, Section 2.01(8))	

PROHIBITED USES
In all C-3 Districts no building shall hereafter be erected, altered, or used, nor shall any land be used in whole or in part for residential purposes; provided, however, that nothing contained in this section shall affect or interfere with dwellings now in existence in C-3 Districts on the date when this Ordinance becomes effective nor with any buildings accessory to such dwellings, or in any way prevent the owners thereof from making any additions, alterations or repairs to such dwellings or erecting any buildings accessory thereto; provided further, however, that all such dwellings and buildings accessory thereto shall conform to the same requirements as are provided in this Ordinance for the nearest district thereto in which a dwelling may hereafter be lawfully erected. Nothing in this article shall be construed as permitting the operation of material yards and the sale of used machinery or auto parts, which uses are hereby expressly prohibited in C-3 Districts.

DIMENSION REGULATIONS	
Lot Standards	C-3
Min. Lot Area	((k))
Min. Size of Commercial Buildings	((l))
Front Yard Setback	50 feet ((p))
Side Yard Setback	25 feet ((p))
Total of two side yard setbacks	50 feet
Rear Yard Setback	((p)) ((q))
Max. Building Height	35 feet (2 stories), except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.13 C-4 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-4 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 7.23, Section 7.23(1D)) - Artisan, craftsman, printing and engraving shops other similar uses (Section 2.01, Section 2.01(8)) - Bakeries - Banks and savings and loans associations - Bed and breakfast establishments (Section 6.08) - Blood and plasma donation centers - Brewer, Micro Brewer, Brewpub, and Distilleries (Section 6.09) - Catering establishments - Convalescent and nursing homes (Section 6.40) - Cultural service buildings, such as publicly owned museums, art galleries and libraries - Day care nurseries (Section 6.13) - Educational uses (Section 2.01, Section 2.01(4)) - Full service restaurants with or without outdoor dining areas (Section 6.51, Section 6.51(2)) - Funeral homes and undertaking establishments - Gardening and tree nurseries (Section 6.24) - General offices - Hotels (Section 6.30) - Indoor recreational uses (Section 2.01, Section 2.01(8)) (Section 6.32) - Kidney transfusion centers - Limited service restaurant and carry-out restaurants with or without outdoor dining areas (Section 6.51, Section 6.51(1)) - Medicine, osteopathy and dentistry (excluding veterinary clinics) - Motels (Section 6.38) - Museums - Music, dance, or business academies - Nurseries, including sale of garden supplies - Open-air sales of Christmas trees (Section 6.43) - Optometry and chiropractic - Orthopedic and medical supply stores, but not including assembly or manufacturing - Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) - Personal service establishments (Section 2.02, Section 2.02(2)) (Section 6.47) - Photographic studios - Physical therapy and health services (not including massage establishments and public baths) - Professional offices (Section 2.02, Section 2.02(2)) - Psychology and podiatry - Public utility uses - Radio and television towers and broadcasting studios - Religious institutions (Section 6.50) - Retail sales (Section 2.01, Section 2.01(8)), (Section 6.52) - Schools including, but not limited to dance, music and instrumental, and business/ training - Universities, colleges, private colleges, including ancillary uses and facilities - Wholesale business uses (Section 2.01, Section 2.01(8)) - Temporary buildings for construction purposes, not to exceed the duration of construction	- Accessory residential use for apartments (Section 7.23, Section 7.23(2)) - Carnivals, outdoor circuses or migratory amusement enterprises (Section 6.56, Section 6.56(3)) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Section 2.01 (8)) - Establishments having liquor licenses such as Class C, Tavern, and Club (Section 6.22) - Heliports (Section 6.27) - Hospitals (Section 6.29) - Massage establishments (Section 6.37) - Automotive paint shops (Section 2.01 (8)) - Parking structure (Section 9.09) - Planned general developments (Section 5.02)

Refer to [Article II](#) for definitions of uses and refer to [Section 5.04\(1\)](#) for development standards for specific uses.

DIMENSION REGULATIONS

Lot Standards	C-4
Min. Lot Area	4,000 sq. ft.
Front Yard Setback	40 feet ((p))
Side Yard Setback	40 feet ((p))
Total of two side yard setbacks	80 feet
Rear Yard Setback	40 feet ((p))
Max. Ground Coverage by Principal Structure	20%
Max. Building Height	((g)) (h)

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.14 P-L District Regulations.

APPLICATION OF ARTICLE

This district is designed to classify publicly owned uses and land publicly or privately-owned facilities (as defined in [Section 2.02](#) of this ordinance). The regulations set forth in this Article shall apply in all P-L districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 7.23, Section 7.23(1)) • Brewer, Micro Brewer, Brewpub, and Distilleries (Section 6.09) • Carnivals, outdoor circuses or migratory amusement enterprises (Section 6.56(3)) • Cultural service buildings, such as publicly owned museums, art galleries and libraries • Educational uses (Section 2.01, Section 2.01(4)) • Establishments having liquor licenses such as Class C, tavern, and club (Section 6.22) • Hospitals (Section 6.29) • Housing for the elderly (Section 6.31) • Municipal or other governmental buildings • Heliports (Section 6.27) • Parking structures (Section 9.09) • Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) • Universities, colleges, private colleges, including ancillary uses and facilities	• Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment and/or rehabilitation of adults or minor children and psychiatric hospitals (Section 6.23)
Refer to Article II for definitions of uses and refer to Section 5.04(1) for development standards for specific uses.	

Section 3.15 ML District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all ML Districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 7.23, Section 7.23(1)) • Brewer, micro brewer, brewpub, and distilleries (Section 6.09) • Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 6.54) • Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment • Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair • Experimental product development and testing including limited manufacturing (Section 6.22(3)) • General offices • Industrial, scientific, or business research development and testing laboratories and offices • Industrial parks (Section 7.28) • Laundry and dry-cleaning establishments • Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) • Professional offices (Section 2.02, Section 2.02(2)) • Temporary buildings for construction purposes for a period not to exceed the duration of construction • Tool and die shops and pattern making shops • Warehouses (Section 2.01, Section 2.01(8))	• Heliports (Section 6.27) • Parking structure (Section 9.09)
Refer to Article II for definitions of uses and refer to Section 5.04(1) for development standards for specific uses.	

PROHIBITED USES

In all ML Districts no building shall be erected or used, or land used, in whole or in part, for any one or more of the following uses:

- All uses permitted in N1, N2, R-U-F, NM1, NM2, C-1, C-2, and C-3 Districts.
- All waiver uses listed in N1, N2, R-U-F-Districts, NM1, NM2, C-1, C-2, and C-3 Districts.
- Outside storage of trucks, materials, and/or supplies.
- Uses causing or resulting in obnoxious, offensive, injurious, dangerous or unhealthy odors, fumes, dust, smoke, noise, glare of lights or vibration, or the accumulation of unsightly waste materials on private or public property.

DIMENSION REGULATIONS

Lot Standards	ML
Front Yard Setback	((m))
Rear Yard Setback	((m))
Side Yard Setback	((m))
Max. Building Height	35 feet, except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.16 M-1 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all M-1 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 7.23, Section 7.23(1)) - Artisan, craftsman, printing and engraving shops other similar uses (Section 2.01 Section 2.01(8)) - Brewer, micro brewer, brewpub, and distilleries (Section 6.09) - Bulk storage of refined petroleum products - Caregiver grow facilities (Section 6.10) - Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 6.54) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Section 2.01 Section 2.01(8)) - Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment - Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair - Experimental product development and testing including limited manufacturing (Section 6.22(3)) General offices Industrial parks (Section 7.28) Industrial, scientific, or business research development and testing laboratories and offices Internet-based exotic vehicle sales (Section 6.33) Industrial plants manufacturing, processing or assembling (Section 2.02, Section 2.02(2)) Laundry and dry-cleaning establishments Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 6.36) - Paint shops (Section 2.01 (8)) - Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) - Professional offices (Section 2.02, Section 2.02(2)) - Public utility uses Industrial, scientific, or business research development and testing laboratories and offices Internet-based exotic vehicle sales (Section 6.33) Industrial plants manufacturing, processing or assembling (Section 2.02, Section 2.02(2))	- Ambulance services, local and suburban bus terminals and taxicab terminals (Section 6.57) - Garages, repair shops, rustproofing and similar highway services (Section 6.24) - Heliports (Section 6.27) Indoor recreational uses (Section 2.01, Section 2.01(8)) (Section 6.32) Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 6.36) - Outdoor storage of recreational equipment (Section 6.44) - Parking structures (Section 9.09) - Retail sales (Section 2.01, Section 2.01(8)) (Section 6.52) - Steel fabricators, truck terminals, truck and trailer rental facilities, where vehicles, trailers, equipment and material, special trade contractors, and vehicle tow yards (Section 6.58)

- Temporary buildings for construction purposes for a period not to exceed the duration of construction
- Tool and die shops and pattern making shops
- Warehouses (*Section 2.01, Section 2.01(8)*)

Refer to *Article II* for definitions of uses and refer to *Section 5.04(1)* for development standards for specific uses.

PROHIBITED USES

In all M-1 Districts no building shall be erected or used, or land used, in whole or in part, for any one or more of the following uses:

- a) All uses permitted in N1, N2, R-U-F, NM1, NM2, C-1, C-2 and C-3 Districts unless expressly permitted in this Article.
- b) All waiver uses listed in any of the N1, N2, RUF, NM1, NM2, C1, C2, and C3 Districts unless expressly permitted in this Article.
- c) Junk yards and businesses handling junk, waste, trash, or rubbish.
- d) Used auto parts or auto wrecking establishments.
- e) Incubation, raising, or storing of poultry.
- f) Slaughtering of animals.
- g) Use or operation of steam hammers, forging equipment.
- h) Heavy manufacturing drop forging plants, foundries, and boiler works.
- i) Uses causing or resulting in obnoxious, offensive, injurious, dangerous or unhealthy odors, fumes, dust, smoke, noise, glare of lights or vibration, or the accumulation of unsightly waste materials on private or public property.

DIMENSION REGULATIONS

Lot Standards	M-1
Front Yard Setback	(n)
Rear Yard Setback	(n)
Side Yard Setback	(n)
Max. Building Height	50 feet, except as provided in Section 7.17 to Section 7.20

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.17 M-2 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all M-2 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 7.23, Section 7.23(1)) - Any lawful use of land or buildings not herein expressly provided for or prohibited - Artisan, craftsman, printing and engraving shops other similar uses (Section 2.01, Section 2.01(8)) - Brewer, micro brewer, brewpub, and distilleries (Section 6.09) - Bulk storage of refined petroleum products - Caregiver grow facilities (Section 6.10) - Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 6.54) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Section 2.01 (8)) - Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment - Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair - Experimental product development and testing including limited manufacturing (Section 6.22(3)) - Garages, repair shops, rustproofing and similar highway services (Section 6.24) - General offices - Heavy manufacturing and general industrial plants Industrial, scientific, or business research development and testing laboratories and offices Industrial parks (Section 7.28) - Industrial plants manufacturing, processing or assembling (Section 2.02, Section 2.02(2)) - Internet-based exotic vehicle sales (Section 6.33) - Laundry and dry-cleaning establishments Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 6.36) - Outdoor storage of Recreational Equipment (Section 6.44) - Paint shops (Section 2.01 (8)) - Parking structure (Section 9.09) - Parks and outdoor recreational uses (Section 2.02, Section 2.02(2)) - Professional offices (Section 2.02, Section 2.02(2)) - Public utility uses Steel fabricators, truck terminals, truck and trailer rental facilities where vehicles, trailers, equipment and material (Section 6.58) - Temporary buildings for construction purposes for a period not to exceed the duration of construction - Tool and die shops and pattern making shops - Warehouses (Section 2.01, Section 2.01(8))	- Ambulance services, local and suburban bus terminals and taxicab terminals (Section 6.57) Heliports (Section 6.27) Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 6.36) Steel fabricators, truck terminals, truck and trailer rental facilities, special trade contractors, and vehicle tow yards (Section 6.58) Vehicle tow yards (Section 6.58)
Refer to Article II for definitions of uses and refer to Section 5.04(1) for development standards for specific uses.	

PROHIBITED USES

In all M-2 Districts no building shall be erected or used, or land used, in whole or in part, for any one or more of the following uses:

- a) All uses that are prohibited in an M-1 District.
- b) Tanneries, slaughterhouses, stock yards, glue factories, soap factories, asphalt mixing, batching or paving plants, oil or asphalt refineries.
- c) Furniture stores.
- d) Indoor recreational uses.
- e) The operation of forgings by steam or board hammers except where located more than one thousand (1,000) feet from any district zoned as residential as measured from any point on the property and only when approved by the City Council after review and submission of findings by the City Planning Commission. No such approval shall be given until the City Council is satisfied that vibration and noise will be reduced to a reasonable minimum through construction and use of the most modern and effective facilities available for such purpose.
- f) Uses causing or resulting in obnoxious, offensive, injurious, dangerous or unhealthy odors, fumes, dust, smoke, noise, glare of lights, waste, discharge of by-products, or the accumulation of unsightly waste materials on private or public property.
- g) Uses like the above specified uses.

DIMENSION REGULATIONS

Lot Standards	M-2
Front Yard Setback	((o))
Rear Yard Setback	((o))
Side Yard Setback	((o))

Footnotes: Refer to [Section 4.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 5.04\(1\)](#) for dimensional regulations for specific uses.

Section 3.18 NP District Regulations.

APPLICATION OF ARTICLE

The regulations of this Article shall apply in all NP Districts. The intent of this Article is to provide for the preservation and protection of certain City-owned properties which remain undisturbed in their natural state and which are designated as "Nature Preserve" on Part VII of the Master Plan, the Future Land Use Plan, because they have unique characteristics such as a dense growth of trees, wild flowers and a variety of other plants, animals and birds normally associated with a densely wooded area, as well as the preservation of publicly-owned properties which are designated as wetlands by the Department of Natural Resources or are located within a designated Flood Hazard District as defined in [Section 2.02](#), [Section 2.02\(4\)](#) of this Ordinance.

PERMITTED USES

Nature Preserves ([Section 2.02](#), [Section 2.02\(2\)](#), [Section 6.39](#))

Refer to Article II for definitions of uses.

PROHIBITED USES

In all NP districts, no building or structure shall be erected, nor shall any land be used in whole or in part for any purpose whatsoever except for one or more of the uses expressly permitted in the permitted uses listed above. Irrespective of any other provisions of this Ordinance, the foregoing prohibition shall include grading, filling or dumping of any material in any manner; the removal or damaging of trees, wild flowers, and other plant material; and the destruction of wildlife.

Section 3.19 P District Regulations.

APPLICATION OF ARTICLE

The regulations of this Article shall apply in all P Districts.

PERMITTED AND WAIVER USES

Non-residential parking shall be treated as a Permitted Use. In all P Districts, no land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for in this Ordinance, for any use other than automobile parking. All P Districts shall be contiguous to a Business District and/or Industrial District; provided, however, that there may be a private highway or public street or public alley between such P District and such Business District and/or Industrial District. Parking may be with or without charge. The standards of Article X, Parking, Loading, and Access Management shall apply ([Article X](#)).

Parking structures shall be treated as a Waiver Use, subject to the provisions set forth in [Section 9.09](#).

PROHIBITED USES

- a) Parking areas shall be used for parking of private passenger vehicles only.
- b) No business involving the repair or services to vehicles permitted thereon or sale, or other storage, or display thereof, shall be conducted from or upon such premises

Article IV.

Schedule of Regulations

Section 4.01 Statement of Purpose.

The purpose of this Article is to provide area, height, and placement regulations for districts established by this Zoning Ordinance.

Section 4.02 Schedule of Regulations.

Unless otherwise provided in this Ordinance, area, height, and placement regulations under this Ordinance shall be in accordance with the Schedule of Regulations in the Table and footnotes below, which schedule and footnotes are hereby made a part of this *Section 4.02*.

SCHEDULE OF REGULATIONS														
	Lot Area, Lot Coverage, and Dwelling/Business Unit Standards						Minimum Yard Setbacks (ft)						Maximum Building Height	
Zoning District	Minimum Lot Area	Maximum Usable Floor Area in Percentage of Lot Area	Minimum Size of Commercial Buildings	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Maximum Lot Coverage (%)	Front (ft.)	Side (ft.)	Total of 2 Sides (ft.)	Side yard setback abutting street	Rear yard abutting side yard, the side yard abutting upon a street not less than	Rear (ft.)	Feet	Stories
N1, Neighborhood	6,000 sq. ft.	—	—	50 <i>((a))</i>	120 <i>((a)) ((b))</i>	<i>((c))</i>	25 <i>((r))</i>	5	14	15	25	30	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	2, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>
N2, Neighborhood	8,400 sq. ft.	—	—	70 <i>((a))</i>	120 <i>((a)) ((b))</i>	<i>((c))</i>	30 <i>((r))</i>	6	16	17	25	30	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	2, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>
RUF, Rural Urban Farm	15,000 sq. ft.	—	—	75 <i>((a))</i>	150 <i>((a)) ((b))</i>	<i>((c))</i>	50 <i>((r))</i>	10	20	23	40	45	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	2, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>
NM1, Neighborhood Multifamily	—	—	—	80 <i>((a))</i>	--	25%	30	25 <i>((d))</i>	60 <i>((d))</i>	<i>((e))</i>	—	50	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	2 ½, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>
NM2, Neighborhood Multifamily	—	30 35% <i>((s))</i>	—	—	—	—	50 <i>((f))</i>	25 <i>((f))</i>	60 <i>((f))</i>	—	—	50 <i>((f))</i>	<i>((g))</i>	<i>((g))</i>
NM3, Neighborhood Multifamily	—	—	—	—	—	25% for the principal structure	50 <i>((i))</i>	25 <i>((i))</i>	60 <i>((i))</i>	—	—	50 <i>((i))</i>	<i>((h))</i>	<i>((h))</i>
C-1, Local Business	4,000 sq. ft.	—	<i>((j))</i>	—	—	—	15 <i>((p))</i>	8 <i>((p))</i>	16	—	—	8 <i>((p))</i>	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	2, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>
C-2, General Business	<i>((k))</i>	—	<i>((l))</i>	—	—	—	15 <i>((p))</i>	8 <i>((p))</i>	16	—	—	8 <i>((p))</i>	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	2, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>
C-3, Highway Services	<i>((k))</i>	—	<i>((l))</i>	—	—	—	50 <i>((p))</i>	25 <i>((p))</i>	50	—	—	<i>((p)) ((q))</i>	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	2, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>
C-4, High Rise Commercial	4,000 sq. ft.	—	—	--	--	—	40 <i>((p))</i>	40 <i>((p))</i>	80	—	—	40 <i>((p))</i>	<i>((g))</i>	<i>((g))</i>
ML, Manufacturing Limited	—	—	—	—	—	—	<i>((m))</i>	<i>((m))</i>	—	—	—	<i>((m))</i>	35, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	—
M-1, Light Manufacturing	—	—	—	—	—	—	<i>((n))</i>	<i>((n))</i>	—	—	—	<i>((n))</i>	50, except as provided in <i>Section 7.17</i> to <i>Section 7.20</i>	—
M-2, General Manufacturing	—	—	—	—	—	—	<i>((o))</i>	<i>((o))</i>	—	—	—	<i>((o))</i>	—	—

Footnotes: Refer to *Section 4.03* wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to *Section 5.04(1)* for dimensional regulations for specific uses.

Section 4.03 Footnotes to Schedule of Regulations.

- (a) When lots are hereafter platted with a side or rear lot line abutting a major thoroughfare with an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Future Transportation Map of the City of Livonia, the lot depth and/or lot width shall be increased by at least thirty (30) feet to provide additional buffering from such thoroughfare.
- (b) Lot depth requirements need not be adhered to where immovable physical boundary limitations exist which prohibit meeting lot depth requirements, provided that all minimum area and width requirements are met.
- (c) One-family dwellings together with accessory buildings shall not cover more than thirty-five (35) percent of the lot area.
- (d) Side Yard Setbacks
 - i) Side Yards; One- and Two-Family Dwellings. All lots in NM1 Districts on which a one family dwelling is established shall have two (2) side yards, one with a minimum width of not less than six (6) feet, and the aggregate width of both side yards shall not be less than sixteen (16) feet. All lots in NM1 Districts on which a two (2) family dwelling is established shall have two (2) side yards of not less than ten (10) feet each.
 - ii) Side Yards; Non-Residential Use. Every lot on which a building or structure used for a non-dwelling purpose shall have a side yard on each side of such lot, and each such yard shall be not less than fifteen (15) feet in width.
- (e) In NM1 Districts, the width of side yards abutting upon a street shall not be less than seventeen (17) feet at the first-floor level when rear yards abut rear yards; however, in case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting upon a street shall be not less than thirty (30) feet.
- (f) Provided, however, that when any front, rear or side yard abuts a major thoroughfare of one hundred twenty (120) feet or more as indicated on the Future Transportation Map of the City of Livonia, the minimum setback shall be seventy-five (75) feet.
- (g) Buildings shall not exceed four (4) stories in height, except that the maximum height of buildings to be erected or used on any parcel or parcels of land designated Zone I, Zone II, or Zone III shall be as follows:

Zone	Maximum Height of Building
I	6 stories
II	8 stories
III	12 stories
IV	20 stories

- (h) Thirty-five (35) feet and two and a half (2-½) stories, except that the maximum height of a building to be erected or used on any parcel or parcels of land designated Zone I, Zone II, and Zone III shall be as follows:

Zone	Maximum Height of Building
I	4 stories
II	6 stories
III	9 stories

- (i) The following setbacks apply in the NM3 District for building heights greater than 2 stories:

Type of Building		Front Yard	Rear Yard	Side Yard	Interior Yard
Required setback lines for principal buildings and accessory buildings	Perimeter 3-story building:	75 feet	50 feet	50 feet	50 feet
	Perimeter for each story more than three (3), the following additional setback is required	5 feet	10 feet	10 feet	Interior for each story of a principal building in excess of three (3), the distance between buildings shall be increased by ten (10) feet.

- (j) In C-1 Districts no commercial building shall hereafter be erected having a first-floor area of less than six hundred (600) square feet or as otherwise approved by the City Council.
- (k) In no case shall a business lot be less than four thousand (4,000) square feet in area.
- (l) No commercial or business building shall hereafter be erected having a first-floor area of less than four hundred (400) square feet or as otherwise approved by the City Council.
- (m) When a building is hereafter erected or altered in any ML District, front, rear, and side yards shall be maintained as follows:
- i) Parcels Less Than One (1) Acre in Area. The front yard shall have a depth of at least fifty (50) feet, the rear yard shall have a depth of at least twenty (20) feet, and there shall be two (2) side yards, each having a width of not less than twelve (12) feet and the combined width of both side yards shall not be less than forty (40) feet; provided, however, that a side yard abutting a street shall not be less than thirty (30) feet.
 - ii) Parcels Less Than Ten (10) Acres in Area. Where such building is situated on a lot having an area in excess of one (1) acre and not more than ten (10) acres, the front and rear yards shall be at least fifty (50) feet each in depth, the interior side yards shall not be less than thirty (30) feet each, and a side yard abutting a street shall not be less than thirty (30) feet.
 - iii) Parcels More Than Ten (10) Acres in Area. The front yard shall have a depth of at least one hundred (100) feet, the rear yard shall be at least fifty (50) feet in depth, interior side yards shall not be less than thirty (30) feet each, and a side yard abutting a street shall not be less than fifty (50) feet.
 - iv) Provided, however, that notwithstanding the foregoing, where any such parcel or lot abuts a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more, as shown on the Future Transportation Map, then the required yards abutting major thoroughfares shall be provided with a depth of no less than one hundred (100) feet; except, however, in the case of properties abutting Eight Mile Road (Baseline Road) and the I-96 (Schoolcraft) Freeway eastbound service drive, in which case the said minimum setback shall be fifty (50) feet; further, the yard requirements set forth in this section shall not apply to property lines adjacent to any railroad right-of-way.
- (n) When a building is hereafter erected or altered in any M-1 District, front, rear, and side yards shall be maintained as follows:

- i) Parcels Less Than One (1) Acre in Area. The front yard shall have a depth of at least fifty (50) feet, the rear yard shall have a depth of at least twenty (20) feet, the interior side yards shall be not less than twenty (20) feet each, and a side yard abutting a street shall be not less than twenty-five (25) feet.
- ii) Parcels Less Than Ten (10) Acres in Area. Where such building is situated on a lot having an area in excess of one (1) acre and not more than ten (10) acres, the front and rear yards shall be at least fifty (50) feet each in depth, the interior side yards shall be not less than twenty (20) feet each, and a side yard abutting a street shall be not less than twenty-five (25) feet.
- iii) Parcels More Than Ten (10) Acres in Area. Where such building is situated on a lot having an area in excess of ten (10) acres, the front yard shall have a depth of at least one hundred (100) feet, the rear yard shall be at least fifty (50) feet in depth, the interior side yards shall not be less than twenty (20) feet each, and a side yard abutting a street shall be not less than fifty (50) feet.

Provided, however, that notwithstanding the foregoing, where any such parcel or lot abuts a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more, as shown on the Future Transportation Map, then the required yards abutting major thoroughfares shall be provided with a depth of no less than one hundred (100) feet; except, however, in the case of properties abutting Eight Mile Road (Baseline Road) and the I-96 (Schoolcraft) Freeway eastbound service drive, in which case the said minimum setback shall be fifty (50) feet; further, the yard requirements set forth in this section shall not apply to property lines adjacent to any railroad right-of-way.

- (o) When a building is hereafter erected or altered in any M-2 District, front, rear, and side yards shall be maintained as follows:
 - i) Parcels more than twenty (20) acres in area, front, rear, and side yards shall have a depth of at least two hundred (200) feet each.
 - ii) Parcels twenty (20) acres or less in area. Front, rear, and side yards shall be the same as required in an M-1 District;
 - iii) Provided, however, that notwithstanding the foregoing provisions of this section, the following additional requirements shall apply:
 - Where any such parcel or lot abuts a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more, as shown on the Future Transportation Map, then, and in such event, the required yard abutting a major thoroughfare shall have a setback of no less than one hundred (100) feet; except, however, in the case of properties abutting the I-96 (Schoolcraft) Freeway eastbound service drive, in which case the said minimum setback shall be fifty (50) feet;
 - Where any such parcel abuts on the boundary of any district zoned other than M-2, M-1, or PL, any yard of such parcel abutting on such boundary shall not be less than two hundred (200) feet;
 - The yard requirements set forth in this section shall not apply to property lines adjacent to any railroad right-of-way.

- (p) No part of the minimum required front yard, side yard or rear yard shall be used for either the storage, placement or display of merchandise or equipment and no part of any parcel of land located in a C-1, C-2, C-3, or C-4 District shall be used for outdoor storage of merchandise or equipment, except as specifically permitted by other provisions of this ordinance. The foregoing prohibition of storage, placement or display of equipment within the required minimum front yard shall include the parking or storage of merchants' delivery vehicles except when loading or unloading merchandise or equipment. Side yards are not required along interior lot lines if all walls abutting or facing such lot lines are of fireproof construction and wholly without windows or other openings; but if the side wall is not of fireproof construction, or if of fireproof construction but containing windows or other openings (other than emergency exits or vents). For one (1) story buildings, the side/rear yard setback shall be five (5) feet; provided, however, that when a side/rear lot line coincides with a side/rear lot line in a residential district each commercial building shall provide a side/rear yard of not less than twenty (20) feet.

- (q) In C-3 Districts no rear yard is required except for a lot running through to the street in the rear in which case a rear yard shall be provided which shall comply with the front yards on that street.
- (r) A covered but unenclosed front porch will not be considered nonconforming by virtue of its incidental encroachment on the front yard setback.
- (s) The maximum usable floor area as a percentage of lot area shall be limited to 35%, except in cases where City Council determines that it is in the best interests of the community to allow for a greater percentage, the maximum shall be 45%.

Article V.

Supplemental Zoning District Standards

Section 5.01 Special Area Development Control.

- (1) **Requirement.** No building shall be erected, expanded, or externally altered on property in the following designated areas except upon review and submission of findings by the City Planning Commission and approval by the City Council.
- A) The area described as being within the vicinity of the Civic Center being that area located in Sections 15, 16, 21, and 22, bounded on the north by Roycroft Avenue, on the east by Hubbard Road, on the south by Lyndon Avenue (excepting therefrom all property in Kimberly Oaks Subdivision and Taylor Gardens Subdivision), on the west by the east property line of the Parkview Memorial Cemetery, and that portion of Stamford Road that is north of Five Mile Road and south of Roycroft Avenue.
 - B) The area described as being within the vicinity of the Wonderland Village being the area located in the Southwest $\frac{1}{4}$ of Section 25; the Northwest $\frac{1}{4}$ of Section 36; the Northeast $\frac{1}{4}$ of Section 35; and the Southeast $\frac{1}{4}$ of Section 26 (excepting therefrom all property located in Single-Family Residential Zoning Districts).
 - C) The area described as being within the vicinity of the Livonia Marketplace being the area located in the Southwest $\frac{1}{4}$ of Section 1; the Northwest $\frac{1}{4}$ of Section 12; the Northeast $\frac{1}{4}$ of Section 11; and the Southeast $\frac{1}{4}$ of Section 2 (excepting therefrom all property located in Single-Family Residential Zoning Districts).
 - D) The area described as being within the vicinity of the I-275 Freeway being the area described as the Southwest $\frac{1}{4}$ of Section 5; all of Section 6; all of Section 7; the west $\frac{1}{2}$ of Section 8; the Northwest $\frac{1}{4}$ of Section 17; and the North $\frac{1}{2}$ of Section 18 (excepting therefrom all property located in Single-Family Residential and Public Lands Zoning Districts).
 - E) The area described as being within the vicinity of the Seven Mile Road-Farmington Road Intersection being the area located in the West $\frac{1}{2}$ of Section 3; the East $\frac{1}{2}$ of Section 4; the Northeast $\frac{1}{4}$ of Section 9; and the N.W. $\frac{1}{4}$ of Section 10 (excepting therefrom all property located in Single-Family Residential Zoning Districts).
 - F) The area described as being within the vicinity of the Plymouth Road-Farmington Road Intersection being the area located in the Southwest $\frac{1}{4}$ of Section 27; the Southeast $\frac{1}{4}$ of Section 28; the Northeast $\frac{1}{4}$ of Section 33; and the Northwest $\frac{1}{4}$ of Section 34 (excepting therefrom all property located in Single Family Residential and Public Lands Zoning Districts).

- G) The area described as being within the vicinity of Middlebelt Road-Schoolcraft-1-96 Service Drive being the area located in the Southeast ¼ of Section 23; the Southwest ¼ of Section 24; the Northwest ¼ of Section 25; and the Northeast ¼ of Section 26 (excepting therefrom all property located in Single-Family Residential and Public Lands Zoning Districts)
- (2) **Standards.** A determination made by the City Planning Commission and City Council hereunder shall be subject to compliance with, and the application of, the standards prescribed in [Section 13.13](#), [Section 13.13\(6\)](#) of this Ordinance. A petition for site plan approval shall also comply with the requirements prescribed in [Section 13.13](#), [Section 13.13\(12\)](#) of this Ordinance.
- (3) **Appeal to City Council.** In the event any applicant or petitioner is aggrieved by the determination of the City Planning Commission in relation to site plan approval, they may file an appeal with the City Council in accordance with the provisions set forth in [Section 13.13](#), [Section 13.13\(10\)](#) of this Ordinance.
- (4) **Limitation.** Whenever the City Planning Commission and City Council shall approve a site plan, such approval shall continue and be valid only in accordance with the provisions set forth in [Section 13.13](#), [Section 13.13\(13\)](#) of this Ordinance.
- (5) **Implementation.** An approved site plan shall be immediately transmitted to the Inspection Department, and all non-building improvements such as, but not limited to, landscaping, parking lots, parking spaces, walkways, screen walls, and exterior lighting required by such site plan shall be completed prior to the issuance of a Certificate of Occupancy; provided, however, that a temporary Certificate of Occupancy may be issued in the event that such completion is impractical or impossible, provided that a performance bond in the form of a cash bond or irrevocable bank letter of credit covering the estimated total cost of such improvements or parts thereof is deposited with the Inspection Department prior to the issuance of such temporary Certificate of Occupancy; provided further, however, that in no event shall a final Certificate of Occupancy be issued until all improvements have been completed. All improvements, when completed, shall, thereafter, be maintained with materials equal to or greater than the quality of the materials originally installed.

Section 5.02 Special Waiver Use Standards for Planned Developments, including Planned Residential Developments and Planned General Developments.

- (1) **Statement of Intent.** The intent of this Article is to provide, in the case of Planned Residential Developments and Planned General Developments, an added degree of flexibility in the placement, bulk, and interrelationship of the buildings and uses within the Planned Development, and the implementation of new design concepts so as to encourage a more efficient use of land and of public services through the use of a unified planning approach, while at the same time maintaining the over-all intensity of land use, density of population, and amounts of light, air, access, and required open space as specified in this Ordinance for the zoning district in which the Planned Development is to be located.

A Planned Development shall be deemed to be a Planned Residential Development when such development is limited to dwelling units in detached, attached or multi-storied structures, or any combination thereof. A Planned Development shall be deemed to be a Planned General Development when it contains commercial and/or office structures and uses exclusively or when it includes residential structures or dwelling units in a unified plan with commercial and/or office structures and uses.

The City Council does hereby determine that the several district regulations pertaining to intensity of land use, density of population, and required open space are the minimum requirements for the promotion and protection of the public health, safety, and welfare.

(2) Authority to Grant Waiver for Planned Residential Development or Planned General Development.

Subject to the foregoing statement of intent, the Planning Commission may grant a waiver authorizing a Planned Residential Development or a Planned General Development but only after notice and hearing in the manner provided for other waivers and subject to all other provisions of this Article, and the City Planning Commission and City Council may, in the case of Planned Developments, allow for modification of the provisions of this Ordinance. Such modifications shall be considered only with respect to the following guidelines:

- A) Modification in lot sizes may be granted irrespective of the minimum requirements imposed under the Zoning District within which such development is located.
- B) Modification of yard requirements may be granted irrespective of the minimum requirements imposed under the Zoning District within which a Planned Development is located when it is determined that such modification will result in a more efficient use of the land and will not be injurious to surrounding land and to the public.
- C) Uses not permitted in the Zoning District within which the Planned Development is located may be permitted when such uses are primarily designed and intended to service residents of any Planned Residential Development or Planned General Development or when such uses relate to an overall concept in the case of a non-residentially conceived Planned General Development. In the case of a Planned General Development located on any parcel of land zoned N1, N2, RUF, NM1, or NM2 and which involves development of one or more non-residential uses, such approval shall require a two-thirds (2/3) majority vote of City Council.

(3) Application for Waiver for Planned Residential Development and/or Planned General Development. The owner or owners of any tract of land may submit to the City Planning Commission an application for a waiver to use and develop the entire tract in a manner not consistent with regular or conventional street and lot patterns or general site development concepts. The application shall be made and filed in triplicate with the City Planning Commission and shall either contain or be accompanied by the following:

- A) A legal description of the property under consideration.
- B) The existing zoning classification of the property.
- C) A fully dimensional map of the land showing topographic information at a contour interval of not less than two (2) feet.
- D) A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking areas, driveways, buffer strips, distances between buildings and between buildings and lot lines, setback lines, all open spaces to be dedicated for parks, recreation, light and air, etc., and showing the location and design of all lots to be subdivided and the dimensions of all lot lines.
- E) A vicinity map showing the location of the site in relation to surrounding properties, streets, parks, schools, school sites, etc.
- F) Architectural sketches, at an appropriate scale, showing building heights, elevations, and an indication of the design and distribution of signs to be erected.
- G) A declaration of private restrictions to be imposed upon the property after it is subdivided and developed to ensure that the development conforms in every detail to the approved site plan.
- H) The location and the pavement and right of way width of all abutting roads and streets and driveway locations on abutting public streets.
- I) A statement on intended phases of the project.
- J) Description of soil erosion and sedimentation control measures.
- K) Location of clusters of trees on site and all existing trees eight (8) inches or greater in diameter.

- L) Location of existing wetlands.
- M) The location of all rubbish receptacles and the location, height, and type of fences and walls to screen receptacles.
- N) Location and dimension of required easements for public right-of way, utilities, access, and shared access.
- O) Location of any proposed stormwater detention or retention facilities.
- P) Traffic and pedestrian circulation patterns both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any pedestrian sidewalks, malls, and open areas for parks and recreation either required or otherwise deemed necessary by the City Council. A concrete sidewalk of sufficient width as determined by the City Council shall be provided within the public right of way one (1) foot from the subject site's property line where the subject site borders a public right of way.
- Q) The location, height, and area of all signs.
- R) Information and plans for the storage, loading, disposal, and transfer of any hazardous/toxic waste (gas, oil, transmission fluid, lubricants, solvents, etc.). If any underground tank is used, the location, size, construction and use of the tank shall be specified on the site plan.
- S) Any other information as required by the City Council or Director of Planning which will assist in evaluation of the proposed use.

(4) Action by Planning Commission. After a study of the application for a ~~planned project~~ Planned Development, the Planning Commission shall send a resolution recommending approval or denial to the City Council for the final determination based upon the following standards:

- A) The proposed use or uses shall be of such location, size, and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
- B) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this standard, the Commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the Commission shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation, or other external effects, from any source whatsoever which relates to the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.
- C) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- D) The standards of density and required open space in the proposed project are at least equal to those required by this Ordinance in the zoning district in which the proposed project is to be located.
- E) In any Planned Development wherein a shopping center is an integral part, the following specific standards shall be made a part of the site plan as it relates to the front, side, and rear yards of said shopping center:
 - i) Along freeways, major thoroughfares or secondary thoroughfares, except in areas described in ii), hereinbelow, the nearest fifteen (15) feet within the required yard area to the right-of-way line shall be maintained in landscaping and no parking or parking access aisles shall be permitted in such landscaped areas.

- ii) Where residential districts adjoin the shopping center without an intervening street, the nearest twenty-five (25) feet to the property line within the required yard area of the shopping center shall be maintained in landscaping and no parking or vehicular access shall be permitted in such landscaped area.
- iii) Where lots in residential areas front on minor streets at the boundary of a shopping center, the nearest twenty-five (25) feet to the right-of-way within the required yard of the shopping center shall be maintained in landscaping and no parking or parking access aisles shall be permitted in such area.
- iv) All other yards within the shopping center, except those abutting a business or industrial district shall maintain no less than a fifteen (15) foot landscaped strip along the property lines which strip shall not be used for parking or parking access aisles.

The Commission may require such changes or modification in the site plan as are needed to achieve conformity to the standards as herein specified. Upon the finding by the Commission that all the standards as herein specified have been met, it may approve the project and the requested minor modifications to the provisions of this ordinance, if any, and recommend approval of the same to the City Council. It shall also, where it deems appropriate and necessary, recommend to the City Council those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards. The Commission and Council may, in their determination whether to approve a proposed Planned Residential Development or Planned General Development, consider the impacts of the proposed project on existing developed land bordering the site as well as the future impacts of any development or redevelopment on the adjoining lands. Upon such review and determination and in furtherance of its objective to provide for the orderly development of land within the city, the Council may require that the streets be arranged in such a manner to provide for the future continuation or appropriate projection of existing streets in the surrounding areas. Streets shall be laid out to prevent the creation of double frontage lots.

(5) Conditions Upon which Waiver is Granted. Any waiver granted to authorize such a planned project shall in every case be subject to the following express conditions:

- A) Immediately after waiver approval by the City Planning Commission the applicant shall submit the proposal to the City Council and obtain its concurrence in the waiver; until the approval of the City Council is obtained, the City Planning Commission's approval shall not be effective; if the City Council rejects, then the action of the City Planning Commission shall be deemed null and void.
- B) The applicant shall thereafter submit proposed and final plats for the Planned Residential Development or Planned General Development for approval as in the case of other subdivision plats to the extent required by law; provided, however, that if the planned project is designed as site condominiums, the applicant shall thereafter submit the Master Deed for approval in accordance with the provisions set forth in [Section 7.27](#) of this Ordinance prior to any bonds being established by City Council pursuant to [Section 7.27](#) of this Ordinance.
- C) Such plats or Master Deed shall be in strict conformity with the approved waiver, the conditions attached thereto, the site plan submitted with the waiver, and the provisions of this Article.
- D) Where appropriate, a development agreement shall be submitted to the City in recordable form sufficient to assure the use and development of the planned project in accordance with the waiver, site plan, and the provisions of this Article.
- E) The development agreement shall incorporate the approved site plan together with the resolutions of the City Planning Commission and City Council approving such waiver use. Said approved site plan shall be filed with the Department of Inspection and all building and land uses shall thereafter be in accordance with the site plan.

- F) When open space and/or park land is/are provided as a part of a Planned Residential Development or a Planned General Development, the applicant shall provide an appropriate document which sets forth the function of the open space and/or park land, and such provisions for the ownership and maintenance of such lands as are reasonably necessary to ensure its continuity, care, conservation, maintenance, and to ensure that remedial measures will be available to the City of Livonia if such open space and/or park land is permitted to deteriorate or is not maintained in a condition that is consistent with the best interests of the Planned Development or of the City of Livonia.
- G) No structure designed or intended to be used in part or in whole, for commercial purposes shall be constructed prior to the construction of not less than thirty (30) percent of the dwelling units, if any, proposed for the development.
- H) Except as may otherwise be expressly authorized by council resolution, all internal private roads within a Planned Residential Development or a Planned General Development shall be designed and constructed in accordance with the minimum standards set forth by the City of Livonia Engineering Division consisting of asphalt pavement with monolithic valley swales, twenty-eight (28) feet wide, with a six (6) inch thick asphalt base, and one and one-half (1-1/2) inch thick wearing course.

(6) Public Improvements within Planned Development. The applicant for a waiver to authorize a Planned Residential Development or a Planned General Development may apply to the City Council for a modification of the nature and extent of public improvements required to be installed with respect to new residential subdivisions. The City Council may in its discretion relieve the applicant from installing public improvements as would otherwise be required to the extent that it determines such improvements to be unnecessary with the Planned Development. In the event of such a determination, the City Council shall incorporate the same in its resolution granting the waiver for the Planned Development. In granting such relief, as in granting the waiver use, the City Council may attach thereto such condition(s) regarding the character of the proposed development as it may deem reasonable. Compliance with such conditions shall be a prerequisite to the issuance of a Certificate of Compliance or Occupancy and the violation of any such condition shall be deemed a violation of this Ordinance.

Section 5.03 Single-Family Clustering.

The intent of this section is to encourage development alternatives in any N1 and N2 district which will preserve open space while at the same time provide detached or attached single-family dwellings; encourage improved design alternatives to provide more efficient use of land and public services; provide single-family development for difficult sites; and encourage reasonable alternatives to multiple family residential development commonly referred to as apartments or townhouses.

- A) The Planning Commission may recommend and the City Council may grant a waiver authorizing a single-family cluster project pursuant to [Section 5.02](#), [Section 5.02\(2\)](#) of this Ordinance; provided, however, that in addition to requirements set forth in [Section 5.02](#), [Section 5.02\(3\)](#), the application for a waiver shall include documentation substantiating that the land area to be developed contains one or more of the following characteristics:
 - i) Contains natural assets, such as, but not limited to, natural stands of large trees, natural habitat for wildlife, natural streams and watercourses, or unusual topographic features, a substantial portion of which would be preserved using single-family clustering.
 - ii) Has a substantial portion of its perimeter adjacent to major office, commercial, industrial, institutional, or high-rise residential development or is otherwise located to act as a transitional use between conventional single-family residential areas and uses which are or are likely to be incompatible.

- iii) Contains a flood plain which results in a substantial portion of the total land area being unbuildable as confirmed by current Flood Plain Information Report prepared by the Corps of Engineers, United States Army, a copy of which is on file with the Engineering Division.
 - iv) Contains poor soil conditions which result in a substantial portion of the total area being unbuildable using conventional construction methods as confirmed by soil test borings furnished by the applicant.
 - v) Is a small parcel which has frontage on a major thoroughfare with an existing or planned right-of-way width of one hundred twenty (120) feet or more as indicated on the Future Transportation Map and contains acute angles or is of shallow depth as measured from the thoroughfare to make conventional subdivision development physically impractical.
 - vi) Contains other unique physical or geographical constraints as determined by the Planning Commission and City Council to make conventional subdivision development impractical.
- B) In addition to requirements contained in other sections of this Ordinance regarding "Planned Residential Developments" or "Planned General Developments," the following standards shall govern single-family cluster development:
- i) In a planned development that qualifies as a single-family cluster project, yard requirements may be modified pursuant to [Section 5.02 Section 5.02\(2\)](#) of this Ordinance; provided, however, that the following additional rules shall apply:
 - a) Attaching of single-family dwelling units, provided the number of dwelling units attached shall not exceed four (4).
 - b) Minimum yard requirements shall provide that the minimum spacing between groups of attached buildings or between unattached buildings shall be ten (10) feet in an N1 district, and sixteen (16) feet in an N2 district; provided, however, that where a rear yard of one building or group of attached buildings abuts a rear yard or a side yard of another building or group of attached buildings, the distance between such buildings shall be the sum of the two abutting yards as required by [Section 4.02](#) of this Ordinance.
 - c) Front yards abutting a private street shall be as required by [Section 4.02](#) of this Ordinance; a side yard abutting a private street shall be a minimum of fifteen (15) feet and a side yard abutting a public street shall be as required by [Section 4.02](#) of this Ordinance; provided, however, that all buildings and parking areas shall be set back at least forty (40) feet from any major thoroughfare with an existing or proposed right-of-way width of one hundred twenty (120) feet, or more, as indicated on the Future Transportation Map .
 - ii) In a planned development when a single-family cluster project is proposed, the maximum number of units which may be developed shall be the number of acres of land on the proposed site, less any current or planned future rights-of-way of abutting public roads and areas designated by the Federal Emergency Management Agency (FEMA) as Special Flood Hazard Areas inundated by the 100-year flood or by the Michigan Department of Environmental Quality as protected wetlands, times the following numbers of units per acre for each zoning district:

N1 Districts	4.0 dwelling units per acre
N2 Districts	3.0 dwelling units per acre
 - iii) Whenever a proposed single-family cluster project abuts an existing single-family residential district, such district shall be buffered by means of one (1) or more of the following methods as a part of the development of the single-family cluster project:

- a) Locate detached single-family dwellings on conventional lots immediately abutting the existing single-family residential district subject to requirements contained in *Section 3.04* of this Ordinance and the Subdivision Rules and Regulations of the City of Livonia.
 - b) Provide open space or recreation space immediately abutting said existing single-family residential district.
 - c) Provide significant topographic features, landscaping, or a combination thereof immediately abutting said existing single-family residential district.
 - d) A major thoroughfare located between the cluster development and a single-family residential district.
- iv) The application shall include a fully dimensional and illustrated landscape treatment of the project, including the labeling of all materials as to type and size when installed, and shall also indicate the location, type, and size of all existing trees having at least a three (3) inch caliper measured one (1) foot above the ground and shall designate for non-removal all such trees so located so as not to substantially interfere with proposed street and structure locations.

Section 5.04 Form-Based Development Option in Commercial Districts.

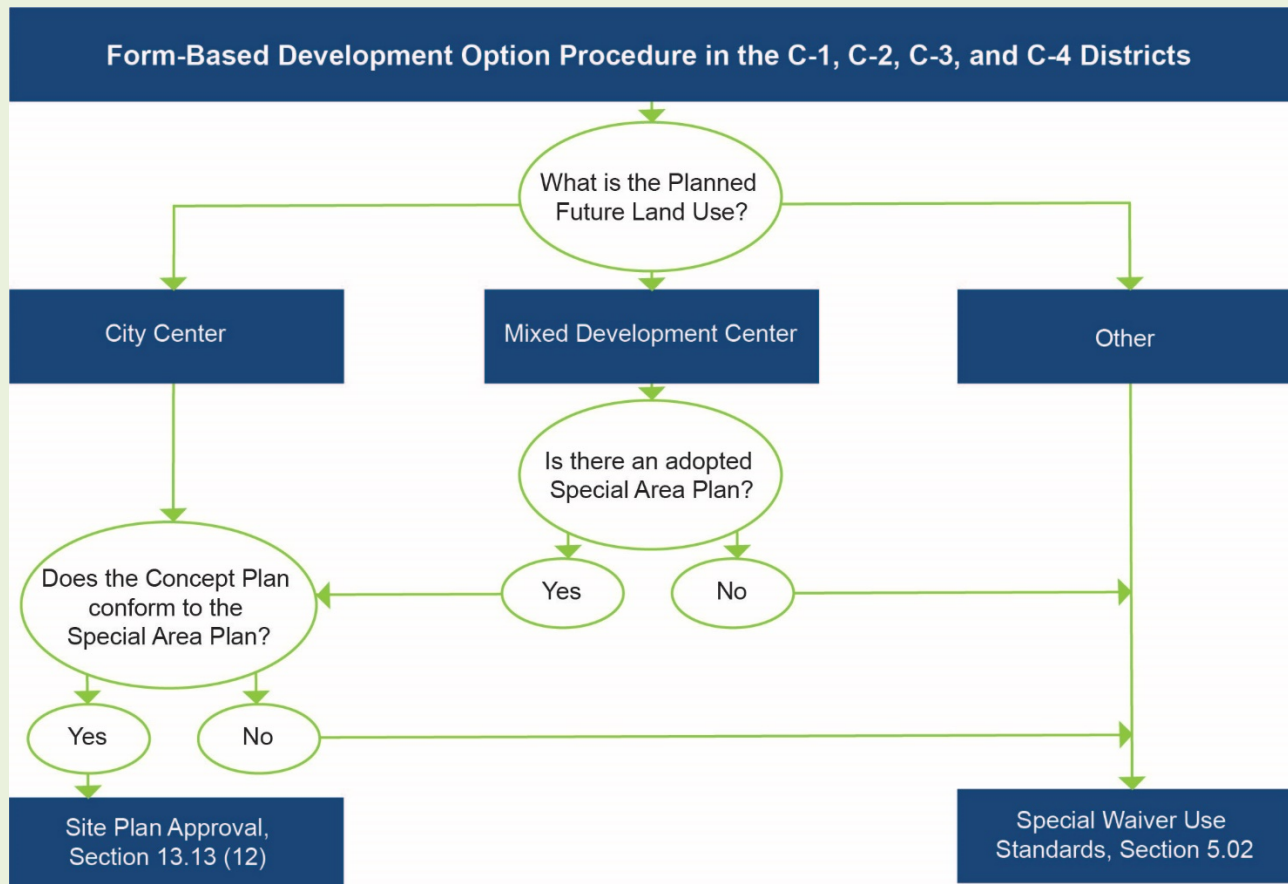
- (1) **Statement of Purpose.** The purpose of the form-based development option is to create clear and simple regulations on the design of new development or redevelopment in Livonia's Commercial Districts of C-1, C-2, C-3, and C-4.

The regulations of this Section require development to have a physical form that enhances the goals and objectives of the City's Future Land Use Plan. Specifically, these regulations encourage a pedestrian friendly and walkable character; permit a mixture of land uses; encourage streets that serve the needs of pedestrians, bicycles, and motorized vehicle traffic equitably; encourage places for informal social activity and recreation; and encourage building frontages that define the public space of streets. With proper physical form, a building can accommodate a wide range of uses without generating undue impact on neighboring properties.

It is further the purpose of the Form-Based Development Option to:

- A) Create walkable business area(s) that maintain the traditional physical form and help to implement the City's development objectives as described in the City's Future Land Use Plan.
- B) Create unique, walkable mixed-use developments including residential, retail, entertainment, office, and other compatible uses.
- C) Promote the orderly development, redevelopment, and continued maintenance of the City's commercial districts.
- D) Encourage shared parking areas throughout the City rather than requiring each individual property owner to provide physical parking space on their property.
- E) Create quantitative and qualitative building design guidelines that ensure new development is compatible with the City's Future Land Use Plan.
- F) Ensure buildings create a solid street wall that helps to define streets as public spaces.
- G) Ensure that permitted uses complement each other in terms of character and location, and to ensure that uses in the C-1, C-2, C-3, and C-4 districts do not have an adverse impact on the overall economic and social vitality of the district, street capacity, public utilities or services, or the overall image and function of the district.
- H) Prevent automobile-oriented development from impacting access to commercial uses by walking, biking, or transit.
- I) Encourage harmonious residential infill and adaptive reuse of noteworthy buildings to provide a mix of housing types, unit sizes, and compatible uses within walking distance of Livonia neighborhoods.
- J) Encourage accessible housing options throughout the City.

- (2) **Form-Based Development Option Procedures.** When using the Form-Based Development Option, conformance with the adopted Livonia Future Land Use Plan is required and one of the following application procedures must be followed:
- A) Areas designated on the Future Land Use Plan as City Center.
 - i) A concept plan shall first be submitted. The City Planning and Economic Development Director, or designee, shall conduct a preliminary development meeting to review the concept plan and determine its conformance with the adopted Special Area Plan.
 - ii) Conforming plans may submit for Site Plan approval, per [Section 13.13 \(12\)](#).
 - iii) Non-conforming plans shall follow the procedure outlined in [5.04 \(2\) C](#).
 - B) Areas designated on the Future Land Use Plan as Mixed Development Center
 - i) Developments within an area having an adopted Special Area Plan, may follow the procedure outlined in [5.04 \(2\) A](#).
 - ii) Developments not within an area having an adopted Special Area Plan, shall follow the procedure outlined in [5.04 \(2\) C](#).
 - C) Areas in the C-1, C-2, C-3, and C-4 districts not within an area having an adopted Special Area Plan, or not in conformance with an adopted Special Area Plan.
 - i) Developments in the C-1, C-2, C-3, and C-4 districts may use the Form Based Development Option subject to a review following the procedures of [Section 5.02](#), Special Waiver Use Standards for Planned Residential Developments and Planned General Developments.



- (3) **Expansion of existing development in the C-1, C-2, C-3, and C-4 districts with the Form-Based Development Option.** All sites in the C-1, C-2, C-3, and C-4 districts are eligible to use the Form-Based Development Option. When using the Form-Based Development Option to expand or redevelop an existing site or structure the following standards shall apply:

A) **Expansions of developed sites.**

- i) Less than 15 percent of existing condition. Any development activity on a developed site that would increase the floor area of an existing building or group of buildings located on the same parcel or the area of existing site improvements by less than 15% need not comply with the requirements of this Section. However, any new building area or site improvements should result in the site being more compliant and shall not result in the site being less compliant with the requirement of this Section.
- ii) More than 15 percent of existing condition. Whenever a building or site improvement expansion of greater than 15 percent of the existing condition is proposed, the activity shall comply with the requirements of this Section.
- iii) Expansions measured cumulatively. For the purposes of determining compliance with this section, expansions shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this Ordinance.

B) **Redevelopment.** Redevelopment of existing buildings shall comply with the Architectural Standards for Adaptive Reuse, [Section 5.04 \(5\)](#).

- i) Whenever 50 percent or less of the existing building will be demolished or replaced, the development activity need not comply with the requirements of this Section. However, any site layout or building design changes that may occur as a result of the development activity should result in the site being more compliant with the requirements of this Section.
- ii) Whenever more than 50 percent of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements of this Section.

(4) **Modification of form-based development option requirements.**

- A) **Purpose and limitations.** Upon review and submission of findings by the City Planning Commission and approval by the City Council for an activity in the C-1, C-2, C-3, and C-4 districts, the Planning Commission or Council may modify certain dimensional requirements contained in this Section. Regulations that may be altered through the modification process are described in the various sections of this Section, along with the specific parameters by which the regulation may be altered.

Modifications, as described in this section, are separate and distinct from variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application of the requirements of this Section would not further the public purpose, and a relaxed or altered dimensional standard will still meet the intent and purpose of the C-1, C-2, C-3, and C-4 districts.

Whenever a regulation may be altered through the modification process, specific bounds are listed within which the modifications must be maintained. If an alteration to a dimensional requirement is requested that is greater than that listed in this Section, the applicant must obtain a variance following the procedures and review standards [Section 13.14](#) Board of Appeals.

- B) **Application and review procedures.** The applicant shall clearly identify all requested modifications on the application and site plan. The reviewing authority shall evaluate the requested modifications and approve, approve with conditions, or deny the modification request. In evaluating a modification request, the reviewing authority shall take into account the following considerations:

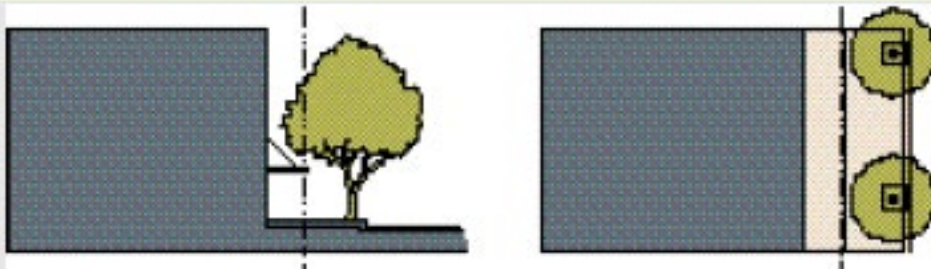
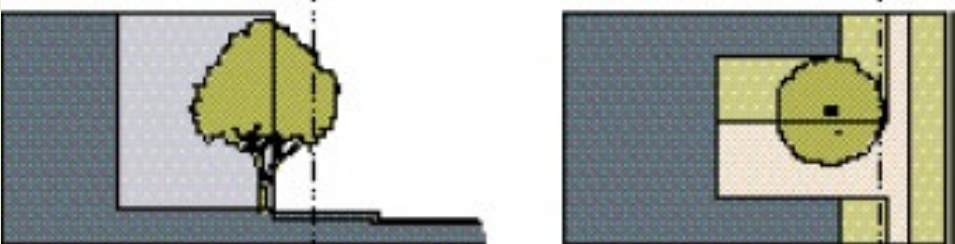
- i) Approval of the modification will not result in development that is incompatible with or will negatively impact existing or potential future development in the vicinity of the property to be developed.
- ii) The requested modification is consistent with the intent and purpose of this Section.

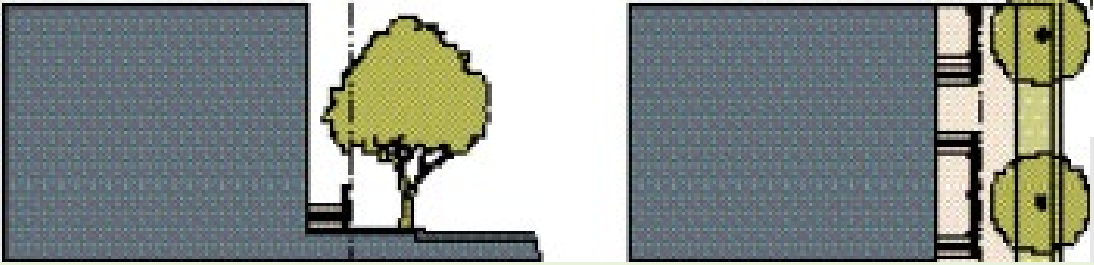
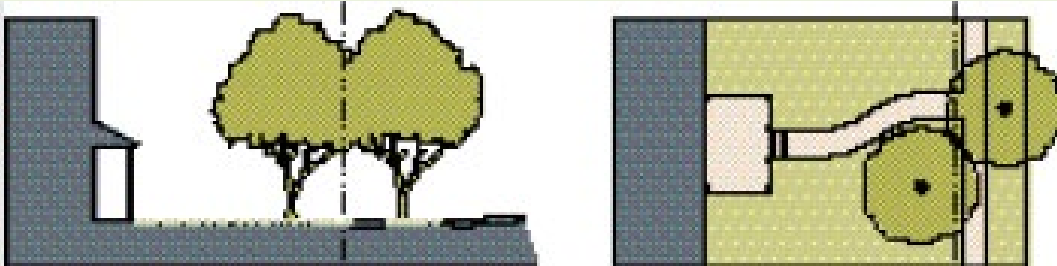
- iii) The modification will result in a superior development when compared with what could be achieved through the strict application of the requirements of this Section.
- iv) A lesser modification will not accomplish the same purpose as the requested modification.
- v) The modification will not negatively impact the potential of adjacent parcels to develop according to the requirements of this Section.

(5) Architectural Standards for Adaptive Reuse.

- A) **Frontage Requirements.** Buildings in the C-1, C-2, C-3, and C-4 districts shall comply with the following requirements, in addition to any applicable requirements of [Section 4.02](#), Schedule of Regulations. The requirements of this Section and [Section 4.02](#) are intended to be complimentary; however, in any instance where there is an apparent conflict, the provisions of this Section shall control.
 - i) **Private frontage.** The private frontage is the area between the right-of-way and the principal building façade. Buildings must contain architectural elements consistent with one of the following four private frontages. Each frontage is designed to be consistent with some or all of the uses permitted in the C-1, C-2, C-3, and C-4 districts.

Note that the following table includes specific dimensional requirements for each of the frontages. Unless otherwise noted, the dimensional requirements are in addition to any other dimensional requirement of this Section.

FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
Shopfront.		
A frontage where the building façade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential uses on the first floor.	C-1 C-2 C-3 C-4	The building shall be set back a maximum of 15 feet from the front lot line.
		
Courtyard		
A frontage where a portion of the building façade is close to the front lot line with a portion set back. The courtyard may accommodate tree plantings or a vehicle drop-off area. This frontage is suitable for any building use.	C-1 C-2 C-3 C-4	The building shall be set back a maximum of 5 feet from the front lot line. The courtyard area shall be considered part of the front building façade for the purposes of determining compliance with the setback and frontage requirements.
		

FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
Stoop		
A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential use.	C-1 C-2 C-3 C-4	The building shall be set back a minimum of 7 feet from the front lot line. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line.
		
Lawn		
A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use.	C-1 C-2 C-3 C-4	The building shall be set back a minimum of 10 feet from the front lot line. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line.
		

- B) **Minimum height.** The minimum building height in the C-1, C-2, C-3, and C-4 districts is 20 feet. All buildings shall have the appearance of being at least 2-story buildings.

- C) **Base, Middle, and Cap.** All buildings shall incorporate a base, middle, and cap, as is applicable.
- i) **Base.** The base shall include an entryway with transparent windows and a horizontal molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two (2) inches and a height of at least four (4) inches. If a one-story building is proposed, the molding or reveal is not required.
 - ii) **Middle.** The middle may include buildings and/or balconies that are located between the reveal and the cap area.
 - iii) **Cap.** The cap includes the area from the top floor to the roof of the building and shall include a cornice or roof overhang.
- D) **Alignment.** Window sills, moldings, and cornices shall align with those of adjacent buildings. The bottom and top line defining the edge of the windows (the "window sill alignment") shall not vary more than two feet from the alignment of surrounding buildings. If the adjoining buildings have window sill alignments that vary by more than two feet from one another, the proposed building shall align with one of the adjoining buildings. This requirement may be modified, per [Section 5.04 \(4\)](#).
- E) **Building materials.** Buildings in the C-1, C-2, C-3, and C-4 districts shall comply with the following building material requirements:
- i) **Primary building materials.** Durable natural building materials such as brick, stone, exposed logs or timber, and other similar materials are preferred primary building materials in the C-1, C-2, C-3, and C-4 districts. Concrete block or similar masonry units (including CMU or split-face blocks) are prohibited as a primary building material unless covered with a veneer of natural building materials. Synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material. Primary building materials shall be used on a minimum of 70 percent of the façade area of the building (excluding doors and windows).
 - ii) **Accent building materials.** Accent materials may be used on up to 30% of the façade area of the building (excluding doors and windows). Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as accent building materials on up to ten percent of the total wall area of any façade, but may not be used on the ground floor façade.
 - iii) **Modification.** This requirement may be modified, per [Section 5.04 \(4\)](#).
- F) **Ground floor design.**
- i) **Building entrance(s).** All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary or subordinate entrance may be provided to a parking lot.
 - ii) **Entryway alignment.**

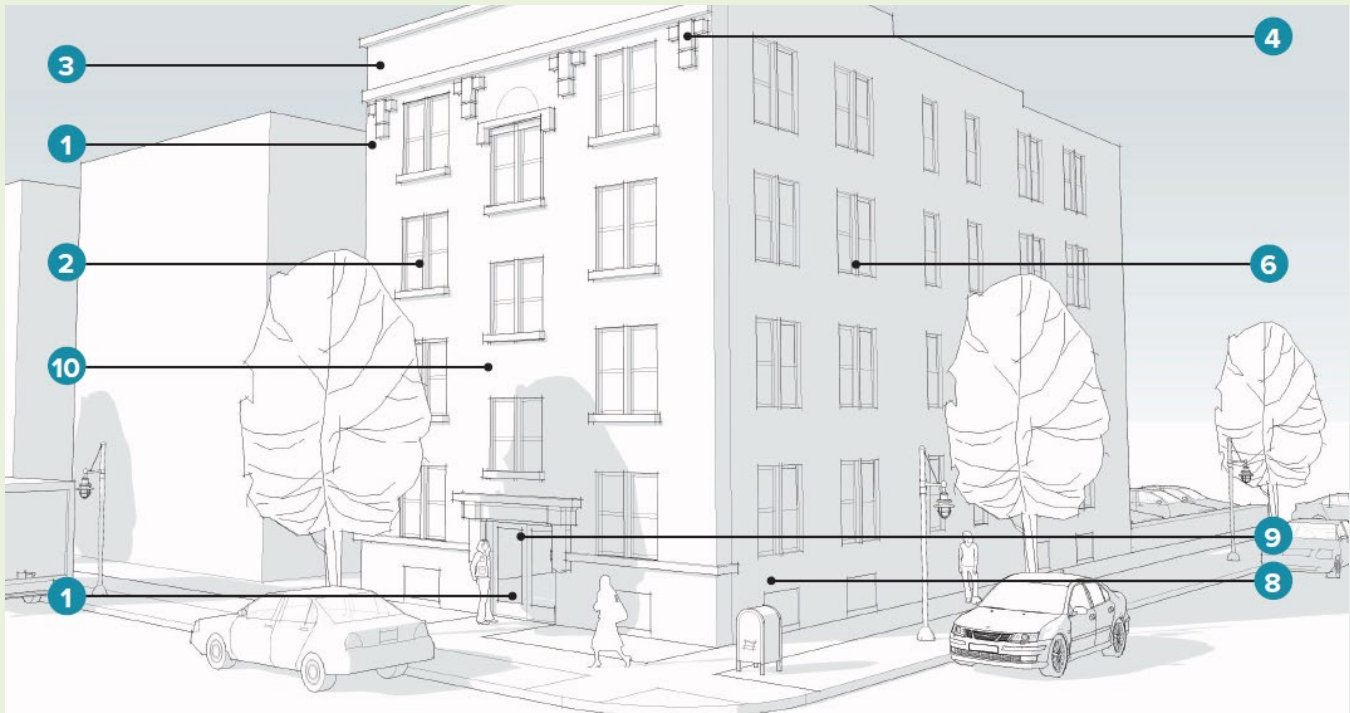
- a) Nonresidential uses. For all buildings in the C-1, C-2, C-3, and C-4 districts and buildings with nonresidential uses on the first floor, the ground floor of the principal entrance shall align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances to a building for the purposes of this section. It is not the intent of this section to preclude the use of below or above grade entryways, provided that such entryways are secondary, not principal entrances.
 - b) Residential and live/work uses. For first-floor residential and live/work uses in the C-1, C-2, C-3, and C-4 districts, the ground floor of the building (and consequently the principal entrance as well) may be raised up to 36 inches above the elevation of the adjacent sidewalk. This is intended to create greater privacy for first floor residential uses by elevating windows above the view of passing pedestrians.
- G) Windows and entryways. The following requirements apply to façades of buildings facing a public street or public space such as a plaza or square.
 - i) Windows. Windows above the ground floor shall have a height to width ratio of at least 2:1.
 - ii) Ground floor façade transparency.
 - a) All buildings with first floor nonresidential uses shall maintain transparency for at least 70 percent of the first-floor façade area between two and eight feet above grade level. Doors and windows provide transparency.
 - b) All windows shall use transparent, non-reflective glass.
 - c) Areas of solid wall shall not exceed a length of 20 feet.
- H) Recessed entrances encouraged. Doors are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.
- I) Encroachments. The following building elements may encroach into a public right-of-way or setback
 - i) Balconies. Balconies on upper stories may encroach up to 6 feet into any required setback area and up to 4 feet into any right-of-way area.
 - ii) Stoops. Unenclosed and uncovered front stoops may encroach up to 5 feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.
 - iii) Awnings.
 - a) Ground-story awnings may encroach up to six feet from the face of the building into the setback or right-of-way area.
 - b) Awnings shall have a minimum of eight (8) feet of clear space between the sidewalk and the bottom of the awning or any support structure and shall not exceed a height of 12 feet to the highest point of the canopy.
 - c) If the awning encroachment of six (6) feet would interfere with the placement of street lighting or street trees, the awning projection shall be reduced to resolve the conflict.
 - d) Awnings shall be constructed out of fabric and may not be internally illuminated. Metal or other materials may be used for awnings if a modification is approved per Section 5.04 D.
 - iv) *Bay windows*. Bay windows on the ground story may encroach up to three (3) feet into any setback area, but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to three (3) feet into any setback or right-of-way area.
 - v) *Eaves*. Roof eaves may encroach up to three (3) feet into any setback or right-of-way area.
- J) Service areas. All service areas, including utility access, above ground equipment and dumpsters shall be located in side or rear yards and shall be screened from view from any street.

- K) Mechanical and utility equipment. Mechanical equipment, electrical and gas meter and service components, and similar utility devices (whether ground level, wall mounted, or roof mounted) shall be screened from view from the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

(6) Building Type Standards for New Construction.

When using the Form-Based Development Option for new construction in the C-1, C-2, C-3, and C-4 districts, buildings must conform to architectural and dimensional standards of the following building types.

- A) **Apartments.** A medium sized building that contains five (5) to ten (10) dwelling units either side-by-side or stacked between two floors. There can be one shared entry or individual entries facing the street.

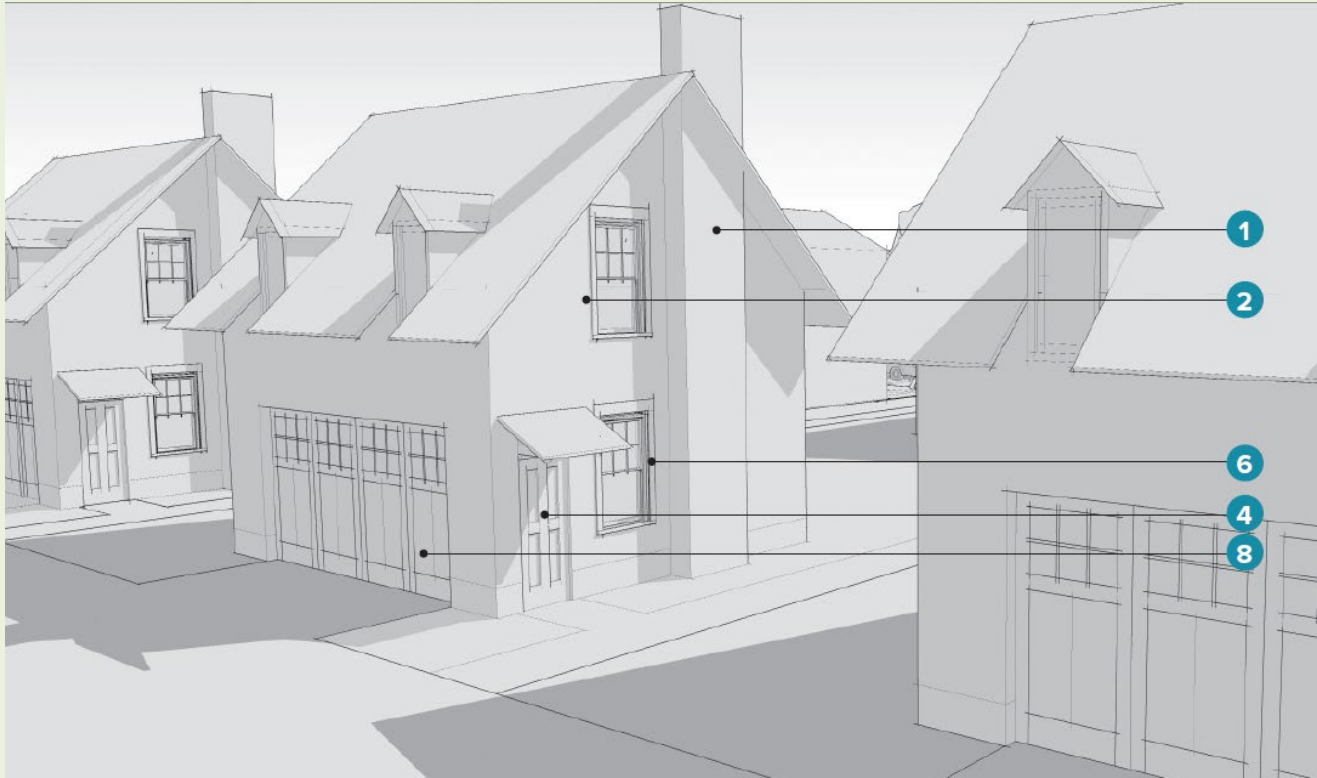


ILLUSTRATED DESIGN STANDARDS: APARTMENTS

1. Traditional building façade treatments (including masonry reliefs and/or motifs) and main entrances located along street of building address.
2. Opaque façade through which window and door openings appear to have been “punched” as through paper in a ring binder.
3. Building cornice (at top of building) of substantial height and decoration.
4. Minimum one horizontal molding or accent material projection dividing the façade into layers.
5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes.
6. Window groupings encouraged, with groups of up to 3 allowable.
7. Main entrances at grade for accessibility, working in conjunction with interior lobby or vestibule and elevator(s).
8. Ground Floor Units (finished floor) 36” to 42” above grade.
9. Main entrance articulation.
10. Prominent sills and/or heads required for windows located along façades (discouraged along other exterior walls).
11. No building entrances from side parking lots allowable. Otherwise, sides and backs of buildings not regulated by this code, except at corners (as shown here).
12. Building façade treatments optional along intersecting streets.
13. Towers, sculptures, and other characteristic forms and/or focal points encouraged (not illustrated).
14. Floor to floor heights limited to 10’-6”.
15. Feature excepted on Art Deco style buildings.

Permitted Materials: Apartments							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X			X	Portland Cement Stucco
Accents		X	X	X	X	X	Limestone
Window and Door Heads	Soldier Course	X	X	X	X		Limestone
Window Sills	Soldier Course	X	X	X	X	X	Limestone
Columns	X	X	X	X	X		Limestone

- B) **Carriage House/Accessory Dwelling Unit.** Also considered an accessory structure, a carriage house is a small building located in the rear of a ~~residential lot~~ **principal dwelling unit** and can contain a small dwelling unit or similar use. They are often above a garage but can also be at ground level.



ILLUSTRATED DESIGN STANDARDS: CARRIAGE HOUSE / ACCESSORY DWELLING UNIT

1. Small, traditionally-styled residential garage form containing one (1) residential unit, indoor parking, or one (1) residential unit above indoor parking. Ground floor finish floor 24"-36" above grade (if not above parking).
2. Opaque façade through which window and door openings appear to have been "punched" as through paper in a ring binder (garage doors excepted).
3. Window groupings encouraged, with groups of up to 3 allowable.
4. Residential entrance articulation and indoor stairway (stairway if more than one story).
5. Floor to floor heights limited to 10'-6".
6. Window screens to be made of wood or, if non-masonry structure, windows to have 3 ½" ht. painted wood aprons added beneath sills to width of casement openings.
7. Must be concealed behind a primary building type. Not to be located in view of frontage corresponding to street of primary building address. Garage door openings, garage doors, garage door window panes, and garage door panels must all be square or rectangular. Door panels and window panes must be oriented vertically.

Permitted Materials: Carriage House / Accessory Dwelling Unit							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X			X	Portland Cement Stucco / Cement Board*
Accents		X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		Cedar
Window Sills*	Soldier Course	X	X	X	X		Cedar
Columns	X	X	X	X	X		Wood

*Cement Siding and Wood Trim Installed Smooth-Side Out. Visible Wood-Grain Embossing or Rough-Sawn Surfaces Prohibited

- C) **Duplex/Triplex Stacked, or Adjacent.** A small or medium sized building with two dwelling units stacked one on ground level and one above, each with a separate door facing the street.



ILLUSTRATED DESIGN STANDARDS: DUPLEX / TRIPLEX STACKED, OR ADJACENT

1. Traditionally-styled single-family house form containing two (2) residential units with two (2) main entrances at the front, and alternate or service entrances along the sides and/or back. Finished floor located 24" to 30" above grade.
2. Residential units exist above one another within building enclosure.
3. Opaque exterior walls through which window and door openings appear to have been "punched" as through paper in a ring binder.
4. Pattern of solids and voids generated by the vertical and horizontal alignment of Windows and doors in variously repeating sizes.
5. Window groupings encouraged, with groups of up to 3 allowable.
6. Building overhangs commensurate with style of architecture.
7. Ground floor 24" to 30" above grade.
8. Min. 6'-6" deep front porch maximum 30" above grade with optional decorative rail 28"– 36" above porch floor.
9. Stacked duplex and triplexes entrances may have separate doors or share a vestibule. Adjacent duplex and triplexes entrances shall have individual main entrance articulation.
10. Window screens to be made of wood or, if non-masonry structure, windows to have 3 ½" ht. painted wood aprons added beneath sills to width of cased openings.
11. Floor to floor heights limited to 10'-6".

Permitted Materials: Duplex / Triplex Stacked, or Adjacent								
	Duplex Type	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Wall	Stacked	X		X			X	Portland Cement Stucco / Cement Board *
	Adjacent							
Accents	Stacked	X	X	X	X	X		
	Adjacent							
Window and Door Trim*	Stacked	Soldier Course	X	X	X	X		Cedar
	Adjacent							
Window Sills*	Stacked	Soldier Course	X	X	X	X		Cedar
	Adjacent							
Columns	Stacked	X	X	X	X	X		Wood
	Adjacent							

*Cement Siding and Wood Trim Installed Smooth-Side Out. Visible Wood-Grain Embossing or Rough-Sawn Surfaces Prohibited.

- D) **Fourplex/Four-Family Dwelling Unit.** A medium sized building that contains four dwelling units split up two (2) on the ground floor and two (2) above, with a shared door facing the street.



ILLUSTRATED DESIGN STANDARDS: FOURPLEX / FOUR-FAMILY DWELLING UNIT

1. Traditional building façade treatments (including masonry reliefs and/or motifs) and main entrances located along street of building address.
2. Opaque exterior walls through which window and door openings appear to have been “punched” as through paper in a ring binder.
3. Building cornice must have the most prominent shadow line.
4. Minimum one (1) additional horizontal molding or accent material projection dividing the building into layers or creating water table expression on ground floor level.
5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes.
6. Window groupings encouraged, with groups of up to 3 allowable.
7. Main entrances at grade for accessibility, working in conjunction with interior lobby or vestibule and lift or ramp servicing first floor units.
8. Ground-floor units finish floor-elevation 36” to 42” above grade.
9. Main entrance articulation.
10. Prominent sills and/or heads required for Windows located along façades.
11. No building entrances from side parking lots allowable. Otherwise, sides and backs of buildings not regulated by this code, except at corners (as shown here).
12. Building façade treatments optional along intersecting streets.
13. Floor to floor heights limited to 10’-6”.

Permitted Materials: Fourplex / Four-Family Dwelling Unit							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X			X	Portland Cement Stucco
Accents	x	X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		Cedar
Window Sills	Soldier Course	X	X	X	X		Cedar
Columns	X	X	X	X	X		Wood

- E) **Live/Work Unit.** A small to medium sized building that contains a ground floor office, service, or retail space with a dwelling unit above or behind it. The building can be attached or detached, and both the living and working space are owned or rented by one (1) user.



ILLUSTRATED DESIGN STANDARDS: LIVE / WORK UNIT

1. Ground floor elevated 30" to 42" above average grade at front of building with interior lift for accessibility (Type A). Main level may be accessible at grade with plate glass storefront (Type B) or if building is setback from right-of-way line minimum 7'-0" (Type C).
2. Traditional building façade treatments (as well as main business entrances) to be located along streets of corresponding building addresses and corresponding to right-of-way lines. Side entrances subordinate and allowable at right-of-way lines along intersecting streets only. Side entrances along parking lots prohibited. Rear entrances also subordinate. Storefront main entrance at corner may substitute for that listed above (see Mixed-Use Building).
3. Main business entrance doors must remain unlocked during business hours.
4. Open, plate-glass shopfronts (Type B) encouraged at ground-floor level along street of building address, with façade supported above by columns and beams and extending for a distance of 12' to 14' around building corners at intersecting streets.
5. Plate glass material beginning 15" to 18" above finished grade (top of sidewalk) and extending to underside of beam, with alternate leaded or stained-glass transoms minimum 8'-0" above finish grade.
6. Sign band and/or secondary cornice to be integral with any shopfronts and located above plate glass shopfronts or transoms (Type B).
7. At-grade doorways to be recessed (see numerical parameters below).
8. Opaque exterior walls, through which all window openings appear to have been "punched" (such as through paper in a ring binder), with such windows recessed into the façade, reinforcing this intended effect (except at shopfronts, which are to have plate glass column to column).
9. Building cornice (at top of building) casting tallest horizontal shadow upon building façade. Must be the most prominent shadow line (aside from those cast individually by awnings above shopfronts).
10. Phasing of site development to be coordinated with individual units (each 16' to 25' in width), any first unit developed front to back for a minimum distance of 25' before development of any adjacent unit is to begin. Adjacent and subsequent units to be developed front to back in a similar manner. 8 units per building maximum.

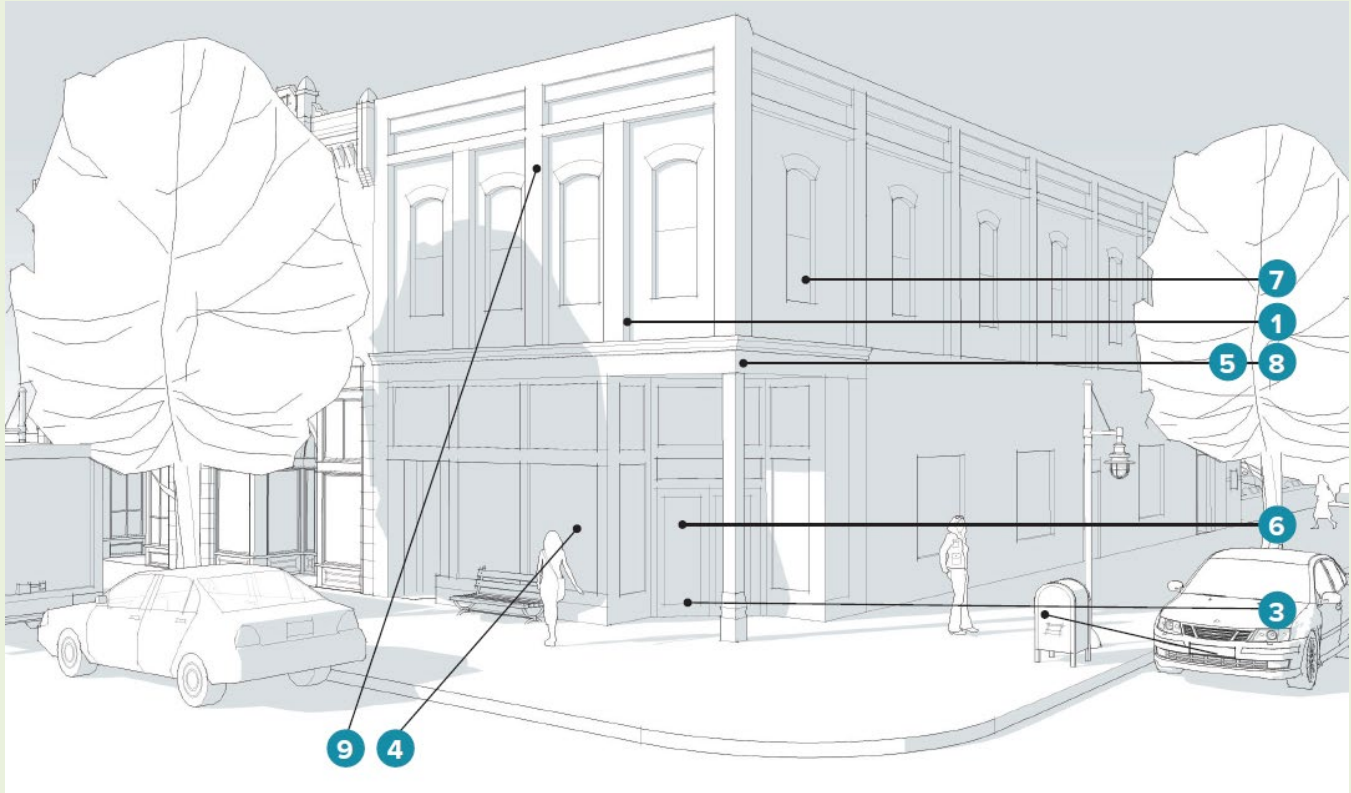
ILLUSTRATED DESIGN STANDARDS: LIVE / WORK UNIT

11. Pattern of solids and voids, coordinated within structural bays, generated by the vertical and horizontal alignment of rectangular windows and doors in repeating sizes. Full and segmented arches allowable atop rectangular windows in these locations (shopfronts excepted).
12. Arched building tops prohibited.
13. Window groupings allowable.
14. Open-ended, canvas, sloped awnings above shopfront windows. (Type B).
15. Decorative sills and/or headers required on windows located along exterior walls (shopfronts excepted).
16. Sides and backs of buildings not regulated by this code, except along intersecting streets (as shown here).
17. Floor to floor heights limited to 15'.
18. Flat roof required.

Permitted Materials: Live / Work Unit

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X				Portland Cement Stucco
Accents	X	X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		
Window Sills	Soldier Course	X	X	X	X	X	
Columns	X	X		X	X	X	Steel

- F) **Mixed-Use Building.** A small to medium sized building that contains ground floor commercial space with dwelling units above. Any number of dwelling units can be incorporated based on the desired level of density. Typically, there is one (1) shared door for residential access facing the street.



ILLUSTRATED DESIGN STANDARDS: MIXED-USE BUILDING

1. Traditional building façade treatments (including masonry reliefs and/or motifs), as well as main business entrances, to be located along streets of corresponding building addresses and at right-of-way lines. Side entrances subordinate and allowable at right-of-way lines along intersecting streets only. Side entrances along parking lots prohibited. Rear entrances also subordinate. Main entrance at corner may substitute for that listed above.
2. Main entrance doors must remain unlocked during business hours.
3. Main level accessible at grade.
4. Open, plate-glass shopfronts (curtain walls), located at ground-floor level along street of building address, with façade supported above by columns and beams and extending for a distance of one structural bay around building corners at intersecting streets. Plate glass material beginning 15" to 18" above finish grade (top of sidewalk) and extending to underside of beam, with alternate leaded or stained-glass transoms minimum 8'-0" above finish grade.
5. Sign band and/or secondary cornice integral with shopfronts and above plate glass and/or transoms. Such cornice may be used to satisfy the one horizontal molding or accent material band projection requirement.
6. Recessed doorways located within shopfronts (see numerical parameters below).
7. Opaque exterior walls above ground floor, through which window openings appear to have been "punched" (such as through paper in a ring binder), with such windows recessed into the façade, reinforcing this intended effect.
8. Minimum one additional horizontal molding or accent material band projection, casting a secondary horizontal shadow line, dividing the façade into layers. This feature is excepted on Art Deco-style buildings.
9. Vertical façade projections (corresponding to structural columns) casting vertical shadows on façade and articulating regular structural bays, each 20' to 30' in width.

ILLUSTRATED DESIGN STANDARDS: MIXED-USE BUILDING

10. Phasing of site development to be coordinated with structural bays, any first bay developed front to back for a minimum distance of 20' before development of any adjacent bay is to begin. Adjacent and subsequent bays to be developed front to back in a similar manner.
11. Pattern of solids and voids above ground floor, coordinated within structural bays, generated by the vertical and horizontal alignment of rectangular windows and doors in repeating sizes. Full and segmented arches allowable atop rectangular windows in these locations.
12. Radii of arches on segmented-arch windows must equal widths of corresponding windows.
13. Arched building tops prohibited.
14. Window groupings allowable above ground floor, corresponding to structural bays.
15. Open-ended, canvas, sloped awnings above shopfront windows.
16. Decorative sills and/or headers required on upper-floor windows located along façades.
17. Sides and backs of buildings not regulated by this code, except at corners (as illustrated here).
18. Building façade treatments optional along intersecting streets.
19. Towers, sculptures, and other characteristic forms and/or focal points encouraged (not illustrated).
20. Characteristic forms echoed or repeated within structural bays.
21. Floor to floor heights limited to 15'.

Permitted Materials: Mixed-Use Building

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Wall	X		X				Portland Cement Stucco
Accents	X	X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		Cedar
Window Sills	Soldier Course	X	X	X	X	X	Cedar
Columns	X	X		X	X	X	Wood

*Cement Siding and Wood Trim Installed Smooth-Side Out. Visible Wood-Grain Embossing Or Rough-Sawn Surfaces Prohibited

- G) **Townhome, Rowhouse.** A small to medium sized building that contains side-by-side attached single-family dwelling units. Typically, two (2) to eight (8) units make up a building, all with individual entrances facing the street.



ILLUSTRATED DESIGN STANDARDS: TOWNHOME / ROWHOUSE

1. Residential units existing side-by side within building enclosure with each unit extending from foundation to roof.
2. Parking at rear or within building at ground floor with parking entrance at rear of building.
3. Side parking lots prohibited.
4. Opaque exterior walls through which window and door openings appear to have been "punched" as through paper in a ring binder.
5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in variously repeating sizes.
6. Window groupings encouraged, with groups of up to 3 allowable.
7. Ground floor (finished floor) 24" to 30" above grade.
8. Min. 6'-6" deep required front porch maximum 30" above grade with decorative rail 28" – 36" above porch floor (porches may be individual or shared and continuous across front of building).
9. Individual main entrance articulation. Porch may be shared (entrances may have separate doors or share a vestibule).
10. Window screens to be made of wood or, if non-masonry structure, Windows to have 3 ½" ht. painted wood aprons added beneath sills to width of cased openings.
11. Floor to floor heights limited to 10'-6".

Permitted Materials: Townhome / Rowhouse							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Wall	X		X			X	Portland Cement Stucco Cement Board (a)
Accents	X	X	X	X	X		Painted Wood
Window and Door Heads (a)	(b)	X	X	X	X		Cedar
Window Sills (a)	(b)	X	X	X	X		Cedar
Columns	X	X		X	X		Wood

- a) Cement siding and wood trim shall be installed with the smooth side facing outward. Visible woodgrain embossing or rough-sawn surfaces are prohibited.
- b) Soldier course.

- H) **Schedule of Regulations by Building Types:** When using the Form-Based Development Option, the following dimensional standards by building type shall apply to new construction in the C-1, C-2, C-3, and, C-4 districts. When in conflict with [Section 4.02](#), these regulations shall prevail.

SCHEDULE OF REGULATIONS BY BUILDING TYPE				
Building Type	Front Setback (j)	Side Setback (adjacent to private lot)	Side Setback (adjacent to ROW line)	Rear Setback
Adjacent / Stacked Duplex & Triplex	≥ 20' (a)	10'	7' to 12'	10'
Fourplex	10' (b)	7'	4' to 7'	0'
Rowhouse	20' (c)	7'	4' to 6'	10' (d)
Small Apartment Building	≤ 10' (e)	7'	≤ 7'	0'
Residential Accessory Dwelling Unit / Garage	≥ 10' (f)	≥ 3'	≥ 3'	10' (d)
Live-Work Building	0' (g)	0'	0'	0'
Mixed-Use Building	0' (h)	0'	0'	0'

a) Setback shall match mean setback of existing residential buildings along block frontage, ≥ 20'. If mean existing setback is < 20', then setback of new building shall default to 20'. Porches may encroach ≤ 12' into required front setbacks.

b) Setback shall match that of an adjacent residential building on the principal frontage, ≤ 35'. If adjacent building(s) are set back > 35', then setback of new building shall default to 10'.

c) Setback shall match that of an adjacent residential building on the principal frontage, ≤ 35'. If adjacent building(s) are set back > 35', then setback of new building shall default to 20'. Porches or porticos may encroach ≤ 9' into required front setbacks.

d) Rear setback is 4' from alley easements.

e) Setback shall match that of an adjacent residential building on the principal frontage, ≤ 35'. If adjacent building(s) are set back > 35', then setback of new building shall default to a distance ≤ 10'. Porches or porticos may encroach ≤ 9' into required front setbacks. Entrance canopies on Large Apartment Buildings may extend into right of way over sidewalk.

f) From main building on parcel.

g) See Building Type Regulations.

h) Required build-to line.

- I) **Modifications from Building Design Standards for New Construction.** The City Council may modify the above requirements finding all of the following standards have been met:
- The architectural design of the proposed structure is consistent with the character of the surrounding area.
 - The architectural design otherwise meets the building design standards for adaptive reuse in the C-1, C-2, C-3, and C-4 districts.
 - The project brings the site more into compliance with the Building Design Standards for New Construction and purpose of the C-1, C-2, C-3, and C-4 districts.

Article VI.

Standards Applicable to Specific Uses

Section 6.01 Adult Entertainment.

Adult Businesses provided that:

- (1) **Districts Permitted.** The following standards apply in the C-3 District as a waiver use.
- (2) **Location.** No adult business shall be located within one thousand (1,000) feet of any property which is either occupied or approved for an adult business or within five hundred (500) feet of any property which is either occupied or zoned for residential use as measured from any point on the property which is so occupied or zoned.
- (3) **Access.** The parcel of land on which the adult business is located shall have direct access to a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more as designated on the Future Transportation Map of the City of Livonia.

Section 6.02 Adult Foster Care.

Residential homes for mentally or physically handicapped persons (as defined in [Section 2.02](#), [Section 2.02\(2\)](#) of this Ordinance) for more than six (6) persons, provided that:

- (1) **Districts Permitted.** The following standards apply in the RUF District as a waiver use.
- (2) **Lot Size.** Residential homes for mentally or physically handicapped persons shall be located on a lot or parcel of no less than one-half ($\frac{1}{2}$) acre in area.
- (3) **Maximum Capacity.** Such residential home shall house no more than sixteen (16) mentally or physically handicapped persons plus such persons as may be required to provide supervision. There shall be no more than two (2) occupants per bedroom.
- (4) **Outdoor Recreation.** An outdoor recreation area shall be provided equal to five hundred (500) square feet per bedroom, and such recreation area shall be designed and oriented to fulfill the needs of all residents.

Section 6.03 Alcohol Sales (Specially Designated Merchant [SDM] and Specially Designated Distributor [SDD]).

S.D.D. and S.D.M. licenses provided, however, that S.D.D. licenses which were approved and in use at locations prior to March 7, 1977, and S.D.M. licenses which were approved and in use at locations prior to April 11, 1983, may continue to be used to the extent and in the manner previously established at such locations without waiver use approval, provided further that:

- (1) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **Location.**
 - A) Such proposed S.D.D. licensed establishment shall be located at least one thousand (1,000) feet distant from any existing S.D.D. licensed establishment, as measured from the nearest point on the building proposed to be licensed to the building in which the existing licensed establishment is located; and further provided that such S.D.M. licensed establishment shall be located at least five hundred (500) feet distant from any existing S.D.M. licensed establishment, as measured from the nearest point on the building proposed to be licensed to the building in which the existing licensed establishment is located; provided, however, that the foregoing one thousand (1,000) foot and five hundred (500) foot limitations may be waived by action of the City Council.
 - B) Such proposed S.D.D. or S.D.M. licensed establishment shall be located at least four hundred (400) feet distant from any church or school building, either public or parochial, as measured from the nearest point on the building proposed to be licensed to the existing church or school building.
- (3) **Access.** Access to such S.D.D. or S.D.M. licensed establishment shall be from a public street having a right-of-way width of at least one hundred twenty (120) feet, as indicated on the Future Transportation Map of the City of Livonia.
- (4) **Locked Display Case.** All S.D.D. licensees who sell alcoholic liquor other than beer and wine in their original package for consumption off the premises and whose total gross receipts derived from the sale of all alcoholic beverages do not exceed 35% of the total gross receipts of all sales, both alcoholic and non-alcoholic, shall display such alcoholic liquor behind a counter or in a locked display case in such a manner with no direct public access for a qualified employee at least eighteen (18) years of age to distribute to the customer.

Section 6.04 Apartments.

- (1) **Districts Permitted.** The following standards apply in the NM2 District as a permitted use.
 - (2) **Studio.** A dwelling unit containing a minimum net floor area of at least three hundred (300) square feet per unit, consisting of not more than one (1) room, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one (1) room unit.
 - (3) **One (1) Bedroom Unit.** A dwelling unit containing a minimum net floor area of at least four hundred fifty (450) square feet per unit, consisting of not more than three (3) rooms, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
 - (4) **Two (2) Bedroom Unit.** A dwelling unit containing a minimum net floor area of at least seven hundred fifty (750) square feet per unit, consisting of not more than four (4) rooms, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a four (4) room unit.
-

- (5) **Three (3) or More Bedroom Unit.** A dwelling unit wherein for each room in addition to the four (4) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of three hundred (300) square feet to the minimum net floor area of seven hundred fifty (750) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered as a five (5) room unit and for each increase in a bedroom over three (3) there shall be an increase in the room count by one (1) over the five (5).

Section 6.05 Automobile Sales and Rental and Mobile Home Sales.

New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities (including repair and service facilities only when owned and operated in conjunction therewith by the same proprietor and located on the same property), provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Minimum Lot Size and Lot Width.** Automobile sales and rental and mobile home sales shall be located on a parcel of land containing no less than one-half (½) acre and having a width of at least one hundred (100) feet at the front lot line.
- (3) **Parking Setback.** No vehicles shall be parked within twenty (20) feet from the front lot line or at the side lot line adjacent to the street.
- (4) **Lighting.** All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from the adjacent or neighboring residential property.
- (5) **Number of Vehicles.** The total number of vehicles proposed to be displayed or stored shall be subject to recommendation by the Planning Commission and approval by the City Council.
- (6) **Access.** Automobile sales and rental and mobile home sales shall have direct access to a major thoroughfare having an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Future Transportation Map.
- (7) **Outdoor Storage.** Outdoor storage of disabled, damaged, or unlicensed vehicles is prohibited.

Section 6.06 Automobile Repair (Up to One (1) Ton GVWR).

Automobile and light truck (one (1) ton gross vehicle weight) repair such as motor and electrical tune-up; replacement of shock absorbers, brakes, mufflers, exhaust and tailpipes; transmissions; and other similar repairs subject to the following:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Repair Work.** All repair work must be carried out within an enclosed building.
- (3) **Light Truck Repair.** Automobile and light truck repair shall not permit such repairs as bumping, painting, spraying or rustproofing.
- (4) **Number of Vehicles.** The total number of vehicles proposed to be stored shall be subject to recommendation by the Planning Commission and approved by the City Council.

- (5) **Access.** Automobile Repair shops shall have direct access to a major thoroughfare having an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Future Transportation Map.
- (6) **Outdoor Storage.** Outdoor storage of disabled, damaged, or unlicensed vehicles is prohibited.

Section 6.07 Auto-Wash Establishments.

Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps, provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Enclosure.** All washing facilities (except steaming) are to be enclosed within a building.
- (3) **Side Yard Setback.** The building is situated no closer than thirty-five (35) feet from one side property line.
- (4) **Parking Lot Layout.** The building and off-street parking (waiting) areas shall be so located and arranged so that motor vehicles shall not park upon or overhang any public sidewalk, street, or right-of-way.
- (5) **Location.** Auto-wash Establishments shall not be located nearer than one hundred fifty (150) feet as measured from any point on the property to any point on the property of any church, public or parochial school, or playground.
- (6) **Minimum Lot Size and Lot Width.** Auto-wash establishments shall be located on a parcel of land containing at least eight thousand (8,000) square feet and having a width of at least one hundred (100) feet at the front property line.
- (7) **Screening.** Where such a use adjoins any property located in any residential district or is separated from such property by a public alley, a protective wall shall be erected and maintained as provided in [Article X](#) of this Ordinance.
- (8) **Lighting.** All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from any adjacent or neighboring residential property.
- (9) **Access.** Ingress and egress shall be available from a public street having a right-of-way width of at least one hundred twenty (120) feet or more as indicated on the Future Transportation Map.

Section 6.08 Bed and Breakfast Establishments.

Bed and breakfast establishments provided that:

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, and NM1 Districts as a waiver use and in the C-1, C-2, C-3, and C-4 as a permitted use.
- (2) **Minimum Lot Size and Lot Width.** Bed and Breakfast Establishments shall be located on a lot or parcel of no less than one-half (½) acre in area or in a residential structure containing no less than two thousand (2,000) square feet of living space.

- (3) **Parking Setbacks.** Off-street parking shall be provided in the rear or side yard, behind the front building setback line. For parcels abutting an exterior side street, parking shall not be closer to the street than the principal structure.
- (4) **Site Features.** Such parking lot shall be improved with a minimum of four (4) inches of concrete or plant mixed asphalt. Natural screening by use of plant material or other screening by use of fencing shall be utilized to screen parking areas from adjoining residential properties.
- (5) **Access.** Bed and breakfast establishments shall have direct access to a public street having an existing or planned width of at least eighty-six (86) feet or more as designated on the Future Transportation Map.
- (6) **Ownership.** Such establishments shall be run by persons who own and occupy the premises for residential purposes.
- (7) **Bedrooms.** Not more than six (6) bedrooms in the bed and breakfast establishment shall be used for bed and breakfast sleeping rooms. No more than four (4) occupants per room shall be allowed. There shall be no cooking facilities for use by the occupants of the bed and breakfast sleeping rooms.
- (8) **Accessory Structures.** No accessory buildings shall be used for bed and breakfast sleeping rooms unless they were originally constructed to accommodate housing use. No garage shall be used for bed and breakfast sleeping rooms.
- (9) **Signs.** One (1) sign identifying the bed and breakfast establishment shall be permitted if such sign complies with the requirements of Section 11.08 Section 11.08(1) of this Ordinance.
- (10) **Maximum Stay.** Guest occupancy shall be no longer than fourteen (14) consecutive days.
- (11) **Restrooms.** Lavatory and bathing facilities shall be available for all persons utilizing the bed and breakfast establishment.
- (12) **Safety.** The dwelling to be used as a bed and breakfast establishment shall have at least two (2) usable exits. A fire escape plan shall be developed and graphically displayed in each guest room. A smoke detector in proper working order shall be placed in every sleeping room and a fire extinguisher in proper working order shall be placed on every floor. The site shall be reviewed by the Fire Marshall pursuant to the standards contained in the Fire Prevention Code as to the necessity for fire lanes.
- (13) **Compliance.** All bed and breakfast establishments shall be required to obtain a business license under Chapter 5.42 of the Livonia Code of Ordinances and shall not conduct operations until such license has been obtained pursuant to that chapter. Such establishments shall comply with all applicable local, county, state, and federal ordinances, laws, rules, regulations, and codes. All bed and breakfast operations shall submit to annual inspections by the Building and Fire Departments. Renewal of a business license shall be contingent upon compliance with applicable codes, as verified by such inspectors.

Section 6.09 Brewer, Micro Brewer, Brewpub, and Distilleries.

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the P-L, C-3, M-L, M-1, and M-2 District as a permitted use.
- (2) **Location.**

- A) Brewers, micro brewers, brewpubs, and distilleries shall not be located within one thousand (1,000) feet of any other such licensed establishment as measured from the actual premises being used or proposed for use of the respective properties; provided, however, that with respect to those licensed establishments which are utilized primarily as restaurants or for dining facilities, the foregoing one thousand (1,000) foot requirement may be waived by the City Council.
 - B) Such proposed licensed establishment shall be located at least four-hundred (400) feet distant from any church or school building, either public or parochial, as measured from the nearest point on the building proposed to be licensed to the existing church or school building.
- (3) **Compliance.** Brewers, micro brewers, brewpubs, and distilleries shall comply in every respect with the Michigan Liquor Control Act.
- (4) In M-L, M-1, and M-2 Districts, waiver use approval shall be required for on-site consumption except from a hospitality room located on the premises for sampling by consumers as provided in the Michigan Liquor Control Act which provisions are made a part hereof and incorporated herein by reference, and further provided, no Brewer, Micro Brewer, Brewpub, or Distillery shall be located less than 250 feet from the nearest point on the boundary of a residential district.

Section 6.10 Caregiver Grow Facilities

- (1) Such use shall not be located within four hundred (400) feet of any residential district, place of worship, municipal or private park, public or private school or daycare facility, or public or private indoor recreational ~~uses facility or athletic training school~~ permitted pursuant to ~~Section 6.32~~Section 16.11(f), as measured from the nearest point on the building within which the caregiver grow facility is operating and the property line of any of the uses.
- (2) Such use shall be limited to buildings in which there are no other uses other than caregiver grow facilities.
- (3) Such proposed Caregiver Grow Facility shall be located at least one thousand (1,000) feet distant from any existing Caregiver Grow Facility as measured from the nearest point on the building proposed to be occupied to the building in which the existing Caregiver Grow Facility is located.

Section 6.11 Child Care, Family Home.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, and RUF Districts as a waiver use.
- (2) **Compliance.** The owner or occupant of said residence is a licensee in good standing with the State of Michigan pursuant to PA 1973, No. 116, MCL 722.111, et seq, as amended. All health and safety requirements established by the State of Michigan shall be met.
- (3) **Ownership.** The owner or occupant of said residence has registered with the City Clerk. The facility must be the principal residence of the provider.
- (4) **Drop-off/ Pickup Area.** A drop-off/pickup area shall be provided where the residence is located on a major thoroughfare as defined in this Ordinance in order to prevent vehicles from backing onto the roadway.
- (5) **Operating Hours.** There shall be no dropping off or picking up of children between the hours of 10:00 p.m. and 6:00 a.m.

- (6) **Exterior Alterations.** No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except for those necessary to comply with the State of Michigan licensing rules applicable to family day care homes.
- (7) **Outdoor Recreation.** Family day care homes shall provide and maintain an outdoor play space as required by the State of Michigan.
- (8) **Noise.** Use will comply with all noise standards and other provisions contained in [Section 8.01](#).
- (9) **Signs.** No sign shall be used on the premises.
- (10) **Safety.** All family day care homes shall be registered with the 911 dispatch center and the City of Livonia Public Safety Department.
- (11) **Location.** No new family day care home shall operate within one thousand (1,000) feet from any existing registered family day care home or group day care home, as measured from the nearest property line of the proposed use to the nearest property line of the existing registered use.

Section 6.12 Child Care, Group Home.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, and RUF Districts as a conditional use.
- (2) **Compliance.** The owner or occupant of said residence currently operating as a group day care home is a licensee and has continuously remained a licensee in good standing with the State of Michigan pursuant to 1973 PA 116, as amended, since prior to November 14, 1999.
- (3) **Previously Existing Group Homes.** Group day care homes not licensed and operating prior to November 14, 1999 in residential zones shall meet all of the following:
 - A) The owner or occupant of said residence shall be a licensee and continuously remain a licensee in good standing with the State of Michigan pursuant to 1973 PA 116, as amended.
 - B) The group day care home shall not operate within a distance of one thousand (1,000) feet from any existing registered family day care home or group day care home, as measured from the nearest property line of the proposed use to the nearest property line of the existing registered use.
 - C) The owner or operator has registered with the City Clerk.
 - D) The facility is the principal residence of the provider.
 - E) Group day care homes shall not result in traffic congestion or hazardous traffic conditions.
 - F) A drop-off/pickup area shall be provided if the residence is located on a major thoroughfare as defined in this Ordinance in order to prevent vehicles from backing onto the roadway.
 - G) The use shall not involve an increase in on-street parking by more than two (2) additional vehicles at a time.
 - H) All health and safety requirements of the State of Michigan shall be met.
 - I) There shall be no dropping off or picking up of children between the hours of 10:00 p.m. and 6:00 a.m.
 - J) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
 - K) Group day care homes shall provide and maintain an outdoor play space meeting the minimum requirements of the State of Michigan.

- L) The residence shall have appropriate fencing which shall encompass the entire outdoor play space, unless same is prohibited by recorded private homeowner's restrictions/bylaws, or, in the alternative, relief from this requirement may be sought upon appeal to the Board of Appeals.
- M) The use shall comply with all noise standards and other provisions contained in *Article VIII* of this Ordinance.
- N) No sign shall be used on the premises.
- O) All group day care homes shall be registered with the 911 dispatch center and the City of Livonia Public Safety Department.

Section 6.13 Day Care Nurseries.

- (1) **Districts Permitted.** The following standards apply in the NM2 and C-1 Districts as a waiver use and in the C-2, C-3, and C-4 Districts as a permitted use.
- (2) **General Requirements.** Day care nurseries if situated on a parcel of land at least ten thousand (10,000) square feet in area and abutting a street or thoroughfare which has an existing or planned width of eighty-six (86) feet or more as indicated on the Future Transportation Map , and further provided that there is provided and maintained a minimum of five thousand (5,000) square feet of outdoor play area; and further provided that buildings erected on the premises are in harmony with the adjacent buildings in the area; and further provided that appropriate fencing of at least five (5) feet in height encompass the entire outdoor play area. Any use permitted herein shall not be permitted in the interior of any residential block.

Section 6.14 Dance Halls and Ballrooms.

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Residential Setback.** Dance halls and ballrooms, provided that such use shall not be located within three hundred (300) feet of any residential district or property used for church purposes as measured from any point on the property to be so used.

Section 6.15 ~~Dwelling, Accessory Unit~~Reserved.

~~Separate dwellings for the use of domestic employees of the owners, lessee, or occupants of the principal dwelling on a lot shall be considered accessory buildings, but if containing a complete housekeeping unit or units, shall conform to all the height and yard requirements for dwellings in the district in which they are located.~~

Section 6.16 Dwelling, Condominium.

- (1) **Districts Permitted.** The following standards apply in the NM1, NM2, and NM3 Districts as a permitted use.
- (2) **Minimum Size.** The minimum size of condominium dwellings within the City, unless otherwise established and shown on the Zoning Map, shall be as follows:

One Bedroom unit	800 sq. feet
Two Bedroom unit	1000 sq. feet
Three Bedroom unit	1200 sq. feet

~~(3) **Minimum Size within Zones.** Notwithstanding the foregoing provisions, Zones "A", "B", and "C" as shown on the Zoning Map of the City of Livonia, are hereby established and shall determine the minimum size of condominium dwellings within said zones. The following regulations are hereby established for such zones and no building used as a condominium dwelling shall be constructed except in accordance with the following schedule of regulations which establish the minimum size of condominium dwellings within said respective zones. The purpose and intent of establishing the following additional regulations is to protect, stabilize and conserve property values in residential areas. Numbers contained in the schedule refer to the minimum required usable floor area in square foot dimensions:~~

Dwelling Design	Minimum Required Usable Floor Area (sq. ft.)		
	Zone A	Zone B	Zone C
One (1) Bedroom Unit	1,000	1,200	1,400
Two (2) Bedroom Unit	1,200	1,400	1,600
Three (3) Bedroom Unit	1,400	1,600	1,800

Section 6.17 Dwelling, Mobile Homes and Modular Homes.

The placement of a mobile home or a modular home, as defined in [Section 2.01](#), [Section 2.01\(7\)](#) of this Ordinance, on any lot or parcel in N-1, N-2, N-3, and NM1 districts shall comply with all the requirements and standards contained in such districts relating to one-family dwellings including, but not limited to, lot size, building setback and land coverage limitations and, in addition, shall comply with the requirements and standards set forth in [Section 6.19](#) of this Ordinance relating to one-family dwelling size; provided, however, that said mobile home or modular home shall comply with the following additional standards:

- (1) **Structure Width.** Every mobile home or modular home shall have a minimum width across any main section of twenty (20) feet.
- (2) **Attachment to Permanent Foundation.** Every mobile home or modular home shall be attached to a permanent foundation co-extensive with the perimeter of the building, which foundation shall be approved by the Inspection Department.
- (3) **Public Utilities.** Every mobile home or modular home shall be connected to a public sanitary sewer, storm sewer, and water system.
- (4) **Visual Appearance.** Such mobile home, when in place, shall not have exposed wheels, towing mechanisms, undercarriage, or chassis. The mobile home or modular home shall contain no additions or rooms or other areas which are not constructed with similar materials and which are not similar in appearance and which shall have similar quality of workmanship as the original structure, including the above described foundation and permanent attachment to the principal structure.

- (5) **Site Features.** Every mobile home and modular home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, containing permanently attached steps connected to said exterior door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (6) **Compliance.** Every mobile home or modular home shall comply with all pertinent City building and fire codes as well as, in the case of mobile homes, state and federal standards for mobile home construction. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in any ordinance of the City of Livonia pertaining to such parks.

Section 6.18 Dwelling, Multi-Family and Apartments.

- (1) **Districts Permitted.** The following standards apply in the NM2 District as a permitted use.
- (2) **Common Recreation Area.** In the case of multiple family projects comprising two (2) or more acres, there shall be provided a common recreation area equal to at least twenty-five (25) square feet per dwelling unit in the development with a minimum of twelve hundred (1,200) square feet. Such recreation area shall be designated and oriented to fit the needs of all tenants and may contain facilities such as but not limited to community buildings, swimming pools, tennis courts, and putting greens.

Section 6.19 Dwelling, Single-Family.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, NM1, and NM2 Districts as a permitted use.
- (2) **Requirements in Multifamily Zones.** In NM1 and NM2 Districts, one-family dwellings shall be subject to all of the regulations that apply in the N1 Neighborhood District, including the regulations pertaining to lot size and yard requirements.
- (2)(3) **Minimum Size.** The minimum size of one-family dwellings within the City, unless otherwise established and shown on the Zoning Map, shall be as follows:

Dwelling Design		Minimum Size Required (sq. ft.)
One (1) Story Plan		1,000
One and One-half (1-1/2) Story Plan	Ground Floor	800
	Aggregate	1,100
Two (2) Story Plan	Ground Floor	624
	Aggregate	1,200

~~(3) **Minimum Size Within Zones.** Notwithstanding the foregoing provisions, Zones "A," "B," and "C" as shown on the Zoning Map of the City of Livonia, are hereby established and shall determine the minimum size of one-family dwellings within said zones. The following regulations are hereby established for such zones and no building used as a one-family dwelling shall be constructed except in accordance with the following schedule of regulations which establish the minimum size of one-family dwellings within said respective zones. The purpose and intent of establishing the following additional regulations is to protect, stabilize, and conserve property values in residential areas that are substantially developed by providing a means to ensure that such areas will continue to develop in a manner consistent with the trend and character of the already-existing building and development. Numbers contained in the schedule refer to the minimum required usable floor area in square foot dimensions:~~

Dwelling Design		Minimum Required Usable Floor Area (sq. ft.)		
		Zone A	Zone B	Zone C
One (1) Story Plan		1,150	1,300	1,500
One and One-half (1-1/2) Story Plan	Ground Floor	850	900	950
	Aggregate	1,260	1,400	1,650
Two (2) Story Plan	Ground Floor	690	780	900
	Aggregate	1,380	1,560	1,800

Section 6.20 Dwelling, Two-Family.

(1) **Districts Permitted.** The following standards apply in the NM1 and NM2 Districts as a permitted use.

~~(2) **Requirements in Multifamily Zones.** In NM1 and NM2 Districts, two-family dwellings shall be subject to all of the regulations that apply in the N2 Neighborhood District, including the regulations pertaining to lot size and yard requirements.~~

~~(2)~~**(3) Minimum Size of Two-Family Dwellings.** The minimum size of two-family dwellings is hereby fixed as follows: Each living unit shall have not less than eight hundred (800) square feet of usable floor area, all on one floor, which shall not include common hall space or utility room space; provided, however, that where a living unit occupies more than one (1) floor, the aggregate usable floor area for the entire unit shall not be less than one thousand (1,000) square feet.

Section 6.21 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 6.22 Establishments Having Liquor Licenses Such as Class C, Tavern, and Club.

(1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the C-3 and P-L Districts as a permitted use.

(2) **Location.**

- A) Establishments having liquor licenses such as Class C, tavern, club, and small distiller shall not be located within one thousand (1,000) feet of any other such licensed establishment as measured from the actual premises being used or proposed for use of the respective properties; provided, however, that with respect to those licensed establishments which are utilized primarily as restaurants or for dining facilities, the foregoing one thousand (1,000) foot requirement may be waived by the City Council.
 - B) Such proposed licensed establishment shall be located at least four-hundred (400) feet distant from any church or school building, either public or parochial, as measured from the nearest point on the building proposed to be licensed to the existing church or school building.
- (3) **Compliance.** Establishments having liquor licenses such as Class C, tavern, club, and small distiller shall comply in every respect with the Michigan Liquor Control Act.

Section 6.23 Facilities for the Detention, Incarceration, Commitment, and/or Rehabilitation of Adults or Minor Children and Psychiatric Hospitals.

Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals provided that:

- (1) **Districts Permitted.** The following standards apply in the P-L District as a waiver use.
- (2) **Minimum Lot Size.** Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be located on a parcel of land consisting of at least twenty-five (25) acres in area.
- (3) **Access.** Access to the site shall be directly from a major thoroughfare having an existing right-of-way width of one hundred twenty (120) feet or more.
- (4) **Fencing.** Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be completely enclosed with security fencing at least eight (8) feet in height; provided, however, that such fence shall be located no closer than twenty (20) feet from any side or rear lot line and no closer than eighty (80) feet from the front property line. In addition, perimeter fencing not to exceed four (4) feet in height may be provided in the front yard forward of the building; provided, however, that in all cases the fencing shall be exclusive of the minimum front yard setback requirement.
- (5) **Surveillance.** Such use shall have twenty-four (24) hour supervision and surveillance on site by experienced professional personnel in sufficient numbers as to ensure the security of the institution and surrounding properties as well as the safety of the general public.
- (6) **Location.**
 - A) Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be separated from any school, playground, park, or church by a distance of at least one thousand (1,000) feet as measured from any point on the respective property lines.
 - B) Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be located no closer than five hundred (500) feet from the intersection of two (2) major thoroughfares.

- C) Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be separated from any residential zoning district by a distance of at least five hundred (500) feet as measured from any point on the subject property to any point on the residential district line; provided, however, that the foregoing five hundred (500) foot restriction may be waived by the City Council.
- (7) **Setbacks.** The minimum distance of any main or accessory building from boundary property lines shall be at least one hundred (100) feet for front, rear and side yards.
- (8) **Off-street Parking.** Off-street parking shall comply with standards as set forth in [Section 9.03](#) of this Ordinance and shall be provided in an amount equal to one (1) space for each employee, including administrators, plus visitor parking spaces equal to fifty (50) percent of the number of individuals being served by the facility.

Section 6.24 Garages, Repair Shops, Rustproofing and Similar Highway Services.

Garages, repair shops, rustproofing, and similar highway services, provided that:

- (1) **Districts Permitted.** The following standards apply in the M-1 District as a waiver use and in the M-2 District as a permitted use.
- (2) **Required Fencing.** Except for the front yard setback, the lot area shall be enclosed with a fence of a type approved by the City Council which shall be located and maintained on the boundaries of such lot area, with only such openings therein as may be necessary for ingress and egress; provided, however, that in the case of a corner lot such fence shall be located on the side yard setback line abutting a public or private thoroughfare.

Section 6.25 Gardening and Tree Nurseries.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Sale of Nursery Stock.** The sale of nursery stock and greenhouse product is permitted in the RUF, C-2, C-3, and C-4 Districts but prohibited in the N1 and N2 District.

Section 6.26 Gasoline Service Station.

In order to regulate and control the problems of noise, odor, light, fumes, dust, danger of fire and explosion, and traffic congestion which is likely to result from the unrestricted and unregulated construction and operation of gasoline service stations, and to avoid, if possible, and control the adverse effects which these factors and other characteristics incident to the gasoline service station may have upon adjacent and surrounding land and uses, the following special requirements and regulations governing the erection of gasoline service stations are hereby established:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Minimum Lot Area and Lot Width.** Gasoline service stations shall always be located on a plot of ground with frontage along a commercial street of not less than one hundred fifty (150) feet and which shall have a minimum area of not less than twenty-two thousand five hundred (22,500) square feet.

- (3) **Setbacks.** Gasoline service stations shall provide a setback (area between the adjacent road right-of-way line(s) and the building line) of sixty (60) feet from any road with a right-of-way width of one hundred twenty (120) feet or more and/or any freeway service drive as designated on the Future Transportation Map and at least one side yard of not less than twenty (20) feet. The area within the setback and side yards shall not be used for vehicular storage or for any other service facilities.
- (4) **Maximum Height.** Gasoline service stations including any part of the façade, shall not exceed thirty-five (35) feet in height; provided, however, that canopies shall not exceed eighteen (18) feet in height.
- (5) **Access.** Gasoline service stations when located on a corner lot shall provide vehicular entrances or exits (curb cuts) no less than a minimum of twenty-five (25) feet from the intersection of the property lines parallel to the two (2) streets pavement. All curb openings whether on a corner lot or not shall not exceed thirty-five (35) feet in width at the curb. There shall always be a minimum of thirty (30) feet measured along the property line between any series of driveways. On corner lots, no driveway from a side street shall be less than fifteen (15) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
- (6) **Enclosure.** All lubrication equipment, motor vehicle equipment, hydraulic hoists, and pits shall be enclosed entirely within the building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- (7) **Screening.** Where a gasoline service station use adjoins any property located in any residential district or is separated from such property by a public alley, a protective wall shall be erected and maintained as provided in [Article X](#) of this Ordinance.
- (8) **Lighting.** All exterior lighting on the property, including illuminated signs, shall be erected and hooded, shielded and recessed so as to be deflected away from any adjacent or neighboring residential property.
- (9) **Outdoor Storage.** Outdoor storage of disabled, abandoned, junked, wrecked, and/or unlicensed vehicles is prohibited. Outdoor storage of rubbish and junked equipment or parts is prohibited unless such rubbish, junked equipment, or parts are stored adjacent and to the rear of the principal building and are enclosed by a masonry wall. When such a wall is provided, rubbish, junked equipment, or parts shall not be stored at a height exceeding the height of the wall; provided, further, that such rubbish and junked equipment or parts shall be removed from the property at least once every week.
- (10) **Parking.**
 - A) No part of any parcel of land used for gasoline service station purposes shall be utilized for outdoor storage, placement, or display of merchandise; provided, however, that the foregoing prohibition shall not apply to the display, on a pump island only, of oil or oil-based products including, by way of example, but not limitation, motor oil, transmission oil, oil and gasoline additives, windshield solvent, and windshield wipers.
 - B) No more than one (1) tow truck may be parked in the front or side yard abutting a street.
 - C) Outside parking or storage of recreational equipment, or commercial vehicles or automobiles which are not used in the operation of the business is prohibited; provided, however, that such prohibition shall not apply to any equipment or vehicle which is temporarily on the premises for repair or service and which is stored or parked in a designated parking space; and provided, further, that no such equipment or vehicle shall be parked within one hundred (100) feet of the intersection of the property lines of two (2) intersecting public streets.
- (11) **Free Air.** Free air shall be provided at all times station is open for business. The free air shall be dispensed at the point of service without having to enter the station or the performance of any extra action in order to obtain the air without charge.

- (12) **Compliance.** Gasoline service stations must meet all the requirements of the Police and Fire Departments. The petitioner shall receive written approval by the Police and Fire Departments before the City Council can validly consider this use within a multi-story structure.
- (13) **Signs.** Gasoline service stations only may display the following type, size, and number of signs which are deemed customary and necessary to their respective business:
- A) One (1) ground sign per development site not to exceed a maximum area of forty (40) square feet at a maximum height above grade not to exceed twelve (12) feet and a minimum setback of five (5) feet from any right-of-way line.
 - B) Wall signs and all window signage, including those signs attached to the service buildings or to the canopy fascia, shall not in sum total exceed two (2) square feet in area for each one (1) lineal foot of building frontage with a maximum total area of one hundred (100) square feet.
 - C) Customary lettering or other insignia on a gasoline pump consisting of the brand of gasoline sold, lead warning information, and any other data not exceeding a total of three (3) square feet on each pump.

Section 6.27 Heliports.

No land, water, or building in the City of Livonia shall be used as a location for landing, take-off, storage, servicing, or fueling of any helicopter until the following standards have been adhered to:

- (1) **Districts Permitted.** The following standards apply in P-L as a permitted use and in the C-4, ML, M-1, and M-2 as a waiver use.
- (2) **Compliance.** The proposed heliport shall be constructed, operated, and maintained in accordance with the published rules and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission, and the National Fire Protection Association governing the use of heliports.
- (3) **Required Application.** Each application for a heliport shall include:
 - A) A copy of the Federal Aviation Administration Form #7480, "Notice of Landing Area Approval".
 - B) A copy of a letter of "No Objection" from the FAA.
 - C) A copy of an approved State of Michigan Aeronautics Commission application for licensing.
 - D) An aerial photograph of a scale no less than one (1) inch equals four hundred (400) feet indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half (½) mile of the proposed heliport site.
 - E) A statement of property ownership or authorization of owner for property proposed to be used as a heliport.
 - F) A description of the purpose for which the heliport is being established and a schedule of proposed activities including:
 - i) Number of monthly operations.
 - ii) Hours of operation.
 - iii) Support activities such as storage, maintenance, and refueling.
 - G) A site plan which shall contain the following information:
 - i) The location, nature, and height of proposed security fences, berms, landscaping, and other security and noise attenuation structures.

- ii) The location and type of firefighting equipment and materials.
- iii) The location and type of fuel storage facilities.
- iv) The location of all existing and proposed buildings.
- v) The location of all helicopter landing and take-off areas; parking areas; and the method of surface preparation or stabilization.
- H) A certificate of structural compliance attested to by registered professional engineer or architect shall be furnished with each application for a roof-top or other elevated heliport.
- I) An environmental report showing the expected noise levels and possible odors, fumes, and dust that may be caused by the operations of the heliport.
- J) Approval of the City of Livonia Department of Public Safety, Division of Fire, for the installation and location of firefighting equipment and materials; and the installation and location and method of use for refueling equipment and procedures.
- K) Approval of the City of Livonia Department of Public Safety, Division of Police, as to the location of a temporary heliport and the effect of the proposed operation on the safety and well-being of the public.

Section 6.28 Home Occupations.

Home occupations, except where specifically prohibited, shall be permitted where incidental to residential use and meeting all the following criteria:

- (1) **Districts Permitted.** The following standards apply in the in the N1, N2, RUF, NM1, NM2, and NM3 Districts as a permitted use.
- (2) **Usable Floor Area.** The activity is conducted entirely within a completely enclosed dwelling unit and entails neither the use of more than 20% of the usable floor area of that dwelling unit nor any garage (detached or attached) or other building or structure accessory to the principal building.
- (3) **Nuisances.** The activity does not generate any noise, vibrations, smoke, dust, heat, glare, or interference with radio or television reception in the area that would exceed that normally produced by a dwelling unit in a residential district.
- (4) **Advertisement.** The activity does not entail any advertising, display, or other indications of a home occupation, business, professional, trade, or occupational use of the property, except as permitted by [Section 11.08](#) of this Ordinance.
- (5) **Outdoor Storage.** There is no outdoor display or storage of materials, goods, supplies, or equipment.
- (6) **Deliveries.** There are no deliveries from commercial suppliers by any vehicle that exceeds Class 5 in the Federal Highway Administration classification system, and all deliveries are made between 9:00 a.m. and 5:00 p.m. on weekdays, provided further that such deliveries shall not restrict traffic circulation or occur so frequently as to interfere with the quiet character of the residential neighborhood.
- (7) **Operating Hours.** No clients, patrons, salespersons, or other commercial invitees visit the premises except between the hours of 8:00 a.m. and 9:00 p.m., and no more than ten (10) vehicles visit the premises during that period, with no more than two (2) vehicles visiting at one time; provided further, that massage establishments, as defined in [Section 2.01](#), [Section 2.01\(8\)](#) of this Ordinance, shall be strictly prohibited in all N1 districts, as permitted or waiver uses.

- (8) **Prohibited Use.** The activity does not entail large-scale manufacturing or assembly; warehousing or distribution; or sales or rentals of any article or service except such as is produced by such occupation.
- (9) **External Alterations.** The activity does not require any internal or external alteration, construction feature, equipment, or machinery which is not customary in residential areas.
- (10) **Employment.** The activity does not entail employment of more than one person other than members of the resident family.
- (11) **Safety.** If chemical and/or toxic-based materials will be utilized in connection with said home occupation, the owner or occupant of the property shall register same with the Building Official, the Fire Department and the Livonia Emergency Planning Committee prior to use of the residence for said home occupation in order to ensure compliance with all local, state, and federal environmental regulations.

Section 6.29 Hospitals.

Hospitals are subject to the following regulations:

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the C-3 and P-L District as a permitted use.
- (2) **Minimum Lot Size.** All such hospitals shall be developed on sites consisting of at least five (5) acres in area. Provided that there is a minimum of fifteen hundred (1,500) square feet of lot area per bed.
- (3) **Access.** Ingress and egress shall be available from public street having an existing or planned right-of-way width of at least eighty-six (86) feet as shown on the Future Transportation Map. All ingress to and egress from the off-street parking areas for guests, employees, staff, as well as any other users of the facility, shall be directly from a major thoroughfare.
- (4) **Setbacks.** The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased twenty (20) feet.
- (5) **Screening.** Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence not less than six (6) feet in height.

Section 6.30 Hotels.

- (1) **Districts Permitted.** The following standards apply in the C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Number of Dwelling Units.** Any building containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units and, with the exception of the unit occupied by the management staff, used only for the accommodation of transients.
- (3) **Signs.** Hotels having a minimum of two hundred (200) feet of property bordering on I-275 or I-96 right-of-ways may display additional wall signs on the basis of one (1) square foot of sign area in sum total for each one (1) lineal foot of building frontage facing I-275 or I-96. Wall signs exceeding thirty (30) square feet of sign area each shall consist exclusively of individually fabricated letters or symbols attached individually and flatly to the building.

Section 6.31 Housing for the Elderly.

- (1) **Districts Permitted.** The following standards apply in the NM3 and P-L Districts as a permitted use.
- (2) **General Standards.** A building or group of buildings which provides housing, and as to which at least eighty percent (80%) of the occupied units are rented to at least one (1) person who is fifty-five (55) years of age or older, and which otherwise meets the requirements of 42 USC 3607(b)(2). This may include any of the following: independent elderly housing, senior assisted living facilities, congregate elderly housing, and nursing homes; but shall not include hospitals, hotels, motels, tourist homes, rooming homes, condominiums, or site condominiums.

Section 6.32 Indoor Recreational Uses.

- (1) **Districts Permitted.** The following standards apply in the M-1 District as a waiver use and in the C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Nature of Use.** Due to the nature of the use or its unique characteristics (e.g., requirement for higher ceilings), indoor recreational uses may be better suited or compatible in an industrial setting, including, but not limited to, gymnastics training facilities, martial arts and cheerleading schools, soccer facilities, tennis courts, racquetball and handball courts, baseball and softball practice areas, and archery ranges, provided that all parking and ingress/egress to the facility shall be designed so as not to interfere with industrial traffic in the area. In an M-1 District, such uses shall not include health and fitness clubs, swimming pools, bowling alleys, or billiard parlors and poolrooms.
 - A) **Skating Rinks.** Skating Rinks, ice or roller are permitted by right in the C-2 and C-3 and prohibited in the M-1 District, provided that such use shall not be located within five hundred (500) feet of any Class C licensed establishment as measured from any point on the respective properties.
 - B) **Theaters.** Enclosed theaters (not including drive-in theaters) are permitted by right in the C-2 and C-3 Districts and prohibited in the M-1 District. Such use must be carried on in a building properly designed and suitable for theater use and when such building is located on a parcel of land five (5) acres or more in size; provided further, that the parcel of land on which the theater building is located shall have direct access by means of at least two (2) separate entrances and exits to a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more as designated on the Future Transportation Map of the City of Livonia.

Section 6.33 Internet-based Exotic Vehicle Sales

- (1) **Districts Permitted.** The following standards apply in the M-1 and M-2 Districts as a permitted use.
 - (2) **Parking and Storage of All Vehicles.** No vehicles or parts thereof are displayed or stored outdoors, and that none of the vehicles stored or offered for sale within building(s) are visible from the surrounding streets or public places.
 - (3) **No Advertising.** The site offers no advertising of vehicle sales/storage which is visible from the surrounding streets or public places
 - (4) **No Repair Services.** There is no repair or reconditioning of vehicles on the premises.
 - (5) **Operating Hours.** Hours of operation do not include any time on Saturday, Sunday, or holidays, nor after 6:00 p.m. on weekdays, except by appointment.
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- (6) **Inspections.** All facilities for Internet-based Exotic Vehicle Sales shall be subject to annual inspection by the Department of Inspection.

Section 6.34 Keeping of Animals (Fowl, Rabbits, Horses, Cows, etc.).

- (1) **Districts Permitted.** The following standards apply in the RUF Districts as a permitted use.
- (2) **Minimum Lot Size.** Fowl and rabbits may be raised and kept for the owner's consumption only on one-half (½) acre or more; two (2) horses may be kept for the owner's use only on one (1) acre or more; two (2) horses and one (1) cow or three (3) horses may be kept for the owner's use only on two (2) acres or more. The raising of livestock shall conform to the Generally Accepted Agricultural and Management Practices (GAAMP) for the Care of Farm Animals.
- (3) **Fowl and Rabbits Raised for Sale.** Fowl and rabbits may be raised for sale on parcels five (5) acres or more in size if such animals are properly housed, maintained, and fenced so as not to become a nuisance or detrimental to public health, safety, or welfare.

Section 6.35 Kennels.

- (1) **Districts Permitted.** The following standards apply in the RUF District as a waiver use.
- (2) **Minimum Lot Size.** Dog kennels may be operated on parcels five (5) acres or more in size if such animals are properly housed, maintained, and fenced so as not to become a nuisance or detrimental to public health, safety, or welfare.

Section 6.36 Local and Suburban Passenger Terminals; Trucking Transportation Terminals Including Maintenance and Service Facilities.

- (1) **Districts Permitted.** The following standards apply in the M-1 and M-2 Districts as a ~~permitted-waiver~~ use.
- (2) **Parking and Storage of All Vehicles.** Parking and storage of all vehicles, equipment, and material must be enclosed wholly within a building.

Section 6.37 Massage Establishments.

Massage establishments (as defined in [Section 2.01](#), [Section 2.01\(8\)](#) of this Ordinance), provided that:

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **Compliance.** Such facilities shall conform to the requirements, restrictions, and prohibitions contained within Mich. Admin. Code R 338.701 through R 338.727 inclusive, as amended, the provisions of which are made a part hereof and incorporated herein by reference.

- (3) **Separation Requirements.** No massage establishment shall be located within four hundred (400) feet of any property which is either occupied or approved for a massage establishment. No massage establishment shall be located within four hundred (400) feet of a preexisting school, place of worship, state-licensed day care facility, public library, playground, or public park, as measured from any point on the property to any point on the property of any school, place of worship, state-licensed day care facility, public library, playground, or public park.
- (4) **Operating Hours.** Daily hours of operation of any massage establishment shall be limited to the period of time from 8:00 a.m. to 10:00 p.m.

Section 6.38 Motels.

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 and C-4 Districts as a permitted use.
- (2) **Setbacks.** No building shall be any closer than twenty-five (25) feet to any side lot line and no closer than seventy-five (75) feet to the front lot line.
- (3) **Separation.** Separate buildings shall not be less than ten (10) feet apart.
- (4) **Signs.** Motels having a minimum of two hundred (200) feet of property bordering on I-275 or I-96 right-of-way may display additional wall signs on the basis of one (1) square foot of sign area in sum total for each one (1) lineal foot of building frontage facing I-275 or I-96. Wall signs exceeding thirty (30) square feet of sign area each shall consist exclusively of individually fabricated letters or symbols attached individually and flatly to the building.

Section 6.39 Nature Preserves

- (1) **Districts Permitted.** The following uses and standards apply in the NP District as a permitted use.
 - A) **Outdoor Recreational Uses,** such as:
 - i) Nature trails, including the construction of new trails and any improvements necessary to meet barrier-free design standards, where feasible, provided such improvements are consistent with the City of Livonia Five-Year Parks and Recreation Master Plan and the City's nonmotorized transportation plan.
 - ii) Appropriate forest management practices as determined by the Parks and Recreation Commission, including:
 - a) The removal of invasive plant or animal species deemed to be harmful or damaging to the health of existing or desired native plant or animal species, or to the economy, environment, or human health.
 - b) Introduction, reintroduction or promotion of native plant and animal species
 - iii) Hiking.
 - iv) Educational laboratories.
 - v) Day camping (overnight camping not permitted).
 - B) **Accessory Uses,** necessary or incidental to the principal uses listed above in A).

Section 6.40 Nursing Homes and Convalescent Homes.

- (1) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 and C-4 Districts as a permitted use.
- (2) **Minimum Lot Size.** Provided nursing homes and convalescent homes are located on a parcel of land comprising at least one (1) acre plus five hundred (500) square feet of land per bed.

Section 6.41 Oil and Gas Wells and Storage.

No oil well or natural gas well shall be drilled, established, or maintained in the City of Livonia, nor may any drilling rig or similar equipment be erected or constructed for the purpose of drilling, establishing or maintaining an oil or gas well without recommendation of the City Planning Commission and approval of the City Council.

Section 6.42 Open Air Business Uses Sales, Display, and/or Rental of Utility Trailers and Recreational Equipment.

- (1) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **General Standards.** Open air sales, display, and/or rental of utility trailers and recreational equipment subject to the following:
 - A) **Minimum Lot Size.** A minimum lot area of eight thousand (8,000) square feet shall be required.
 - B) **Minimum Building Size and Maximum Building Height.** A building of not less than four hundred (400) square feet in area and not more than fifteen (15) feet in height shall be required to be located on said lot.
 - C) **Lighting.** Adequate lighting facilities shall be provided and so arranged as to reflect light toward the trailer rental area and away from streets and residential uses adjacent to the area. During the hours when the open-air display area is closed to business, lighting shall be provided at a level of not less than one (1) watt per each square yard of display area and with a maximum of not more than one and one-half (1 1/2) watts per each square yard of display area; provided, however, that such lighting shall be hooded or shielded so as to be deflected from adjacent residential property.
 - D) **Enclosure.** The display area shall be enclosed with either a six (6) foot cyclone fence or a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such display area, with only such openings therein as may be necessary for ingress and egress.
 - E) **Display Area Setback.** No utility trailers or recreational equipment shall be parked or displayed within twenty (20) feet from the front or side lot line abutting a public street.
- (3) **Certain additional open-air business uses as herein specified:**
 - A) **Operating Season.** Retail sales and/or display of plant materials not grown on site and sales of lawn furniture, playground equipment, and other home garden supplies, providing such use is temporary and carried on between April 1 and November 1.
 - B) **Location.** Open-air Businesses shall not be located within two hundred (200) feet of any intersection of two (2) or more major thoroughfares as indicated on the Future Transportation Map.

- C) **Enclosure.** Except for sales and/or display taking place on a pedestrian walkway, the sales and/or display area shall be enclosed with a fence of a type as recommended by the Planning Commission and approved by the City Council, which fence shall be located and maintained on the boundaries of such sales and display area.
- D) **Pedestrian Access.** Such retail sales and/or display taking place on any walkway providing pedestrian access to the adjacent building shall be limited to bedding plants (flowers and vegetables) and potted shrubs; provided, however, that such uses shall be conducted in a manner that will insure that the walkway is sufficiently free of obstructions at all times so as to provide safe and direct pedestrian access to and from the building.

Section 6.43 Open-Air Sales of Christmas Trees by Churches, Public and Parochial Schools and Other Bona Fide Charitable Organizations.

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, C-3, and C-4 Districts as a permitted use.
- (2) **General Standards.** Open-air sales of Christmas trees shall be permitted upon approval of a special annual commercial license by the Department of Inspection to churches, public and parochial schools, and other bona fide charitable organizations. The Department of Inspection shall determine that there is safe and suitable ingress and egress to the premises; adequate off-street parking is provided; and shall contact the Fire Department to determine that all fire rules and regulations have been complied with.

Section 6.44 Outdoor Storage of Recreational Equipment.

Outdoor storage of Recreational Equipment provided that:

- (1) **Districts Permitted.** The following standards apply in the M-1 District as a waiver use and in the M-2 District as a permitted use.
- (2) **Compliance.** A site plan, as defined by Section 2.02 Section 2.02(2) of this Ordinance, has been submitted therefor and has been reviewed and recommended by the Planning Commission and approved by the City Council.
- (3) **Outdoor Storage.** There shall be no recreational equipment parked or stored within the front yard or side yard abutting a public or private street as would be required therefor by Section 4.02.
- (4) **Enclosure.** The storage area shall be enclosed with either a six (6) foot cyclone fence or a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such storage area with only such openings therein as may be necessary for ingress or egress.
- (5) **Lighting.** Adequate lighting facilities shall be provided and so arranged as to reflect light toward the storage area and away from streets and residential uses adjacent to the area.

Section 6.45 Pawnshops.

Pawn shops, provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Outdoor Storage.** There shall be no outdoor sales, storage, or display of merchandise.
- (3) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.
- (4) **Compliance.** The business shall be properly licensed and bonded pursuant to Chapter 5.63 of the Livonia Code of Ordinances.
- (5) **Separation.** There is not a similar use within one thousand (1,000) feet measured from property lines.

Section 6.46 Payday Lenders.

Any business licensed pursuant to the Deferred Presentment Service Transactions Act, MCL 487,2121, et. seq., provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.
- (3) **Separation.** There is not a similar use within one thousand three hundred and twenty (1,320) feet measured from property lines.

Section 6.47 Personal Service Establishments.

Personal Service Establishments within the NM2 and NM3 Districts must be developed in conjunction with the development of a planned residential community.

Section 6.48 Privately Owned and Operated Recreational Uses.

Privately owned and operated recreational uses subject to the following special requirements:

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, and NM1 Districts as a waiver use.
 - (2) **Minimum Lot Size.** The use shall be erected and located on a satisfactory site that is at least four (4) acres in area.
 - (3) **Setbacks.** Front, side, and rear yards shall each be at least twenty (20) feet wide. A swimming pool shall not be constructed within fifty (50) feet of any existing public street right-of-way as measured from the edge of the water. The pool shall not be constructed within three hundred (300) feet of any existing residence as measured from the edge of the water.
 - (4) **Access.** A parking and traffic plan showing the planned provision for parking and ingress and egress for pedestrian and motor vehicle traffic approved by the Police and Fire Departments shall be filed with the Inspection Department as a condition precedent to the issuance of the permit.
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- (5) **Landscape Plan.** A landscaping plan and time schedule approved by the Parks and Recreation Department shall be filed with the Inspection Department as a condition precedent to the issuance of the permit.
- (6) **Maximum Building and Lighting Height.** Buildings erected on the premises in connection with privately owned and operated recreational uses shall in no case exceed one (1) story in height except where, as a result of the peculiar topography of the premises, a lower level can be constructed entirely below the grade of the public street abutting or adjacent to such premises, in which case the same shall be permitted, and lighting facilities erected on the premises shall not exceed twenty (20) feet in height.
- (7) **Compliance.** Provided further, that privately owned and operated recreational uses comply with all other applicable rules, regulations, and ordinances of the City of Livonia. In order that the City Council might properly determine whether or not the requirements provided herein have and can be complied with, there shall be filed with the City Council a certified copy of the Articles of Incorporation and By-Laws of the private swimming pool club or organization; a plot plan drawn to scale showing the location of the premises on which the private swimming pool and related recreational facilities are to be situated, showing also the dimensions and area of such proposed area; the location of all residences and other buildings, structures, and public streets within one thousand (1,000) feet of such premises as measured from each of the property lines of the property site; and a separate development plan of the proposed site showing the size and location of all facilities to be situated thereon, and the size and location of all front, rear, and side yards and the length, width, and location of all driveways and parking facilities to be located on the proposed site. For the purpose of this Ordinance, the term "neighborhood," "community," or "club" pool shall mean that the pool is owned and operated by a private swimming club or similar organization for the sole and exclusive use of its members of such club, their families, and guests.

Section 6.49 Raising of Fur Bearing Animals.

- (1) **Districts Permitted.** The following standards apply in the RUF District as a waiver use.
- (2) **Minimum Lot Size.** The raising of fur bearing animals shall be conducted on a farm of five (5) acres or more.
- (3) **Setbacks.** The pens or cages must be located at least one hundred (100) feet from any front, side, or rear property line.
- (4) **Conformance.** The raising of livestock shall conform to the Generally Accepted Agricultural and Management Practices (GAAMP) for the Care of Farm Animals.

Section 6.50 Religious Institutions.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, and NM1 Districts as a waiver use, and in the C-1, C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Minimum Lot Size.** In N1, N2, RUF, and NM1 Districts, Religious Institutions must be located on a parcel of land at least two (2) acres in area.
- (3) **Signs.** Religious institutions shall be permitted the following:
 - A) One (1) identification ground sign not to exceed thirty (30) square feet of sign area or to exceed six (6) feet in height and shall have a minimum setback of ten (10) feet from any right-of-way line.

- B) One (1) freestanding bulletin board or identification ground sign not to exceed twenty (20) square feet of sign area and not to exceed five (5) feet in height and shall have a minimum setback of ten (10) feet from any right-of-way line.
- C) One (1) wall sign not to exceed twenty (20) square feet of sign area. Such sign shall consist of individual letters attached individually and flatly to the building.

Section 6.51 Restaurants.

- (1) Limited service and carry-out restaurants with or without outdoor dining areas subject to the following:
 - A) **Districts Permitted.** The following standards apply in the C-1, C-2, C-3, and C-4 Districts as a permitted use.
 - B) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.
 - C) **Drive-Up Window Facilities.** Drive-up window facilities are prohibited.
 - D) **Outdoor Dining.** Outdoor dining areas with seating for no more than six (6) persons when conducted in conjunction with a carry-out restaurant or twelve (12) persons when conducted in conjunction with a Limited Service Restaurant (as defined in [Section 2.01 Section 2.01\(8\)](#) of this Ordinance) operating pursuant to a valid waiver use approval, provided that:
 - i) The outdoor dining is conducted in accordance with a site plan illustrating the seating arrangement and capacity which has been approved by the Planning Department and Inspection Department.
 - ii) That outdoor dining shall be restricted to sidewalk or patio areas adjoining the building.
 - iii) That the outdoor dining shall be conducted in a manner that will ensure that sufficient clear space for pedestrian and handicapped circulation is provided, and that safe and direct access to and from the building is maintained.
 - iv) If deemed necessary for public safety in instances where outdoor dining areas or drive aisles, decorative fencing (or other measures, such as bollards) shall be installed to demarcate and protect the outdoor seating areas.
 - v) That trash receptacles shall be provided for the outdoor seating area and shall be emptied regularly as needed.
 - vi) That the sound levels of any outdoor speakers shall be kept to a reasonable minimum so as to not become objectionable.
 - vii) That all lighting equipment installed for the outdoor seating area shall be shielded or so arranged as to minimize stray light trespassing across property lines and glaring into adjacent roadway.
- (2) Full-service restaurants with or without outdoor dining areas subject to the following:
 - A) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 and C-4 Districts as a permitted use.
 - B) **Floor Area.** At least one-half (½) of a restaurant's usable main floor area shall be devoted to a dining or eating and/or drinking area.
 - C) **Access.** Ingress and egress be available from a public street by means of at least two (2) separate driveways at least forty (40) feet apart from one another.
 - D) **Lighting.** Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.

- (3) Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks subject to the following:
- A) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
 - B) **Access.** Ingress and egress shall be available from a public street having a right-of-way width of at least one hundred twenty (120) feet or more as indicated on the Future Transportation Map by means of at least two (2) separate driveways located at least thirty (30) feet apart from one another.
 - C) **Lighting.** Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.
 - D) **Setback.** No drive-in restaurant shall be located nearer than two hundred (200) feet as measured from any point on the property to any point on the property of a religious institution.
 - E) **Drive-Up Window Facilities.** Drive-up window facilities shall comply with the following minimum standards:
 - i) A restaurant with a drive-up window shall provide a separate customer ordering station.
 - ii) The traffic lane serving the drive-up window shall be at least ten (10) feet wide.
 - iii) The turning radius on any curve in the drive-up window traffic lane shall be no less than fifteen (15) feet.
 - iv) A by-pass lane or other suitable means of access to a public street shall be provided for vehicles that do not use the drive-up window.
 - v) Parking spaces located beyond drive-up windows shall be designated for use of drive-up window patrons.
 - vi) Ingress and egress shall be available from a public street by means of at least two (2) separate driveways at least forty (40) feet apart from one another.
 - vii) Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.

Section 6.52 Retail Sales.

- (1) Buildings (single or multi-unit) for the purpose of retail sales and which contain a gross floor area of thirty thousand (30,000) square feet or more provided that:
- A) **Districts Permitted.** The following standards apply in the C-1 ~~and~~, C-2 and C-4 Districts as a waiver use and in the C-3 District as a permitted use.
 - B) **Setbacks.** The front yard shall be at least one hundred (100) feet; the rear yard shall be at least twenty-five (25) feet; the interior side yard(s) shall be at least twenty (20) feet; and a side or rear yard abutting a street shall be at least sixty (60) feet; provided, however, that when Retail Sales abuts a residential district, the required side and rear yards which abut such residential district shall be at least sixty (60) feet.
 - C) **Outdoor Storage.** There shall be no outdoor sales, storage, or display of merchandise.
 - D) **Restaurants as an accessory use.** Restaurant uses as defined in Section 2.01, Section 2.01(8) of this Ordinance shall be permitted as an accessory use to a single unit building only; provided, however, that the number of customer seats in the restaurant shall not exceed thirty (30). In the event that such building of thirty thousand (30,000) square feet or more was previously granted waiver use approval without providing for an accessory restaurant use, any restaurant use may not be added thereafter without first obtaining waiver use approval in accordance with the provision of this Ordinance.

- E) **Single Unit.** In the event that such building of thirty thousand (30,000) square feet or more is intended to be a single unit, the application for waiver use shall include a statement that the building as proposed will be attractive to other commercial tenants in the event the initial occupant ceases its occupancy of the building, including a description of the features of the building which will make it attractive to prospective replacement tenants. Such statement shall be revised, prior to final approval, to reflect any design changes recommended by City Council which affect the attractiveness of the proposed building to subsequent would-be occupants.
- (2) A workshop incidental to retail sales is permitted for servicing, repairing, or workshop activities. Up to 50% of the usable floor area can be used as a showroom in the commercial zoning districts. Up to 10% of the usable floor area can be used as a showroom in the industrial zoning districts. Such uses are detailed below:
- A) Air conditioning sales, service, and repair shops;
 - B) Apparel alteration and repair shops;
 - C) Electrical and lighting fixture sales, service, and repair shops;
 - D) Furniture reupholstery and refinishing establishments;
 - E) Lawnmower sales, service, and repair shops;
 - F) Locksmith shops;
 - G) Office equipment sales, service, and repair establishments;
 - H) Plumbing and heating sales, service, and repair shops;
 - I) Radio and television sales, service, and repair shops;
 - J) Sign painting shops (no outside storage);
 - K) Taxidermy shops;
 - L) Motorcycle sales, service, and repair establishments; however, facilities for outdoor testing, display, or storage of merchandise are expressly prohibited.
- (3) Retail sales of new furniture when such use is accessory to a furniture warehouse establishment and located within a warehouse structure, and located in an M-1 District, such waiver use being expressly prohibited in an M-2 District, and provided that:
- A) **Minimum Lot Size.** The warehouse structure in any such case shall be located on a parcel of land containing four (4) acres or more.
 - B) **Floor Area.** Such retail sales use and display areas combined shall not exceed thirty-five (35) percent of the entire floor area of the structure or such lesser percent as approved.
 - C) **Outdoor Storage.** No outside storage, sales, or display of merchandise or promotional activity shall be permitted.
 - D) **Sales.** All sales of merchandise shall be conducted wholly within the retail sales portion of the structure.
 - E) **Off-Street Parking.** Off-street parking facilities shall be provided as hereinafter specified in [Section 9.04](#) of this Ordinance, except that no parking of automobiles or other motor vehicles shall be permitted in the front yard setbacks and in the case of double frontage lots, the rear yard setbacks or side yard setbacks if such yard abuts a public or private street.

Section 6.53 Second-Hand Stores.

The following standards shall apply to second-hand stores and rummage shops (not including antique stores as defined in [Section 2.01\(8\)](#) of this Ordinance):

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Outdoor Storage.** There shall be no outdoor sales, storage, or display of merchandise.
- (3) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.

Section 6.54 Self-Storage, Indoor Climate Controlled.

Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis, subject to the following:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3, ML, M-1, and M-2 Districts as a permitted use.
- (2) **Minimum Lot Size.** The minimum size of the site shall be not less than three (3) acres.
- (3) **Maximum Number.** Only one (1) climate-controlled building used in whole or in part for the purpose of providing storage on a self-service basis shall be permitted on the premises.
- (4) **Outdoor Storage.** There shall be no outdoor storage and no storage of flammable, explosive, radioactive, hazardous, toxic, or volatile substances within the self-storage buildings or upon the premises.
- (5) **Access.** Customer access to the self-storage units shall only be from the interior of a fully-enclosed, climate-controlled building.
- (6) **Overhead Doors.** Overhead doors to allow vehicles to enter or exit the building may be allowed provided they are controlled by means of electronic access devices or by an employee of the facility.
- (7) **Operating Hours.** The facility shall not be open for customer access to the storage units earlier than 7 a.m. nor later than 9 p.m.
- (8) **Building Façades.** Exterior building wall façades shall consist of maintenance-free materials, and the design and architectural appearance of the building shall be compatible to and in harmony with the surrounding commercial buildings in the area.
- (9) **Use of Self-Storage Facility.** Except as provided herein, the use of the self-storage facility shall be limited to the storage of personal and business items only, and no unit designed or intended for storage purposes shall be used for operating a business or recreational activity including, but not limited to, repairs, manufacturing, assembly, personal service, hobby, retail, or office.
- (10) **Security Manager.** A security manager shall be permitted to reside within the confines of the same building used in whole or in part for self-storage and such residence shall be considered an accessory use as provided in Section 2.01 Section 2.01(4).

- (11) **Accessory Uses.** Office, retail, and other uses otherwise permitted under this Article may be allowed only where such use or uses are designed and provided as an integral part of the development, including, but not limited to, access, parking, lighting, and signage.

Section 6.55 Small Cell Wireless Facilities.

- (1) **Districts Permitted.** The following standards apply in all zoning districts as a permitted use.
- (2) **Compliance.** Per the provisions of the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018, MCL 460.1301, et seq. ("Act 365"), the activities set forth in Code of Ordinances Section 12.06.050(D) are exempt from zoning review, except that replacement small cell wireless facilities shall require a permit if they exceed in size or weight the size or weight of the small cell wireless facility being replaced. Subsections (3) to (5) below apply to zoning reviews for the following activities that are subject to zoning review and approval, that are not a permitted use under Code of Ordinances Section 12.06.040(E), and that take place within or outside the public right-of-way:
- A) The modification of existing or installation of new small cell wireless facilities.
 - B) The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.
- (3) **Application.** Applications for zoning approval shall be filed with the City Engineer, or his or her designee ("Engineer"), and the processing of an application for a zoning approval is subject to all of the following requirements:
- A) Within 30 days after receiving an application under this section, the Engineer shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the 30-day period.
 - B) The running of the time period tolled under subdivision (A) resumes when the applicant makes a supplemental submission in response to the authority's notice of incompleteness. If a supplemental submission is inadequate, the Engineer shall notify the applicant not later than 10 days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in subdivision (2)(A) above. Second or subsequent notices of incompleteness may not specify missing documents or information that was/were not delineated in the original notice of incompleteness.
 - C) The application shall be processed on a nondiscriminatory basis.
 - D) The Engineer shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Engineer. If the Engineer fails to comply with this subdivision, the application is considered to be approved subject to the condition that the applicant provide the City not less than 15 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.
 - E) The Engineer shall not deny an application unless all of the following apply:
 - i) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - ii) There is a reasonable basis for the denial.

- iii) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

(4) Zoning Approval. Review of an application for a zoning approval is subject to all of the following requirements:

- A) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures. The Engineer may consider the height of such structures in its zoning review but shall not discriminate between the applicant and other communications service providers.
- B) The Engineer shall not evaluate or require an applicant to submit information about an applicant's business decisions with respect to any of the following:
 - i) The need for a wireless support structure or small cell wireless facilities.
 - ii) The applicant's service, customer demand for the service, or the quality of service.
- C) Any requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping, shall be reasonable.
- D) Any spacing, setback, or fall zone requirement shall be substantially similar to a spacing, setback, or fall zone requirement imposed on other types of commercial structures of a similar height.

(5) Fees. Application fees for zoning approval hereunder shall be:

- A) \$1,000.00 for a new wireless support structure or modification of an existing wireless support structure.
- B) \$500.00 for a new small cell wireless facility or modification of an existing small cell wireless facility.

Fees hereunder shall be adjusted as necessary to assure that such fees are the highest amounts permitted under Act 365, so long as such fees do not exceed the costs imposed on the City in connection with the permit application and zoning review.

(6) Construction Commencement. Within 1 year after a zoning approval is granted, a wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Engineer and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void, and the wireless provider may reapply for a zoning approval. However, the wireless provider may voluntarily request that the zoning approval be terminated.

(7) Moratorium. The City shall not institute a moratorium on either of the following:

- A) Filing, receiving, or processing applications for zoning approval.
- B) Issuing approvals for installations that are not a permitted use.

(8) Failure to Meet Requirements. The Engineer may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

(9) Administration. The Mayor or his/her designee may provide forms and policies for administering this Section and Chapter 06 of Title 12 of the Code of Ordinances.

- (10) **Written Appeal.** Pursuant to MCL 460.1327, a person seeking to reverse a determination made under this Section or Chapter 06 of Title 12 of the Code of Ordinances may submit a written appeal to the Mayor, identifying the reason(s) for reversing the determination. Within 10 business days of receiving the written appeal, the Mayor shall render his/her decision whether to uphold, reverse, or uphold in part/reverse in part the determination under appeal.

Section 6.56 Temporary Uses and Sidewalk and Tent Sales.

- (1) **Sidewalk and Tent Sales.** Sidewalk and tent sales are permitted accessory uses for retail establishments in C-1 and C-2 Districts, provided that:
- A) The retail establishment submits a site plan to the Building Official and obtains a permit from the Building Official and complies with all permit conditions.
 - B) No portion of any sale shall take place in a public right-of-way or the front or side yard required by this Ordinance for the retail establishment, except in cases where the building setback renders compliance with the yard requirement infeasible, in which case the sale shall be conducted at a setback which is, in the judgment of the Building Official, as near to a conforming setback as is feasible.
 - C) The retail establishment does not conduct more than two sidewalk and/or tent sales in any calendar year per address or tenant.
 - D) No such sale exceeds two (2) weeks in duration.
 - E) The principal use is located on the same premises; and
 - F) The premises upon which the sidewalk or tent sale is proposed is otherwise code compliant. If the Building Official has concerns or questions regarding safe access or the possibility of pedestrian and vehicular traffic conflicts that could occur in connection with the subject use, the Building Official will obtain a recommendation from the Traffic Bureau of the Police Department prior to issuance of a permit.
- (2) **Temporary Buildings Incidental to the Construction of Residential Dwellings.** The following standard applies in the N1, N2, and RUF Districts as a permitted use. Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements shall be removed immediately upon completion or abandonment of the construction work.
- (3) **Carnivals.** The following standard applies in the RUF, C-2, and C-4 Districts as a waiver use and in the P-L and C-3 Districts as a permitted use. Carnivals may be allowed for periods not normally to exceed two (2) weeks; however, they may request an optional time extension of up to two (2) weeks from the Planning Director.

Section 6.57 Ambulance Services, Local and Suburban Bus Terminals and Taxicab Terminals ~~Terminals, Ambulances Services, Bus, and Taxicab.~~

- (1) **Districts Permitted.** The following standards apply in the C-2, M-1, and M-2 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **General Standards.** Ambulance services, local and suburban bus terminals, and taxicab terminals when exterior design, appearance, and location of any proposed building, structure, or premises and the location and design of any proposed parking facility or loading and unloading area to be used for above uses is consistent with the spirit, intent, and purpose of this Ordinance.

Section 6.58 Steel Fabricators, Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, Special Trade Contractors, and Vehicle Tow Yards.

(1) **Districts Permitted.** ~~Except in the case of vehicle tow yards, the following standards apply in the M-1 and M-2 Districts as a waiver use, and in the M-2 District as a permitted use. For vehicle tow yards, the following standards apply in the M-1 and M-2 Districts as a waiver use.~~

(2) **Classification.** Steel fabricators; truck terminals; truck and trailer rental facilities where vehicles, trailers, equipment, and material are not wholly enclosed within a building; vehicle tow yards; and special trade contractor classified as:

- A) Bridge builders.
- B) Concrete contractors.
- C) Dredging contractors.
- D) Excavating contractors.
- E) Fence contractors.
- F) Foundation contractors.
- G) Grading contractors.
- H) Oil well contractors.
- I) Paving contractors.
- J) Pile driving contractors.
- K) Sewer excavators.
- L) Steel erectors.
- M) Underground contractors.
- N) Wrecking contractors.
- O) Septic tank installers and cleaners.
- P) Landscape contractors.

Provided that:

- i) Except for the front yard setback, the lot area shall be enclosed with a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such lot area, with only such openings therein as may be necessary for ingress and egress; provided, however, that in the case of a corner lot such fence shall be located on the side yard setback line abutting a public or private thoroughfare.
- ii) Landscaping of the front yard and, in the case of a corner lot, also the side yard abutting a public or private thoroughfare, shall be required.
- iii) The outside stacking or stockpiling of materials shall not exceed eight (8) feet in height above ground level.

- iv) Notwithstanding any other provisions of this Ordinance, wherever the outside storage of equipment and/or material occurs on the site of an approved waiver use and is immediately adjacent to or abutting any residentially zoned property, there shall be provided a greenbelt which shall be at least twenty (20) feet in width, which shall consist of at least two (2) rows of appropriate live plant materials, so placed as to provide continuous screening over and above that which is provided by the protective wall, as is required by other provisions of this Ordinance and shall thereafter be permanently maintained; and further provided, that such greenbelt shall attain a minimum height of at least eight (8) feet after one full growing season.

Section 6.59 Veterinary Clinics, Animal Clinics, and Animal Hospitals.

Veterinary clinics, animal clinics, and animal hospitals, provided that such uses or clinics are hereby defined to mean the professional use of a building, by a licensed veterinarian for rendering professional services to household pets, and provided that:

- (1) **Districts Permitted.** The following standards apply in the RUF, C-1 and C-2 Districts as a waiver use and in the C-3 Districts as a permitted use.
- (2) **Specified Use.** Any building designed, constructed, or modified for veterinary clinics, animal clinics, and animal hospitals shall be used for the sole purpose of providing necessary medical care for sick or diseased household pets and shall not be constructed or used as a boarding establishment for household pets.
- (3) **Attendant.** A full-time duly qualified attendant or veterinarian shall be stationed in charge of such premises whenever any animals eligible for treatment at such establishment, as herein defined, are kept on the premises.
- (4) **Enclosure.** In no case shall such establishments have open or outdoor runways, kennels, or pens.
- (5) **Disposal of Rubbish.** In no case shall there be, in connection with the operation of such establishment, the disposal of rubbish and litter in such a manner as to be obnoxious or offensive. In no case shall there be any harboring of vermin or decaying matter on the premises, and effective provision shall be made to confine all noise, confusion, and odor, if any, to the premises.
- (6) **Soundproof.** The building housing veterinary clinics, animal clinics, and animal hospitals and the ventilating system used in connection therewith shall be so constructed as to be soundproof and soundproofing shall be installed to the extent necessary to ensure the elimination of all noise from the area used for the treatment and temporary keeping of such sick and diseased household pets.

Section 6.60 Wireless Communication Facilities.

- (1) **Purpose and intent.** It is the general purpose and intent of the City of Livonia to carry out the will of the United States Congress by authorizing communications facilities needed to operate wireless communications systems. However, it is the further purpose and intent of the City of Livonia to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large.
- (2) **Compliance. Wireless communication facilities, provided that:**
 - A) Wireless Communication Facilities shall meet the requirements of [Section 7.18](#) of the Zoning Ordinance.

- B) At least fifteen (15) days prior to the public hearing required by *Section 13.13, Section 13.13(2)* of the Zoning Ordinance with respect to such use, the City shall erect four foot by four foot (4' x 4') sign(s) at one (1) or more prominent locations around the premises leased or purchased for such wireless communication facility, in location(s) determined by the Building Official to be likely to give notice of the referenced proceedings to all interested parties. Such sign shall state the fact that a wireless communication facility has been proposed for a location near the sign, and name and address of the real party requesting the waiver use approval, and the telephone number at City Hall where interested persons can call for further information.
- C) Notice of the hearing shall be provided as required by law for public hearings concerning zoning matters, except that, due to the public nature of the property involved, the area in which notices are mailed will be expanded to include properties within six hundred (600) feet of the property which is the subject of the application or petition, as measured from the boundaries of the site leased or purchased for the purpose of erecting the wireless communication facility.

(3) Definitions. The following definitions shall apply in the interpretation of this section:

- A) “*Collocate*” means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.
- B) “*Equipment compound*” means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- C) “*Wireless communications equipment*” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- D) “*Wireless communications support structure*” means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
- E) “*Planning Official*” shall mean the Director of Planning.
- F) “*Building Official*” shall mean the Chief Building Official.
- G) “*Backhaul network*” shall mean the lines that connect a wireless communications provider's wireless communications facilities to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

(4) Authorization. Except for paragraph A) below, no wireless communications equipment or support structures may be erected in the City of Livonia except upon application to the City for approval thereof, as set forth in paragraph (6) below; compliance with all other requirements of this section; and conformance of said equipment or support structure to one of the categories set forth in subparagraphs B) or D) below:

- A) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all the following requirements are met:
 - i) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - ii) The existing wireless communications support structure or existing equipment compound is in compliance with this zoning ordinance or was approved by the Planning Commission and City Council.
 - iii) The proposed collocation will not do any of the following:

- a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c) Increase the area of the existing equipment compound to greater than 2,500 square feet.
- iv) *The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Official, Building Official, Planning Commission, or City Council.*
- B) Wireless communications equipment that meets the requirements of subparagraph A)i) and A)ii) but does not meet the requirements of subparagraph A)iii) or A)iv) is a permitted use of property if it receives waiver use or special waiver use approval under paragraphs E) or F).
- C) Wireless communications equipment that meets the requirements of paragraph A) shall be required to comply with the requirements set forth in paragraph (5)A)i)a) through (5)A)i)c); paragraph (5)A)iii); paragraph (5)A)v)e) through (5)A)v)f); and paragraph (5)A)v)i) through (5)A)v)j).
- D) Other circumstances creating permitted use treatment. Subject to the standards and conditions set forth in subparagraph (5)A) below, wireless communications equipment or support structures shall be permitted uses in the following circumstances, and in the following zoning districts and zones, after approval by both the Planning Official and Building Official:
 - i) An existing structure which will have wireless communications equipment attached to it within a non-residential zoning district where the existing structure is not proposed to be materially altered or materially changed in appearance.
 - ii) An existing structure which will have wireless communications equipment attached to it and which structure consists of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - iii) A wireless communications support structure established within a right-of-way having an existing width of more than 204 feet (expressways), subject to collocation requirements as outlined in paragraph (8) below.
 - iv) A wireless communications support structure established in any M-1, M-2, or commercially zoned district within Sections 25 - 30 and that portion of Section 19 bounded by Schoolcraft Road, Eckles Road, and the I-96 expressway, M-1, ML, and commercial zones which are contiguous with Eight Mile Road, and that zone which is west of the I-275/96 expressway, north of Six Mile Road, east of the western City boundary, and south of Eight Mile Road.
- E) Waiver Uses.
 - i) Subject to the standards and conditions set forth below in Sections (5)A) and (5)B) and in *Section 13.13, Section 13.13(6)* of this Zoning Ordinance, wireless communications equipment and support structures may be authorized as waiver uses in C-1, C-2, C-3, C-4, PO, and OS zoning districts if not included in Paragraph A) or D) above upon a recommendation by the City Planning Commission and approval of the City Council.
 - ii) Subject to the standards and conditions set forth below and in *Section 13.13, Section 13.13(6)* of this Zoning Ordinance, wireless communications equipment may be authorized as waiver uses in NM3 zoning districts upon a recommendation by the City Planning Commission and approval by the City Council.

iii) Subject to the standards and conditions set forth below in Sections (5)A) and (5)B) and in *Section 13.13, Section 13.13(6)* of this Zoning Ordinance, wireless communications support structures may be authorized as a waiver use in any public land zone upon a recommendation of the City Planning Commission, approval of the Livonia City Council, and approval of the governing body which owns the land. Failure to receive approval from either the Livonia City Council or the governing body which owns the land shall result in a denial of the petition or application. In no case shall the wireless communications support structure in a public land zone be within 300 feet of a residence.

F) **Special Waiver Uses.** If it is demonstrated by an applicant that wireless communications equipment or a wireless communications support structure may not reasonably be established as a permitted use under paragraph A) or D) above, and is required to be established outside of a zoning district identified in paragraphs D) and E) above, in order to operate a wireless communications service, then wireless communications equipment or a wireless equipment support structure may be permitted elsewhere in the City as a special waiver use subject to the criteria and standards of *Section 13.13, Section 13.13(3)* of this Ordinance and paragraphs (5)A) and (5)B) below.

(5) General Regulations.

A) **Standards and Conditions.** Applications for wireless communications equipment or support structures, if required, shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the wireless communications equipment or support structure is approved, and is other than a permitted use, it shall be constructed and maintained with any additional conditions imposed by the findings of the Planning Commission and approved by the City Council in its discretion; provided, however, that waiver use or special waiver use approval of wireless communications equipment may be made expressly conditional only on the wireless communications equipment's meeting the requirements of City ordinances and of federal and state laws before the wireless communications equipment begins operation.

i) Wireless communications equipment or support structures shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

a) **Annual Certification of Wireless Communications Equipment and Support Structures.**

Every operator and all collocators on all wireless communications equipment and wireless communications support structures shall no later than November 1st of each year certify to the Inspection Department by sworn statement of an authorized corporate officer that each of the facilities it operates in the City:

- i. are authorized to operate under a wireless license granted by the FCC;
- ii. are subject to the FCC's radiofrequency exposure rules; and
- iii. are operated in accordance with the FCC's radiofrequency rules.

Temporary remedial measures shall be promptly taken to bring equipment not certified to be compliant until permanent remedial measures have been made and compliance has been certified to the Inspection Department. Permanent remedial measures shall be made within thirty (30) days after the equipment was first deemed to be not in compliance with the FCC's radiofrequency rules. A late fee of One Hundred Dollars (\$100.00) shall be imposed on any operator or collocator that has not provided this certification within ten (10) days of November 1st of each year.

- b) **Penalty.** Any person, persons, firm or corporation, or any others acting on behalf of said person, persons, firm, or corporation, violating or failing to comply with any of the provisions of a) above shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding five (5) days, or by both such fine and imprisonment at the discretion of the Court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
- c) **Address and Change of Address.** Each annual submission shall include the address of the facility assigned by the City and all pertinent information including the name, address, and telephone number of each operator and collocator. The operator and collocator of a cell tower or collocation equipment is hereby obligated to notify the Inspection Department in writing of any change of contact information or ownership within ten (10) days of any change. There shall be no charge for notification of the change of contact information or ownership if the notification is accomplished within the ten (10) day period. A late fee of one hundred dollars (\$100.00) shall be imposed for failure to notify the Inspection Department of a change in contact information or ownership within the ten (10) day period. It is the responsibility of the owner and/or operator to verify that the city has received said notification.
 - ii) Wireless communications equipment and support structures shall be located and designed to be harmonious with the surrounding areas, and if it is a new wireless communications support structure, shall be located no less than 1/2 mile from existing wireless communications support structures. The distance requirements shall not apply to applicants who have demonstrated that collocation is not feasible pursuant to paragraph (8)C)i) below.
 - iii) Wireless communications equipment and support structures shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - iv) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - v) The following additional standards shall be met:

- a) The maximum height of the new or modified wireless communications support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communications by the applicant (and by other entities to collocate on the structure), but in no event shall the wireless communications support structure exceed 150 feet in height in all districts except in any M-1, M-2, or commercially zoned district within sections 25-30 and that portion of Section 19 bounded by Schoolcraft Road, Eckles Road, and the I-96 expressway, in which case the maximum height shall not exceed 250 feet. These height limitations shall not apply to those collocations which are a permitted use as set forth in paragraph (4)A) above. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- b) The setback of the new or proposed wireless communications support structure from any residential district or residential use shall be at least the height of the highest point of the structure plus 25 feet. The setback of the new or proposed wireless communications support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure unless the structure is placed within the right-of-way itself.
- c) Where the proposed new or modified wireless communication support structure abuts a parcel of land which is used for other than residential purposes, 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.
- d) There shall be unobstructed access to the wireless communications support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall 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.
- e) The division of property (lot splits or subdividing) for the purpose of locating wireless communications equipment or a wireless communications support structure is prohibited unless all zoning requirements and conditions are met.
- f) Where wireless communications equipment is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- g) Where the proposed wireless communications support structure is not a permitted use under section (4)D)i) above, the Planning Commission and City Council shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communications support structure in a neat and orderly condition.
- h) Before installing wireless communications support structures, 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 confirming 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. All applicants shall apply for and receive a permit from the Building Official prior to commencement of construction.

- i) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved for the proposed wireless communications equipment or support structure. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
 - j) The application, if required, or the operator of wireless communications equipment if same is a permitted use, shall provide a description of security to be posted at the time of receiving a building permit for, or the installation of, the wireless communications equipment or a support structure to ensure removal of the wireless communications equipment or support structure when it has been abandoned or is no longer needed, as provided in paragraph (8) below. In this regard, the security shall, at the election of the applicant or the operator, be in the form of:
 - i. Cash calculated at \$100.00 per vertical foot for wireless communications support structures.
 - ii. Surety bond calculated at \$100.00 per vertical foot for wireless communications support structures.
 - iii. Letter of credit calculated at \$100.00 per vertical foot for wireless communications support structures.
 - iv. An agreement in a form approved by the attorney for the City of Livonia and recordable at the office of the Register of Deeds for all wireless communications equipment or support structures, establishing a promise of the applicant and owner of the property to remove the equipment or support structure in a timely manner 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's fees incurred by the City of Livonia in securing removal and that any removal costs incurred by the City of Livonia will become a lien on the owner's property and enforceable against said landowner in a court of law of appropriate jurisdiction.
- B) Standards and Conditions Applicable to Waiver Uses and Special Waiver Uses. Applications for wireless communications equipment or support structures which may be approved as waiver uses and special waiver uses under subparagraphs (4)E) or (4)F) above shall be reviewed by the City Planning Commission with a submission of findings to City Council for its review and decision, and if approved, constructed and maintained in accordance with the standards and conditions in subparagraph A), and in accordance with the following standards:
- i) The applicant shall demonstrate the need for the proposed wireless communications equipment or support structure to be located as proposed based upon the presence of one or more of the following factors:
 - a) Proximity to an interstate or major thoroughfare.
 - b) Areas of population concentration.
 - c) Concentration of commercial, industrial, and/or other business centers.
 - d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - e) Topography of the proposed wireless communications equipment or support structure location in relation to other wireless communications equipment or support structures with which the proposed facility is to operate.
 - f) Other specifically identified reason(s) creating need for the wireless communications equipment or support structure.
 - ii) The proposal shall be reviewed in conformity with the collocation requirements of this section.

(6) Application Requirements for Wireless Communications Equipment or Support Structures Requiring Approval.

- A) A site plan prepared in accordance with [Section 13.13](#), [Section 13.13\(3\)](#) of this zoning ordinance shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- B) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- C) The application shall include a signed certification by a State of Michigan licensed professional engineer regarding the manner in which the proposed wireless communications support 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 equipment.
- D) 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 wireless communications equipment or support structure when it has been abandoned or is no longer needed, as provided in paragraph (9) below. In this regard, the security shall, at the election of the applicant, be in the form of:
 - i) Cash calculated at one hundred dollars (\$100.00) per vertical foot for wireless communications support structures.
 - ii) Surety bond calculated at one hundred dollars (\$100.00) per vertical foot for wireless communications support structures.
 - iii) Letter of credit calculated at one hundred dollars (\$100.00) per vertical foot for wireless communications support structures.
 - iv) An agreement in a form approved by the attorney for the City of Livonia and recordable at the office of the Register of Deeds for all wireless communications equipment and support structures, establishing a promise of the applicant and owner of the property to remove the equipment and support structures in a timely manner 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's fees incurred by the City of Livonia in securing removal and that any removal costs incurred by the City of Livonia will become a lien on the owner's property and enforceable against said landowner in a court of law of appropriate jurisdiction.
- E) The application shall include a map showing existing and known proposed wireless communications equipment and support structures within the City of Livonia, and further showing existing and known proposed wireless communications equipment and support structures within areas surrounding the borders of the City of Livonia in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed wireless communications equipment and support structures. If and to the extent the information in question is on file with the City of Livonia, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy MCL 15.243(1)(g). This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated to bring it to the attention of the City of Livonia.

- F) The application shall include the name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- G) The application shall include identification of the entities providing the backhaul network for the wireless communications equipment and support structure described in the application and other facilities owned or operated by the applicant in the municipality, including any lessees or users of the facilities.

(7) Time Periods for Approvals.

- A) After an application for a waiver use or special waiver use approval is filed with the Planning Commission, the Planning Official shall determine whether the application is administratively complete. Unless the Planning Official proceeds as provided under subparagraph B) below, the application shall be administratively complete when the Planning Official makes that determination or 14 business days after the Planning Commission receives the application, whichever is first.
- B) If, before the expiration of the 14-day period under subparagraph A) above, the Planning Official notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subparagraph A) is tolled until the applicant submits to the Planning Official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- C) The Planning Commission and City Council shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Planning Commission and City Council fail to timely approve or deny the application, the application shall be considered approved and the Planning Commission and City Council shall be considered to have made any determination required for approval.
- D) If the wireless communications equipment does not meet the requirements of paragraph (4)A) or for a wireless communications support structure, subparagraphs A) through C) above apply to the waiver use and special waiver use approval process, except that the period for approval or denial under subparagraph C) above is 90 days.

(8) Collocation.

- A) **Statement of Policy:** It is the policy of the City of Livonia to minimize the overall number of newly established locations for wireless communications equipment and wireless communications support structures within the City of Livonia and encourage the use of existing structures for attached wireless communications purposes, consistent with the statement of purpose and intent set forth in paragraph (1) of this section above. In light of the dramatic increase in the number of wireless communications equipment and support structures reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the City of Livonia that all users should collocate on wireless communications support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in paragraph (1) of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent, and purpose of the City of Livonia. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the City of Livonia.
- B) **Feasibility of collocation:** Collocation shall be deemed to be "feasible" for purposes of this section where all the following are met:

- i) The wireless communications provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- ii) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a support structure, can provide structural support.
- iii) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- iv) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City of Livonia taking into consideration the several standards contained in paragraph (5) of this section, above.

C) Requirements for Collocation:

- i) A special land use permit for the construction and use of a new wireless communications support structure shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- ii) All new and modified wireless communications support structures shall be designed and constructed to accommodate collocation for a minimum of three (3) total users. The Planning Official and Building Official may reduce the number of required users if they are convinced that a total of three (3) users will be unfeasible.
- iii) The policy of the City of Livonia is for collocation. Thus, if a party who owns or otherwise controls a wireless communications support structure within the City of Livonia shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation, such structure shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- iv) If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communications support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City of Livonia, and consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communications support structure within the City of Livonia for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communications services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communications services.

- D) Incentive.** Review of an application for collocation (where required under this section) and review of an application for a permit for use of a facility permitted under paragraph (4)D)i) above shall be expedited by the City of Livonia.

(9) Removal.

- A) A condition of the installation of any wireless communications equipment or a wireless communications support structure shall be adequate provision for removal of all or part of the wireless communications equipment and support structure by users and owners upon the occurrence of one or more of the following events:
 - i) When the equipment or support structure has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the support structure or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

- ii) Six (6) months after new technology is available at reasonable cost as determined by the Livonia City Council, which determination shall be rebuttable by the support structure owner, which permits the operation of the communications system without the requirement of a support structure.
 - B) The situations in which removal of wireless communications equipment or a wireless communications support structure is required, as set forth in paragraph A) above, may be applied and limited to portions of wireless communications equipment or a wireless communications support structure.
 - C) Upon the occurrence of one or more of the events requiring removal specified in paragraph A) above, the property owner or persons who had used the equipment or support structure shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Official and Building Official.
 - D) If the required removal of wireless communications equipment or a wireless communications support structure 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 to the equipment or support structure owner and property owner, the City of Livonia may remove or secure the removal of the equipment or support structure or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications equipment or support structure.
- (10) **Application Fees.** All applicants for wireless communications equipment (except where approval is not required pursuant to paragraph (4)A) above) and for a wireless communications support structure shall pay an application fee of \$500.00 before a permit may be issued.
- (11) **Signs on Towers/Antennas/Wireless Communications Support Structures.** No signs shall be displayed on any cellular tower antennas or wireless communications support structure or equipment without a submission of findings of the City Planning Commission and approval of the City Council.
- (12) **Franchise Fee.**
- A) If a wireless communications equipment provider installs land-based equipment such as coaxial, wire, or fiber optic cables to transmit information or electric impulses to or from wireless communications equipment or support structures, such provider shall apply to the City of Livonia for a permit or franchise as required by law prior to installing said land-based equipment. The provider shall submit all information in its possession to the City of Livonia regarding any entity installing, providing, or using a backhaul network, and such entity shall also apply for a permit or franchise as required by law.
 - B) Owners and/or operators of wireless communications equipment and support structures shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the City of Livonia have been obtained and shall file a copy of all required franchises with the Planning Official.

Article VII.

General Provisions

Section 7.01 Applicability.

The provisions of this Article shall apply to all districts within the City of Livonia, except where otherwise expressly stated in this Ordinance.

Section 7.02 Scope.

No building or land, or part thereof, shall be used, altered, constructed or reconstructed except in conformity with the provisions of this Ordinance and the regulations hereby established which apply to the district in which it is located. No building shall be erected or altered to exceed in height the limit herein established for the district in which such building is located; no building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the provisions of this Ordinance and the regulations hereby established for the district in which it is located.

Section 7.03 Buildings Under Construction.

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted.

Section 7.04 Building and Easement Grades.

- (1) **Surface Water.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A building grade line (sometimes referred to as the finish grade or finish grade line) shall mean the elevation of the ground adjoining the building on all four sides. A first-floor elevation shall mean the height which the first floor extends above the building grade. A sloping earth grade beginning at a sidewalk level shall be maintained and established from the center of the front lot line to the finish grade line at the front of the building and from the rear wall of the building to the rear lot line, subject to approval of the Building Official and City Engineer. The height of the finish grade line of any dwelling shall not be less than twelve (12) inches nor more than eighteen (18) inches above the average front sidewalk elevation; the first-floor elevation shall not be more than twenty-six (26) inches above the finish grade line of the building. When a new building is being constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the yards around the new building shall be graded in such a manner so as not to permit runoff of surface water to flow onto the adjacent properties. Whenever the natural drainage of the land is such as is likely to or will cause the flow of surface water to be from the front yard to the rear yard, or where the natural topography dictates a modification from the foregoing requirements, the building grade may be established otherwise than hereinbefore provided; provided, however, that in all such cases the altered design shall be submitted to and approved by the Department of Public Works. Surface grades shall be approved by the Department of Public Works before the issuance of any building permit.
- (2) **Grading.** Where any lot, part or parcel of land, has located upon it a duly recorded easement for any purpose whatsoever, that portion of such land whereon the easement exists shall be graded as indicated by the Department of Public Works, and in no event shall be graded so as to obstruct or substantially slow down the natural flow of surface water across such easement. The grade in easements shall in all cases be subject to the approval of the Department of Public Works.

Section 7.05 Minimum Lot Size and Width.

The size and width of each residential lot on which or in relation to which any building or use is affected by the provisions of this Ordinance shall not be less than the minimum size and width requirements established by this Ordinance which apply to the district in which the residential lot is located.

Section 7.06 Application to Lots of Record.

Where two (2) or more abutting lots of record are held under one (1) ownership and where one (1) or more of such lots are nonconforming, the provisions of this Ordinance relating to lot width and area in the district in which such lots are located shall be observed and shall not be avoided by any sale or conveyance of all or any portion of any such lots after the effective date of this Ordinance; provided, however, that any lot of record which is the same width and area as, or a larger width and area than, fifty-five percent (55%) or more of the lots in the same subdivision in which such lot is located, which have already been developed, with dwellings, and as building sites, may be developed as a separate building site of a width and area consistent with the majority of the lots theretofore developed.

Section 7.07 Approval of Plats.

No proposed plat of a new subdivision shall hereafter be approved by the City Planning Commission unless all the lots within such plat equal or exceeds the minimum lot size and width requirements which apply to the district in which the land sought to be platted is located and unless such plat in all other respects fully conforms with the statutes of the State of Michigan, the ordinances of the City of Livonia, and the Subdivision Regulations of the City Planning Commission.

Section 7.08 Lot Limitation.

No more than one (1) principal building shall be constructed, erected, or placed on any lot in a recorded subdivision or on any parcel of land except for:

- (1) **Outlots.** Parcels described and designated as "outlots" in a recorded plat which are so arranged or subdivided as to provide for one or more principal buildings with a land area allocated to each building which is equal to or greater than the lot area required in the district, and the building and land comply with all other requirements of the district in which it is located.

Section 7.09 Single-Family Residential Accessory Buildings and Recreational Equipment Storage.

(1) Residential Accessory Buildings.

- A) **Maximum Size.** For the purpose of this Section, a garage, whether attached or detached, shall be considered a residential accessory building. On single family lots, the combined ground floor area of all attached and detached residential accessory buildings shall not exceed nine hundred twenty (920) square feet; provided, however, the maximum ground floor area of any attached accessory building shall not exceed seven hundred twenty (720) square feet and the maximum ground floor area of any detached accessory building shall not exceed two hundred (200) square feet. On lots that do not contain any detached accessory buildings, the ground floor area of an attached residential accessory building shall not exceed seven hundred twenty (720) square feet or the ground floor area of the house (excluding the area of the attached accessory building), whichever is larger, subject to a maximum size limit of one thousand (1,000) square feet. On lots that do not contain attached accessory buildings, the combined ground floor area of all detached accessory buildings shall not exceed the ground floor area of the house, subject to a maximum size limit of one thousand (1,000) square feet. Notwithstanding the above, on lots measuring one-half (1/2) acre or more, one (1) detached residential accessory building not to exceed a ground floor area of three hundred (300) square feet shall be allowed solely for the purpose of housing or keeping of animals pursuant to [Section 6.34](#) or [Section 6.49](#). Further, on lots measuring one (1) acre or more, one (1) detached residential accessory building not to exceed a ground floor area of six hundred (600) square feet shall be allowed solely for the purpose of housing or keeping of animals pursuant to [Section 6.34](#) or [Section 6.49](#).
- B) **Maximum Number.** On lots less than one-half (1/2) acre in size, no more than two (2) residential accessory buildings, including one (1) attached accessory building, are allowed. On lots which are more than one-half (1/2) acre, a total of three (3) residential accessory buildings, including one (1) attached accessory building, are allowed.
- C) **Maximum Height.** Detached residential accessory buildings shall not exceed sixteen (16) feet in height.

- D) **Minimum Setbacks.** Attached residential accessory buildings shall comply, in all respects, with the requirements of this ordinance applicable to the principal building. Detached residential accessory buildings shall not be located nearer than two (2) feet to the side lot line, two (2) feet to the rear lot line and shall not be constructed closer than ten (10) feet to the principal building; provided, further, however, that the minimum distance between detached residential accessory buildings on the same lot or parcel shall be four (4) feet. Detached residential accessory buildings proposed to be constructed on corner lots shall not be located closer to the side street lot line than that wall of the principal building which is parallel to such side street line. All residential accessory buildings used for the housing or keeping of animals pursuant to [Section 6.34](#) or [Section 6.49](#) shall be located not less than twenty-five (25) feet from any lot line.
- E) **Maximum Lot Coverage.** The combined floor area of all detached residential accessory buildings shall not occupy more than twenty (20) percent of the area of any rear yard.
- F) **Exempt Structures.** Landscaping structures, art displays, and minor structures (dog houses, playgrounds, treehouses, etc.) are not considered residential accessory buildings and are not regulated by this Section.

(2) **Residential Accessory Building and Storage Therein.** All inoperable or unlicensed vehicles or vehicles bearing visible commercial advertising, equipment, or accessories shall be housed in a residential accessory building when not in use.

(3) **Recreational Equipment Storage.** Unoccupied recreational equipment may be housed in a residential accessory building, and no more than one (1) unit of recreational equipment may be stored in the rear yard, except that no such unit may be stored within the corner side yard, as that term is defined in Section 15.44.030 of the Livonia Code of Ordinances, as amended. The temporary parking of one (1) unit of recreational equipment on the recreational equipment owner's or user's front or side driveway shall be permitted for a period not to exceed seventy-two (72) hours cumulatively in any five (5) day period for the purpose of repairing and maintaining the Recreational Equipment unit for suitable vacation use.

Section 7.10 ~~Separate Dwellings for Domestic Employees~~Reserved.

~~Separate dwellings for the use of domestic employees of the owners, lessee, or occupants of the principal dwelling on a lot shall be considered accessory buildings, but if containing a complete housekeeping unit or units, shall conform to all the height and yard requirements for dwellings in the district in which they are located.~~

Section 7.11 Yards; Double Frontage Lots.

On double frontage lots, a front yard, as prescribed for the district as herein established, shall be provided on both streets.

Section 7.12 Front Yards; Schoolcraft Road.

Notwithstanding anything in this Ordinance to the contrary, where a residentially zoned lot or parcel is adjacent to or abuts on Schoolcraft Road in the City of Livonia, no building shall be erected, moved, enlarged, or otherwise established on such lot or parcel closer than seventy-five (75) feet to the lot line abutting the major street.

Section 7.13 Yards; Use.

In any residential district no part of any required yard, except a rear yard, shall be used for any detached garage or any accessory building other than an attached garage or for the storage of vehicles. Any portion of a residential lot in front of the front building line shall be used for landscaping purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature and required driveways.

Section 7.14 Yard; Alley.

Wherever there is a public alley at the rear of a lot upon which the lot abuts for the full width, measurements of the depth of any abutting rear yard required under this Ordinance may be made to the center line of such alley.

Section 7.15 Lots; Use for Yards, Courts, Etc.

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

Section 7.16 Room Requirements.

Any dwelling hereafter constructed or altered shall comply with the Housing Law of Michigan.

Section 7.17 Heights; Public, Quasi-Public, Form-Based Development Option, Planned Developments, and Major Business Buildings.

The height of public or semi-public buildings, churches, cathedrals, temples, hospitals, sanitariums, schools, major business buildings when developed as a part of a complete shopping center, and buildings when developed under the Form-Based Development Option pursuant to [Section 5.04](#) or as a Planned Development pursuant to [Section 5.02](#), shall not in any case exceed one hundred and fifty-five (155) feet, subject to the General Waiver Requirements and General Standards as set forth in [Section 13.13\(6\)](#).

Section 7.18 Height; Items Not Included.

Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, penthouses, stacks, stage towers, scenery lofts, sugar refineries, tanks, water towers, pumping towers, television and radio towers and antennas, church steeples, monuments, cupolas, and mechanical appurtenances, including signs, pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principal structure; provided, however, that in residentially zoned districts, television and radio towers and antennas which have a height, as measured from the established grade, of greater than 75 feet shall be prohibited. Television and radio towers and antennas in residentially zoned districts may be erected to a height of up to 40 feet, as measured from the established grade, but shall be prohibited for heights which exceed 40 feet but which are less than 75 feet, as measured from the established grade, unless written permission has first been obtained from the owners of at least two-thirds (2/3) of the lots which adjoin or abut the property upon which the proposed tower or antenna is to be located when the height of the proposed tower or antenna be greater than the distance from the center of the base of the tower or antenna to any of the property lines of such adjoining or abutting lots; provided, further, that all freestanding television and radio within residentially zoned districts shall be of a self-supporting design; and provided, further, however, that the location of television and radio towers or antennas shall be further subject to the following limitations:

- (1) **Radio Towers or Satellite Antenna Dishes.** The location of television and radio towers or antennas including satellite dish antennas and cellular mobile towers in the established or minimum front yard of any zoning district is prohibited; provided, however, that the foregoing prohibition shall not apply to television or radio antennas, satellite dish antennas or cellular mobile towers located in M-1 and M-2 Districts in Section 25 through 30, when a site plan therefor is approved by the City Council subject to compliance with the general standards contained in [Section 13.13](#), [Section 13.13\(6\)](#) of this Ordinance and the following additional standards; provided, however, that site plan approval shall not be required for satellite dish antennas which do not exceed 24 inches in diameter or 500 square inches in area, whichever is greater. Provided further, however, that prior to installation of any satellite dish antenna, a permit shall be obtained from the Inspection Department:
 - A) That such site plan shall include:
 - i) The proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna.
 - ii) The proposed method of screening the antenna from public view.
 - iii) Any other pertinent information the applicant or City Council deems necessary to properly evaluate the proposed antenna and its location.
 - B) Signs attached to or painted on such antenna are prohibited.

Section 7.19 Height; Parapet Walls.

Parapet walls may extend not more than five (5) feet above the allowable height of a building.

Section 7.20 Height; Public Buildings; Utilities.

The City Planning Commission may recommend and the City Council approve the erection and use of a building or an addition to an existing building which is publicly owned or owned by a public service corporation to be used for a public use or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public building or a public utility building, structure or use, provided the City Planning Commission shall find such use, height, area, building or structure reasonably necessary for the public convenience and service; and, provided further, that such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 7.21 Division or Partitioning of Lots.

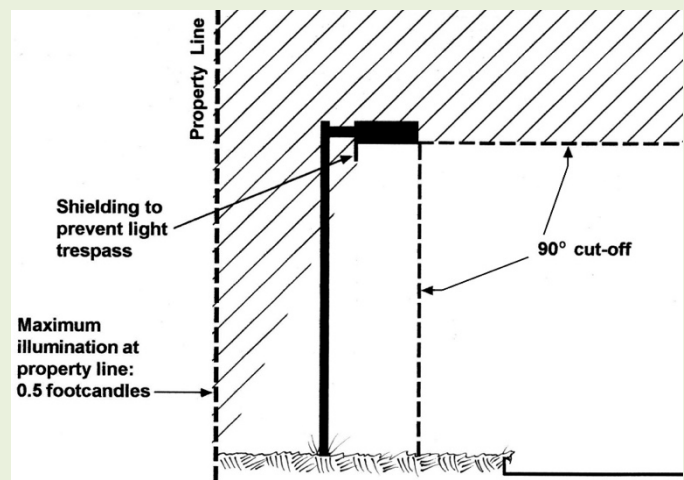
Upon petition by the owner of a parcel of land, the City Council may approve the division of the said parcel in accordance with Act 172 of the Public Acts of 1929 of the State of Michigan, as amended, and the City's Lot Partition Ordinance, Chapter 32 of Title 16 of the Livonia Code of Ordinances, as amended. Any nonconformity waived pursuant to the City's Lot Partition Ordinance shall be deemed waived pursuant to this Ordinance, subject to any conditions contained in the City Council resolution waiving same. Except for deficiencies as to lot width, area, accessibility, and depth-to-width ratio, any deficiencies not waived shall be subject to the jurisdiction of the Board of Appeals.

Section 7.22 Lighting.

(1) **Purpose and Intent.** The regulations in this section aim to ensure that sufficient lighting is provided in the publicly accessible areas of buildings and surrounding property, to provide for the security of property and safety of the general public. These regulations promote the use of appropriate lighting practices and systems and discourage the adverse effects of inappropriate lighting such as glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. This section also intends to encourage the use of innovative lighting designs and fixtures which complement the natural and built environments found throughout the City.

(2) **General Requirements.**

- A) **Shielding.** All outdoor lighting in all use districts other than residential shall be shielded so the surface of the source of the light shall not be visible from adjacent residential districts, adjacent residences, and public right-of-way. All outdoor lighting must be directed toward and confined to the ground areas. Full cut-off fixtures must be used to prevent light from projecting above a ninety (90) degree horizontal plane (see figure).



- B) **Illumination Levels.** Sufficient lighting, as specified in the following table, shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure security of property and safety of persons.

Location	Maximum Level of Illumination (Foot-candles) for the Average of the Area
Off-Street Parking Areas	1.0
Off-Street Loading Areas	1.0
Sidewalks (Residential Areas-Public [only where required by this Ordinance or the City Council])	1.0
Sidewalks (Non-Residential Areas)	1.0
Building Entrances (Frequent Use)	5.0
Building Entrances (Infrequent Use)	1.0
Gas Station (Directly Under Canopy)	20.0
Other Outdoor Areas Not Listed	At the discretion of the Planning Director, with a maximum not to exceed 20.0

- C) **Light Trespass Limits.** Exterior lighting sources shall be designed, constructed, located, and maintained in a manner that minimizes light trespass onto neighboring properties. The light trespass from a property shall not exceed 0.5-foot-candles at the property line, measured five (5) feet from the ground. The light-emitting element of a light fixture shall not be directly visible from neighboring properties, as this is the primary cause of glare.
- D) **Up-lighting.** All up-lighting in nonresidential districts used for the external illumination of buildings, so as to feature the buildings, shall be placed and shielded so as to not interfere with the vision of persons on adjacent highways or adjacent property. The light-emitting element of such fixtures shall not be directly visible from a vehicle or pedestrian travel area so as to not interfere with the vision of persons on adjacent highways or adjacent property. Such lighting shall be shielded in such a manner as to minimize or eliminate light pollution and sky glow.
- E) **Height.** The height of light fixtures shall be measured from the finished grade to the top of the fixture. All lighting fixtures in non-industrial districts shall not exceed twenty (20) feet in height. In industrial districts, or on large-scale commercial developments, lighting fixtures up to a maximum height of thirty-five (35) feet may be allowed if the proposed lighting over twenty (20) feet in height has no adverse impacts on the surrounding land uses and on the natural environment.

(3) Prohibited Lighting.

- A) All illumination of outdoor features of a flashing, moving, or intermittent type are prohibited.
- B) No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity already in progress prior to 11:00 p.m.
- C) The use of laser source light or any similar intensity light for outdoor advertising or entertainment is prohibited.
- D) The operation of searchlights for advertising purposes is prohibited.

- (4) **Exempt Lighting.** The following exterior lighting fixtures and systems are exempt from the regulations of this section. The Planning Director reserves the right to enforce standards to minimize glare, reduce light pollution, and otherwise protect the health, safety, and welfare of the public.
- A) Light fixtures placed by a governmental agency in the right-of-way.
 - B) Decorative holiday lighting.
 - C) Pedestrian walkway lighting.
 - D) Temporary festival and civic lighting.
 - E) Temporary construction or emergency lighting.
 - F) Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.
- (5) **Waiver Process.** The City Council has the ability to waive the lighting requirements of this Section upon evidence that the required lighting would have a negative impact on neighboring properties.

Section 7.23 Accessory Structures and Uses.

(1) **Accessory structures and uses:**

- A) The following standards apply to accessory structures in the N1 and N2 Districts:
 - i) Private garages and detached accessory structures are permitted in accordance with [Section 2.02](#), [Section 2.02\(2\)](#) and [Section 7.09](#) of this Ordinance.
 - ii) Must be customarily incidental to the principal permitted use on the site.
- B) In addition to the standards above the following standards shall apply to accessory structures and uses in the R-U-F District:
 - i) No more than one (1) temporary structure (which may be of wood construction and shall have not more than three (3) walls and a roof with at least one (1) open side) which structure shall only be used for the sale of products grown on the site in the greenhouse or truck garden between May 15 and October 31 and thereafter shall be removed, dismantled and stored in the rear yard only.
 - ii) Such temporary structure shall be located on a parcel of land at least one-half (½) acre in size and not less than twenty-five (25) feet from the street or highway right-of-way line.
 - iii) An open space for parking, twenty-five (25) feet off the street or highway right-of-way, shall be provided for patrons of the temporary structure. Provided, however, that the outdoor storage of trucks, merchandise and equipment is prohibited.
- C) The following standards apply to accessory structures in the NM1 and NM2:
 - i) Not more than one of which may be a commercial vehicle which shall not exceed three-quarter (¾) ton capacity, and which shall be kept housed within a garage when not used, provided said commercial vehicle is owned and operated by a member of the family who resides in said living unit.
 - ii) The storage or parking of trucks, truck tractors and truck trailers of over one (1) ton capacity, automobile trailers or the storage, parking or use of coaches, bus or street car bodies, or tourist cabins, tents or similar dwellings and enclosures shall not be allowed or considered a legal accessory use in an NM1 District. This shall not, however, prohibit the storage in the rear yard only of one (1) unoccupied recreational equipment unit for each dwelling unit which equipment is the property of or in the trust of the occupant of the dwelling unit.
 - iii) Must be customarily incidental to the principal permitted use on the site.

- D) The following standards apply to accessory structures in the C-1, C-2, C-3 and C-4 Districts:
 - i) Must be customarily incidental to the principal permitted use on the site.
 - ii) A storage garage for the storage of commercial vehicles used by a business or other permitted activity, when located on the same lot therewith and occupying not more than twenty-five (25) percent of the area of such lot shall be considered a legal accessory building.
 - iii) Accessory uses to those permitted in this section include assembly, repair and storage which is clearly incidental to the conduct of the permitted use.
 - iv) Except where prescribed herein, fences are prohibited in all commercial zoning districts.
- E) The following standards apply to accessory structures in the M-L, M-1, and M-2 Districts:
 - i) Must be customarily incidental to the principal permitted use on the site.
 - ii) Any portion of the lot area not used for structures, driveways, parking areas and sidewalks shall be landscaped and thereafter permanently maintained. Such landscaping shall include the total area of the established or minimum front yard exclusive of driveways, parking areas and sidewalks.

- (2) **Accessory residential use for apartments.** Provided they do not constitute more than twenty (20) percent of the total floor area of the building.

Section 7.24 Fences and Walls.

Except where prescribed herein, fences are prohibited in all commercial zoning districts. Yards may be used for fences and similar structures as set forth in Chapter 44 of Title 15 of the Livonia Code of Ordinances, as amended.

Section 7.25 Alternative Energy.

(1) Solar Energy.

- A) **Roof-Mounted and Wall-Mounted Solar Energy Systems.** Roof-mounted and wall-mounted solar energy systems for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:
 - i) Height. Roof-mounted systems shall not extend more than three (3) feet above the roofline nor above the maximum permitted height of the building to which it is attached.
 - ii) Location.
 - a) Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure. However, roof-mounted solar energy systems shall not protrude beyond the edge of the roof. A solar panel may function as a roof element, such as an awning.
 - b) Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure. Wall-mounted systems shall not extend above the edge of the roof.

- B) **Ground-Mounted Solar Energy Systems.** Ground mounted and freestanding solar energy systems for on-site use are permitted accessory structures in all zoning districts. Total system production is limited to 10kW in all zoning districts, except M-1 and M-2, subject to the following regulations:
 - i) **Location and Setbacks.** Solar energy systems must be located in the rear of the principal building. Solar energy systems must also meet the minimum setbacks of the zoning district.
 - ii) **Height.** The height of the solar energy system and any mounts must not exceed ten (10) feet when oriented at maximum tilt.
 - iii) **Screening.** Evergreen landscaping must be provided to screen the racking and framing below the panels from view on all sides.
 - iv) **Power Lines.** All power lines between solar panels and inverters must be placed underground.
- C) **Performance Guarantee.** All applications for a solar energy system must be accompanied by a performance guarantee sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.
- D) **Insurance.** The applicant must submit proof of sufficient property damage and liability insurance.
- E) **Utility Connection.** The applicant must submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned solar energy system and that such connection has been approved. Off-grid systems are exempt from this requirement.

(2) **Wind Energy.**

- A) **Districts Permitted.**
 - i) **Roof-Mounted Small Wind Energy Systems** are permitted by right in all zoning districts, provided that the system does not fall within the front yard and meets all of the applicable requirements of this Ordinance.
 - ii) **Tower-Mounted Small Wind Energy Systems** shall be treated as a waiver use in the RUF, P-L, and M-L Districts and as a permitted use in the M-1 and M-2 Districts, provided that the system does not fall within the front yard and meets all of the applicable requirements of this Code.
- B) **Minimum Lot Area.**
 - i) **Roof-Mounted Small Wind Energy Systems** will have no minimum lot area.
 - ii) **Tower-Mounted Small Wind Energy Systems** must be located on a lot with a minimum area of one (1) acre.
- C) **Maximum Wind Turbine Height.**
 - i) **Roof-Mounted Small Wind Energy Systems** will have a maximum height of ten (10) feet above the highest point of the roof or ten (10) feet above the maximum height of the zoning district, whichever is lower.
 - ii) **Tower-Mounted Small Wind Energy Systems** will have a maximum height of seventy (70) feet.
- D) **Minimum Setbacks.**
 - i) **Roof-Mounted Small Wind Energy Systems** must adhere to the minimum setbacks of the zoning district.
 - ii) **Tower-Mounted Small Wind Energy Systems** must be set back from all property lines, overhead utility rights-of-way and easements, and other towers a distance equal to or greater than the height of the tower.
- E) **General Standards.** The following requirements are applicable to all wind energy systems:
 - i) **Noise.** A wind energy system must comply with the noise standards set forth in the City's Ordinances.

- ii) **Shadow Flicker.** The application for a wind energy system must include a shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. Wind energy systems must be constructed in locations that minimize the impacts of shadow flicker on residences.
- iii) **Lighting.** No wind energy system will be artificially lighted unless required by the Federal Aviation Administration (FAA).
- iv) **Appearance, Color, and Finish.** The wind energy system must be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit. All wind energy systems will be a single non-reflective, non-obtrusive, matte finished color (white or gray).
- v) **Electrical Wires.** All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires, must be located underground.
- vi) **Compliance with Electrical Code.** Building permit applications for wind energy systems must be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- vii) **Construction Codes, Towers, and Interconnection Standards.** Wind energy systems, including towers, must comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems including towers, must comply with the FAA requirements, and other applicable local and state regulations. A wind energy system connected to the public utility electrical grid must comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- viii) **System Access.** Small wind energy systems must be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least eight (8) feet above grade level.
- ix) **Safety.** A wind energy system must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers must have lightning protection. If a tower is supported by guy wires, the wires must be clearly visible to a height of at least six (6) feet above the guy wire anchors.
- x) **Minimum Ground Clearance.** The lowest extension of any blade or other exposed moving component of a tower mounted wind energy system must be at least twenty (20) feet above the surrounding grade at its highest point within twenty (20) feet of the base of the tower and at least twenty (20) feet above any outdoor surface intended for human use, such as balconies or roof gardens, that are located below the wind energy system.
- xi) **Roof-Mounted Small Wind Energy Systems.** Roof-mounted small wind energy systems must be limited to roof mounting and must not be mounted on any other building wall or surface.
- xii) **Performance Guarantee.** All applications for a small wind energy system must be accompanied by a performance guarantee in an amount sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.
- xiii) **Insurance.** The applicant must submit proof of sufficient property damage and liability insurance.
- xiv) **Utility Connection.** The applicant must submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned wind energy generator and that such connection has been approved. Off-grid systems are exempt from this requirement.

Section 7.26 Encroachments and Exempt Structures.

(1) Permitted Yard Encroachments.

- A) **Open Decks, Stairways, Porches, Paved Terraces, and Patios in the Front Yard Setback.** Open decks, stairways, porches, paved terraces, and patios which are at or below the finished first floor level of the building may encroach up to six (6) feet into the required front yard setback area on any lot, provided that in no case may any paved terrace, patio, deck, or other similar structure be located closer than 25 feet from a regulated wetland(s) or a detention pond or non-regulated wetland as shown on an approved site plan. Open decks, stairways, porches, paved terraces, and patios that encroach into the required front yard setback area may have a required railing and be covered with a roof that is no higher than the first story and does not encroach more than 6 feet into the front yard setback area. Any deck, terrace or patio that encroaches into the front yard setback must remain open and shall not be enclosed.
- B) **Open Decks, Paved Terraces, and Patios in the Rear Yard Setback.** Open decks, stairways, porches, paved terraces and patios which have no roof or other projections above any required railing and which are at or below the finished first floor level of the building may encroach up to ten (10) feet into the required rear yard setback area on any lot, provided that in no case may any paved terrace, patio, deck, or other similar structure be located closer than 25 feet from a regulated wetland(s) or a detention pond or non-regulated wetland as shown on an approved site plan.
- C) **Chimneys, Fireplaces, Eaves, Overhangs, and Cornices in the Side, Rear and Front Yard Setbacks.** Chimneys, fireplaces, eaves, overhangs, and cornices may encroach up to twenty-four (24) inches into the required side, rear or front yard setback area on any lot, provided that in the case of a side yard, a minimum setback of four (4) feet shall be maintained.
- C)D) **Landscaping, Garden, and Retaining Walls.** Landscaping, garden, and retaining walls raised three (3) feet or less above the finished grade may be located in a yard setback.
- D)E) **Walls, Fences, and Other Protective Barriers.** Walls, fences, and other protective barriers may be located in a yard setback pursuant to Chapter 44 of Title 15 of the Livonia Code of Ordinances.
- E)F) **Swimming Pools.** Swimming pools may be located in required yard setback subject to the requirements in [Section 6.48](#).
- F)G) **Public Use.** The City Planning Commission may recommend and the City Council approve the erection and use of a building or an addition to an existing building which is publicly owned or owned by a public service corporation to be used for a public use or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public building or a public utility building, structure or use, provided the City Council shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service; and, provided further, that such building, structure or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 7.27 Subdivision and Site Condominiums.

No portion of any site condominium may be sold or offered for sale, nor shall a permit be issued for construction of same in the City of Livonia unless the master deed for such site condominium has been approved by the City Council upon review and submission of findings by the City Planning Commission, which master deed shall include as attachments thereto bylaws and a site plan that complies with the requirements of [Section 5.02](#) and the Subdivision Control Ordinance, Title 16, Chapters 16.04-16.40 of the Livonia Code of Ordinances, and shall pay the filing fees set forth therein.

- (1) **Applicability of Subdivision Improvement Regulations for Site Condominiums.** Sewer, water, storm drainage, other utility services and streets and roads for site condominium projects shall conform to design, layout, and improvement standards as provided in the City of Livonia Subdivision Control Ordinance. The plat review and approval process required by the Subdivision Control Ordinance and Subdivision Rules and Regulations shall not apply to site condominiums.
- (2) **Utilities.**

 - A) The Master Deed shall grant utility easements or the right of access to utility easements to the City of Livonia as may be required to construct, operate, inspect, maintain, repair, alter, replace, and/or remove pipelines, mains, and other installations of a similar character for the purpose of providing public utilities.
 - B) The Master Deed shall require that any stormwater detention pond(s) or underground stormwater detention facilities installed in connection with development of the site condominium shall be located in private parks, outlots, or general common areas and shall not be installed on limited common areas or any portion of any unit offered for sale. This requirement may be waived or modified, if Council finds that compliance with same would be unduly onerous, by a resolution in which two-thirds (2/3) of the City Council concur. To prevent an inadvertent waiver or modification of the prohibition on detention ponds in limited common areas and units offered for sale, such resolution must be separate from the resolution approving the Master Deed.
- (3) **Master Deed.** The site condominium developer shall furnish a copy of the Master Deed as approved by the City Council, including bylaws and site plans, to the City Assessor and to the Inspection Department.
- (4) **Bonds required.**

 - A) For any site condominium or other project which requires the approval of the City Council pursuant to this Zoning Ordinance, as amended the City Council may require the posting of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City covering the estimated cost of completing any or all of the following (the "improvements"):

 - i) roadways
 - ii) lighting
 - iii) utilities
 - iv) sidewalks
 - v) screening
 - vi) drainage
 - vii) such other features and actions which are considered necessary by the City Council to protect the health, safety, and welfare, of residents of the city, subject to the limitations of Section 125.584e of the Michigan Compiled Laws.
 - B) Any such performance guarantee shall be deposited with the City Clerk, at the time of the issuance of the permit authorizing the activity or project, to insure faithful completion of the improvements. Any cash deposits made to assure completion of an improvement shall be rebated at such time as completion of the improvement is attested by the City Engineer and Department of Inspection.
 - C) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control act, being Act No. 288 of the Public Acts of 1967, as amended, section 560.101 to 560.293 of the Michigan Compiled Laws.
- (5) **Completion.** The proprietor shall be responsible for completing all common elements as shown on the approved site plan.

Section 7.28 Industrial Parks

- (1) **Setback Requirements.** When an industrial building is hereafter erected fronting on an internal road within an Industrial Park, the front yard shall be at least sixty (60) feet in depth as measured from the centerline of the publicly dedicated street.

- (2) **Maximum Ground Coverage by Principal Structure.** In an Industrial Park located in this district, no more than fifty percent (50%) of the total lot area shall be occupied by the principal structure.

- (3) **Landscaping Requirements.** Any portion of the lot area not used for structures, driveways, parking areas, and sidewalks, shall be landscaped and maintained.

- (4) **Driveways and Parking Areas.** All driveways and parking areas shall be surfaced with concrete or plant-mixed bituminous material within two (2) years from the date that the Certificate of Occupancy is issued by the Bureau of Inspection.

- (5) **Off-Street Parking Requirements.** Off-street parking facilities shall be provided as hereinafter specified in Article IX of this ordinance, except that no parking of automobiles or other motor vehicles shall be permitted in the front yard setback if such setback is less than eighty-five (85) feet in depth as measured from the centerline of the publicly dedicated internal street.

Article VIII.

Environmental Performance Standards

Section 8.01 Sound/Noise.

Sound and noise shall be regulated by Chapter 8.32 of the Livonia Code of Ordinances.

Section 8.02 Odors.

Any use which causes the production of odors or fumes, noxious or otherwise, which are detectable beyond the building, shall not be permitted.

Section 8.03 Waste and Rubbish Facilities.

Waste and rubbish facilities are subject to the Livonia Code of Ordinances Chapters 13.36 and 13.38.

Section 8.04 Soil Removal, Excavation, and Dumping Soil, Sand, Clay, or Gravel.

- (1) **Permit Required.** No person shall remove, excavate, extract, stockpile, or transport or cause to be removed, excavated, extracted, transported, or stockpiled for such removal any soil from any land within the City of Livonia unless and until the bonds and fees required herein have been filed and deposited and a permit therefor obtained from the City. All soil removal and excavation permits where authorized, shall be issued by the Department of Inspection after full compliance by the applicant of all terms and provisions of this section relating thereto.
- (2) **Approval of Commission.** No soil removal permit or permit to stockpile shall hereafter be issued unless and until the City Planning Commission does, by resolution:
 - A) Determine the proposed soil removal and/or excavation operations will not be injurious to the public health, safety and welfare.
 - B) Approves the application for a soil removal permit.
 - C) Authorizes the issuance of a soil removal permit. Such approval shall be nontransferable, and the applicant must obtain from the Department of Inspection a topsoil permit within a thirty (30) day period immediately following the approval.

(3) Application Required. Applications for soil removal and/or excavation permits, verified under oath, shall be filed, in quadruplicate, with the Department of Inspection. Such applications shall be accompanied by and set forth fully the following information:

- A) The full name, address and signature of the applicant; a full and complete legal description of the land on which the soil removal and/or excavation operations are proposed; the names, addresses and signatures of the owner or owners of such land; a detailed description of the nature and extent, including the amount of acreage, of the proposed operations so that the character thereof and the effect upon such land can readily be ascertained; a description of the equipment and vehicles to be used in the proposed operations; the time within which such operations shall be commenced and completed, and an agreement on the part of the applicant and owner, or owners, to fully comply with all the ordinances, rules and regulations of the City of Livonia and all its departments.
- B) A topographical survey dated and certified by a registered engineer or land surveyor showing, in detail, the existing grade elevations, the proposed or finished grade elevation and the contour of the land described in the application. The survey shall also indicate the grade and elevation of all the nearest existing streets; provided that in those cases where the applicant desires to remove soil from land that has been or is being platted and a proposed subdivision has been approved or will be submitted to the City of Livonia, then the applicant shall submit, in addition to the above survey, a plat clearly indicating the grade elevations of the proposed streets in such subdivision.
- C) A license, witnessed and acknowledged as in the case of a deed, granting to the applicant (if the applicant is not the owner), the person or persons executing the corporate surety bond required hereafter and the City of Livonia, severally, the right to enter upon said premises, describing them and granting to the aforesaid the right to fill and grade such premises, and restore the same and bring it to the normal building grade as established from the nearest existing or proposed street as the case may be.
- D) The Department of Inspection shall forward a copy of such application and topographical survey to the Police Department, the Engineering Division and the City Planning Commission.
 - i) The Police Department shall examine the application to determine whether or not the proposed operations will interfere with the enforcement and administration of traffic laws. The recommendation of the Police Department shall be transmitted to the City Planning Commission.
 - ii) The Engineering Division shall examine and investigate the application and topographical survey to determine the existing grade elevation of the property described in same. The City Engineer shall recommend approval of the application only if it appears from his or her examination and investigation that no soil will be removed below the normal building grade as established by the City Engineer from the nearest existing or proposed streets, as the case may be. The recommendation of the Engineering Division shall be transmitted to the City Planning Commission.
 - iii) The City Planning Commission shall examine the application and topographical survey, together with the above recommendations. The Commission shall not approve any application to remove soil below the normal building grade as established from the nearest existing or proposed street; similarly, no application shall be approved where the proposed operations, in the opinion of the Commission, would result in land becoming unwholesome, unhealthy, offensive, filthy or otherwise obnoxious. If, in the opinion of the Commission, there is sufficient soil available above the normal building grade and the proposed operations will not endanger the public health, safety and welfare, then the Commission may approve the application. The approval shall be by resolution; such resolution shall also authorize the issuance of a soil removal permit subject to any restriction or condition which the Commission may specify in approving the application and upon the payment of the permit fee and filing of the bond hereinafter provided.

(4) Regulations, Fee, Bonds.

- A) Where an application requests permission to remove soil from land that has been platted and approved for subdividing by the City of Livonia, the grade elevation of the streets in the proposed subdivision may be used as a basis for determining the normal building grade. The applicant is herein required to present substantial evidence of the grade elevation of such proposed streets.
- B) Notwithstanding any of the provisions of this section, no soil shall be removed below the normal building grade as established from the nearest existing or proposed street, by the Engineering Division. No soil shall be removed in such manner as to cause water to collect or as to result in a menace or danger to the public health, safety and welfare. No soil shall be removed in such manner as to leave the surface of the land below such established grade or unfit for the growing of turf and other land uses permitted in the district in which such removal occurs. The Engineering Division at any time may fully inspect or examine land from which it is proposed to remove or excavate soil, for the purpose of making any determination as to grades or otherwise. The holder of a permit shall, during such removal, provide for drainage in such manner as may be approved by the Engineering Division of the Department of Public Works.
- C) The fee for such permit is hereby fixed at One Hundred Dollars (\$100.00). No permit shall be transferable. Such permit shall specify the period for which it is granted, which shall in no case be longer than one (1) year from the date of issuance. A permit may be revoked by the Department of Inspection whenever the holder of such permit has violated any of the provisions of the ordinances, rules, and regulations of the City of Livonia or whenever the exercise of the rights granted by such permit have caused or is reasonably likely to cause a menace or danger to the public health, safety or welfare.
- D) No permit shall be issued until the applicant and owner or owners have filed with the City a cash bond guaranteeing and a corporate surety bond, conditioned on the full performance by the holder of the permit of all the provisions of this section, due compliance with the laws of the State and ordinances of the City of Livonia and payment of any and all claims of the City of Livonia and/or any person or persons arising out of any operation under or use of such permit, or any violation of said laws or ordinances; such bonds shall also be specifically conditioned upon the holder of the permit, at all times, maintaining the premises upon which the removal of soil or excavating is being performed, in a safe and proper condition, and that said permitholder will, upon completion of such operation, leave or restore the said land to normal building grade level (as established by the Department of Public Works), remove and abate all offensive conditions, all unhealthy, unwholesome, obnoxious, filthy and unsanitary conditions, drain stagnant water existing and resulting from such removal of soil or excavating. The City Planning Commission shall fix the amount of the bonds to be deposited by the applicant. The bonds shall be in an amount estimated as sufficient to fill and grade the land on which such operations are to be undertaken to the normal building grades as established by the Engineering Division of the Department of Public Works. The Commission shall fix the amount of the corporate surety bond to be filed and the applicant shall deposit in addition thereto a cash bond in an amount equal to ten (10) per cent of the surety bond. Such bonds shall be for an indefinite period until released and discharged, after recommendation of the Engineering Division and Department of Inspection, by resolution of the City Planning Commission adopted at a regular meeting of that body. The bonds shall be in such form as may be approved by the City Attorney.

- (5) Exceptions.** This section shall apply only to the removal of soil for commercial purposes and shall not apply to the moving, grading or leveling of soil within a parcel of land for reasonably immediate use upon such parcel of land, nor shall this section apply to such removal of soil as the Department of Inspection may determine to be reasonably necessary in the construction of basements, foundations, footings, driveways, underground utilities and parking areas, nor shall this section apply to the removal of grass sod grown for commercial purposes where the Department of Public Works determines that such removal will not cause water to collect, result in poor drainage conditions or constitute a menace to public health and safety; provided, however, that a determination that this section does or does not apply in the above instance shall always be made in writing by the Department of Inspection on written application of any person desiring to remove sod.

- (6) **Excavations and Holes.** The construction, maintenance, or existence within the City of Livonia of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, that this section shall not prevent construction of excavations under a permit issued pursuant to this Ordinance or the Building Code Ordinances of the City of Livonia where such excavations are properly protected and warning signs posted in such manner as may be approved by the Department of Inspection; and, provided further, that this section shall not apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, County of Wayne, City of Livonia, or other governmental agency.
- (7) **Dumping of Soil, Sand, Clay or Gravel.** The dumping of any soil, sand, clay, or gravel on any parcel of land within the City of Livonia is hereby prohibited, except where, within six (6) months following such dumping, such parcel of land is graded in such manner as to prevent the collection of water, to provide proper drainage and to leave the ground surface fit for the growing of turf and other land uses permitted in the district; provided, however, that no soil, sand, clay, gravel, trash, rubbish, or waste material shall be dumped on the spillways or flood plains of any natural streams or water courses, or on any area between the lower and upper banks of such streams or water courses, except on recommendation of the City Planning Commission and approval of the City Council after a public hearing and on a satisfactory showing that such dumping will not result in damage to other property within the City of Livonia and will not be injurious to the public health, safety, and welfare.

Section 8.05 Performance Standards for Industrial Uses.

All uses permitted in either ML, M-1, or M-2 Districts shall comply with the following table of standards:

- (1) **Automatic Screw Machines.** Where permitted in a district shall only be operated with noise silencers and only when located more than two hundred (200) feet from any residential zoned district.
- (2) **Stamping Machines, Punch Presses, and Press Brakes.** When permitted in a district, no such machine shall be loaded beyond the capacity prescribed by the manufacturer. No such machine shall be operated less than two hundred (200) feet from any residential zoned district.
- (3) **Hot Forgings, Steam, or Board Hammers.** No such machine shall be operated except in an M-2 District located more than one thousand (1,000) feet from any residential zoned district and when operations are located entirely within a masonry building on a suitably reinforced concrete mat or to solid rock and mounted on shock absorbers that reduce vibrations to a reasonable minimum.
- (4) **Sound Level Limitations.** Noise decibels, as measured at the street or property line shall not exceed sixty-five (65) decibels in an ML District; seventy (70) decibels in an M-1 District; and seventy-five (75) decibels in an M-2 District. All noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- (5) **Smoke, Dust, Dirt, and Fly Ash.** Shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty (50) per cent excess air and shall not be so unclean, destructive, unhealthful, or hazardous as to be detrimental to the public health, safety, or welfare nor shall visibility be impaired by the emission of a haze which unduly impedes vision within apparent opaqueness equivalent to No. 1 of the Ringlemann Chart.
- (6) **Glare and Heat.** Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

(7) Sewage Wastes.

- A) No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
- B) Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of pH 5.0 to 10.0.
- C) Wastes shall contain no Cyanides nor Halogens and shall contain no more than 10 parts per million (ppm) of the following gases: hydrogen sulfide, sulfur dioxide, and nitrous oxide.
- D) Wastes shall not contain any insoluble substances in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, nor have a dimension greater than one-half (1/2) inch.
- E) Wastes shall not have a chlorine demand greater than 15 ppm.
- F) Wastes shall not contain phenols in excess of .005 ppm.
- G) Wastes shall not contain any grease or oil or any oily substance in excess of 100 ppm or exceed a daily average of 25 ppm.

(8) Radioactive Materials. Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, or as amended from time to time.

Section 8.06 Special Flood Hazard Areas.

(1) Application of Article. All land lying within the Special Flood Hazard Area is subject to the regulations of this district in addition to the regulations otherwise established by the City of Livonia Zoning Map. The boundaries of the Special Flood Hazard Area shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "The Flood Insurance Study, City of Livonia, Michigan," dated September 30, 2008, with accompanying Flood Insurance Rate Maps, effective February 2, 2012. The aforesaid Study and Maps are made part of this Article by reference, copies of which shall be maintained on file for public examination in the City Planning Department and the City Engineering Division.

(2) Permitted Uses. Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted, or structurally altered, and no land and/or structure shall be used in a Special Flood Hazard Area, except for one (1) or more of the following uses:

- A) Gardening, horticulture, open recreational uses, such as parks, playgrounds, playfields, athletic fields, golf courses, bridle trails, and nature paths.
- B) In the area above the Special Flood Hazard Area, uses permitted by the zoning district otherwise established for the lot, subject to regulations of such districts; provided, however, that the elevation of the lowest floor designed or intended for human habitation (including basement) shall be elevated to or above the elevation of the nearest point of the Special Flood Hazard Area Level unless an exception is granted pursuant to Chapter 15.36 of the Livonia Code of Ordinances.
- C) In the area below the Special Flood Hazard Area Level, land may be used to supply open space or lot area requirements of a lot partially located beyond; provided, however, that no building or structure shall be located below the Special Flood Hazard Area Level except in conformance with Chapter 15.36 of the Livonia Code of Ordinances.

(3) Accessory Uses.

- A) In the area above the Special Flood Hazard Area Level, accessory uses shall be regulated by the provisions of the zoning district within which such lot is otherwise located.

- B) In the area below the Special Flood Hazard Area Level, off-street parking is permitted as a use accessory to a principal use beyond the Special Flood Hazard Area Level on the same lot. However, no building, structure, fence, or equipment other than boundary monuments is permitted below the Special Flood Hazard Area Level as an accessory use.

(4) Dumping Prohibited; Exceptions.

- A) In the area below the Special Flood Hazard Area Level, dumping or backfilling with any material in any manner is prohibited, unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved.
- B) In the area below the Special Flood Hazard Area Level, dumping or backfilling with any material in any manner is prohibited, unless no significantly measurable reduction in flow or impoundment capacity of the flood plain would thereby be caused; and further, that approval or a letter of no authority has been issued from the Michigan Department of Environment, Great Lakes and Energy under the authority of the floodplain regulatory provisions of Part 31 of Act 451 of 1994.
- C) Below the Special Flood Hazard Area Level, the construction or location of bridges, outdoor play equipment, bleachers, and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.
- D) The foregoing exceptions shall be permitted only upon review by the City Planning Commission at a public hearing and on a showing that the above requirements are satisfied, and submission of findings to and approval by the City Council. To the extent applicable, the provisions set forth in [Section 13.13](#) of this Ordinance shall be complied with.

Section 8.07 Outdoor Toilets.

No permanent building within the City of Livonia shall hereafter be erected, altered, or used for an outside toilet of any type unless approved lavatory facilities are installed and connected to a public sewer. This Section shall not be construed to prohibit temporary toilets on construction sites during period of construction or for temporary public gatherings.

Article IX.

Parking, Loading, and Access Management

Section 9.01 Applicability.

The parking requirements of this Code must be met when one (1) or more of the following takes place.

- (1) Any new building or structure.
- (2) Commencement of use of any land.
- (3) Any alterations to a building or structure which would require additional parking.
- (4) Any alteration to the use of any building or structure or use of land which would require additional parking.

Section 9.02 Access Management.

- (1) **Standards for the Number of Nonresidential Driveways.** Access shall be provided for each site. Where feasible, access may be provided via a shared access driveway. Where it is not possible to provide shared access, access may be provided by a single driveway. One (1) additional driveway may be allowed for properties with a continuous frontage of over five hundred (500) feet and one (1) additional driveway for each additional two hundred fifty (250) feet of frontage. Uses requiring more than one driveway, detailed elsewhere in this Ordinance, are subject to those specific standards and the standard above will not apply. The City Council may determine additional driveways are justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.
- (2) **Minimum Width.** Each ingress and/or egress driveway must have a minimum width of twenty (20) lineal feet and must be so designed so as to provide adequate turning and maneuvering for emergency and service vehicles.

(3) Driveway Spacing Standards.

- A) **Between Driveways.** The minimum spacing between two (2) nonresidential driveways on the same side of the road shall be based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline. For sites with insufficient road frontage to meet the driveway spacing standards below, the City Council may modify the spacing requirements.

Posted Speed Limit (Mile Per Hour)	Minimum Driveway Spacing (Feet)
30	155
35	185
40	225
45+	300

- B) **Spacing from Intersections.** Minimum spacing requirements between a proposed nonresidential driveway and an intersection must be setback fifty (50) feet from the right of way. The City Council may modify the spacing standards.

- (4) Driveway Distance from Single-Family Residential Zone.** Each entrance and exit to and from any off-street parking lot located in a non-residential district must be at least twenty-five (25) feet from an adjacent residential use.

- (5) Modification of Standards for Special Situations.** During site plan review, the City Council shall have the authority to modify the standards of this Section upon consideration of the following:

- A) The standards of this Section would prevent reasonable access to the site.
- B) Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
- C) Roadway improvements (such as the addition of a traffic signal, center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
- D) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
- E) The proposed location and design are supported by the Michigan Department of Transportation (MDOT) or Wayne County as an acceptable design under the existing site conditions. The City Council may also request the applicant provide a traffic impact study to support the requested access design.
- F) Where there is a change in use or expansion at a site that does not comply with standards of this Ordinance, the City Council shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards of this Ordinance to the extent practical.

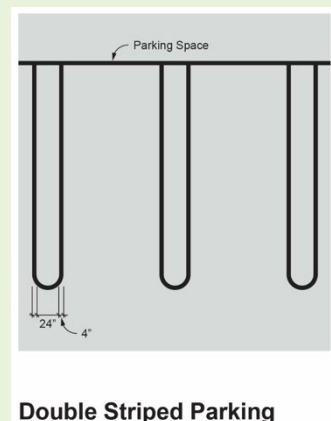
- (6) Traffic Impact Studies.** The City Council may require a traffic impact study (TIS) for all development proposals that it reviews. The TIS shall be accordance with and meet the standards of the City. The TIS shall be submitted by the developer or applicant to determine the potential future traffic conditions on adjacent roadways once a proposed development is finished. TIS shall predict the peak-hour operational conditions at site driveways and road intersections affected by the development. The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards as published by the Southeast Michigan Council of Governments (SEMCOG) and MDOT in the handbook titled Evaluating Traffic Impact Studies and shall be found acceptable by the City Council prior to being used.

Section 9.03 Off-Street Parking Requirements.

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.

- (1) **Non-Residential.** Off-street parking for nonresidential uses 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 public entrance to the building to the nearest point of the off-street parking lot, except as may be provided for by this Ordinance.
- (2) **Off-Street Parking.** Off-street parking facilities for one- or two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve. The location of required off-street parking facilities for other than one- and two-family dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building. Such facilities for multiple dwelling, commercial and professional uses, in order to ensure their use as a parking area for the building they are intended to serve, shall be located in a convenient and conspicuous position with reference to such building. For this purpose, the area to the rear of the building shall be considered as satisfying this requirement only when the building is to have a heavily used public entrance in the rear.
- (3) **Existing Parking.** 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 in size to an amount less than hereinafter required for a similar new building or new use.
- (4) **Parking Deferment.** Where the property owner can demonstrate or the City Council finds that the required number of parking spaces is excessive and the proposed parking will meet the demand for the proposed use, the City Council may, as a condition of site plan approval, permit up to twenty-five (25) percent of the total number of required parking spaces to be reserved for future consideration (i.e., “banked”), subject to the following:
 - A) The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow or parking on and/or adjacent to the site.
 - B) That a reserved area be shown on the site plan of sufficient size to meet the parking space, circulation, and maneuvering requirements of this Article, including dimensions and dotted parking lot layout. The reserved area shall be retained as open space. The reserved area designated as deferred parking shall be on the same lot as the principal use.
 - C) The reserved area shall not be within a required parking setback, landscape area, or greenbelt.
 - D) A written legal agreement, provided by the applicant, which has been approved by the City attorney, shall include provisions to construct the deferred parking and the agreement shall be referenced on the site plan.
 - E) The applicant shall agree in writing to install such “banked” parking within 180 days of a City Council resolution in which it is determined that such additional parking is needed.
 - F) The Department of Inspection may require posting of a performance guarantee to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary.

- (5) **Maximum Parking Allowable.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of [Section 9.05](#) by greater than twenty percent (20%) is prohibited, except as approved by the City Council. In its request for additional parking spaces, the applicant must submit a parking study to the City Council demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the City Council shall also consult the most recent edition of Parking Generation, published by the Institute of Traffic Engineers (ITE), or another acceptable standard.
- (6) **Minimum Parking Required.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the schedule contained in [Section 9.05](#) herein; however, the City Council may modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based on the level of current or future employment and/or level of current or future customer traffic. In determining whether to permit fewer parking spaces, the City Council shall consult the most recent edition of Parking Generation, published by the Institute of Traffic Engineers (ITE), or another acceptable standard.
- (7) **Snow Storage.** An area equivalent to ten percent (10%) of the required parking stall area must be provided for snow storage. The snow storage area must be landscaped and if the parking lot is bounded by a fence, the snow storage area must be located on the parking lot side of that fence. The snow storage area may be located in a landscape area required in [Article X](#) or in a storm water management area, subject to approval by the City.
- (8) **Carports and Garages.** Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be at least partially screened on any side facing a public or internal street or drive unless the side is used for entrance and exit.
- (9) **Changes in Use.** Should the use of the land or building change, the parking shall be provided based on the new use(s). For example, purposes only, should an approved elderly housing facility for independent or dependent living are converted to general occupancy, the parking shall be provided based on the requirements for multiple-family dwellings.
- (10) **Parking Measurement Standard.** When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- (11) **Parking Calculation Standard – Floor Area.** For the purpose of this Ordinance, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients or as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.
- (12) **Parking Standard – Employee Based.** For the purpose of computing the number of parking spaces required based on the number of employees, the parking shall be calculated based on the number of employees likely to be on the premise during the peak shift.
- (13) **Double Striping.** All parking spaces shall be clearly marked by the use of double striping. Except for parallel parking, all parking spaces shall be clearly striped with four (4) inch wide double lines, twenty-four (24) inches apart, to facilitate movement and to help maintain an orderly parking arrangement. See image below.



- (14) **Required Parking for Uses Not Provided.** In the case of a use not specifically provided for herein, the City Council shall determine the off-street parking requirements for such use based on the most recent edition of Parking Generation, published by the Institute of Traffic Engineers (ITE), or another acceptable standard applicable for that use or a similar use.

Section 9.04 Off-Street Parking Space Layout Standards.

Whenever the building of an off-street parking facility is required, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (1) **Dimensional Layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Angle (In Degrees)	Min. Stall Length	Min. Stall Width	Min. Maneuvering Lane Width	
			One-way	Two-way
0 (parallel)	20 feet	10 feet	12 feet	-
30-53	20 feet	10 feet	15 feet	-
54-74	20 feet	10 feet	18 feet	-
75-90	20 feet	10 feet	12 feet	24 feet

- (2) **Shorter Parking Stall Length.** The requirements for parking stall length may be reduced by two (2) feet where 90-degree parking abuts a sidewalk, other pavement, or sodded area at the front of the stalls provided such pavement or sidewalk measures a minimum of eight (8) feet in width, or at least two (2) additional feet of landscaped area are provided. This is to account for the vehicle overhang.
- (3) **Maneuvering Lane Access.** All spaces must be provided adequate access by means of maneuvering lanes. Backing directly onto a street or requiring the use of a street for a maneuvering lane is prohibited. Parking spaces must be clearly identified and marked with durable striping to distinguish the boundaries of the maneuvering lane and parking stalls.
- (4) **Modifications.** Where site constraints limit the ability to meet the requirements of this Section, the City Council may approve ~~deficient modifications to the~~ parking space and maneuvering lane dimensions as part of Site Plan Review, except in no case shall parking stalls be less than nine (9) feet in width or eighteen (18) feet in length. For general and professional office centers that contain a minimum gross floor area of 15,000 square feet, the City Council may, upon the review and approval of a site plan by the City Planning Commission, allow up to ninety (90) percent of the required off-street parking spaces (exclusive of the required number of handicap parking spaces) to be nine (9) feet in width and one-hundred eighty (180) square feet in area. Such spaces shall be used primarily by the employees of the office center and shall be referred to in this ordinance as "designated employee parking spaces." In order to provide an adequate number of visitor and customer spaces for such office centers, no less than ten (10) percent of the total number of required parking spaces (exclusive of the required number of handicap parking spaces) shall be ten (10) feet in width and two hundred (200) square feet in area and shall be clearly marked and situated in close proximity to the building entrance(s).

Section 9.05 Minimum Number of Parking Spaces Required.

USE	PARKING REQUIRED
AGRICULTURAL USES	
Gardening and tree nurseries	One (1) parking space for each 500 sq. ft. of retail space
Nurseries, including sale of garden supplies	One (1) parking space for each 500 sq. ft. of retail space
RESIDENTIAL USES	
Accessory residential use for apartments	One (1) parking space per additional dwelling unit.
Bed and breakfast establishments	One (1) parking space per bedroom.
Boarding, rooming and lodging houses or tourist homes	One (1) parking space for each one (1) guest bedroom.
Condominium multiple dwellings	Two (2) parking spaces for each unit with one (1) and two (2) bedrooms and two and one-half (2½) spaces for each unit with three (3) or more bedrooms.
Family child care home	One (1) parking space per 250 sq. ft. of floor area.
Home occupations	Two (2) parking spaces
Housing for the elderly	One (1) parking space for each bed, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee including nurses.
Multiple dwellings and apartment houses	Two (2) parking spaces for each unit with one (1) and two (2) bedrooms and two and one-half (2½) spaces for each unit with three (3) or more bedrooms.
One-family dwellings	Two (2) parking spaces for each dwelling unit.
Residential homes for mentally or physically handicapped persons	One (1) parking space per bedroom.
Two family dwellings	Two (2) parking spaces for each dwelling unit.
MEDICAL USES	
Blood and plasma donation centers	One (1) parking space per two hundred (200) square feet of gross floor area and one (1) per employee on peak shift.
Hospitals	One (1) parking space per two (2) beds plus two (2) parking spaces per three (3) employees on the largest working shift.
Kidney transfusion centers	One (1) parking space per two hundred (200) square feet of gross floor area and one (1) parking space per employee on peak shift.
Medicine, osteopathy and dentistry (excluding veterinary clinics)	One (1) parking space for each one hundred ten (110) square feet of floor area.
Optometry and chiropractic	One (1) parking space for each one hundred ten (110) square feet of floor area.
Orthopedic and medical supply stores, but not including assembly or manufacture of such articles	One (1) parking space for each two hundred fifty (250) square feet of floor area.
Physical therapy and health services (not including massage establishments and public baths)	One (1) parking space for each one hundred fifty (150) square feet of floor area.
Psychology and podiatry	One (1) parking space for each two hundred (200) square feet of floor area.
Veterinary clinics, animal clinics and animal hospitals	One (1) parking space for each two hundred (200) square feet of floor area.
PUBLIC & QUASI-PUBLIC USES	
Clubs, lodges, and meeting halls, fraternal and religious	One (1) parking space for every 50 square feet of gross assembly.

USE	PARKING REQUIRED
Cultural service buildings, such as publicly owned museums, art galleries and libraries	One (1) parking space per three hundred thirty-three (333) square feet of floor area.
Educational uses	One (1) parking space for each employee (including teachers and administrators) plus sufficient off-street space for the safe and convenient loading and unloading of students.
Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment and/or rehabilitation of adults or minor children and psychiatric hospitals	One (1) parking space for each bed, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee including nurses.
Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities	One (1) parking space per 500 sq. ft.
Privately owned and operated recreational uses	Off-street parking facilities shall be provided on the premises to accommodate one third (1/3) of the total member families and/or individual members of the organization.
Radio and television towers and broadcasting studios	One (1) parking space for each employee on the largest working shift.
Religious Institutions	One (1) parking space for each three (3) seats in the main assembly unit.
Schools - music, dance or business	One (1) parking space for each employee (including teachers and administrators) plus sufficient off-street space for the safe and convenient loading and unloading of students.
Schools including, but not limited to dance, music and instrumental, and business/ training	One (1) parking space for each employee (including teachers and administrators) plus sufficient off-street space for the safe and convenient loading and unloading of students.
Universities, colleges, private colleges, including ancillary uses and facilities	One (1) parking space per thirty (30) square feet of classrooms, labs, or other instructional floor area, plus one (1) parking space per two hundred fifty (250) square feet of office or administrative floor area.
COMMERCIAL & RETAIL USES	
Adult businesses	One (1) parking space for each one hundred fifty (150) square feet of floor area.
Ambulance services, local and suburban bus terminal and taxicab terminals	One (1) parking space for each employee on the largest working shift.
Artisan, craftsman, printing and engraving shops other similar uses	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Automobile and light truck (one (1) ton gross vehicle weight) repair	Two (2) parking spaces for each repair bay plus one (1) for each employee.
Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps	At least twenty (20) parking spaces
Bakeries	One (1) parking space per one hundred seventy-five (175) square feet of floor area.
Banks and savings and loans associations	One (1) parking space for each one hundred fifty (150) square feet of floor space, plus one (1) space for each employee computed on the basis of the greatest number of persons to be employed at any one time.
Planned commercial or shopping centers, or buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more	One (1) parking space for each two hundred fifty (250) square feet gross leasable area (GLA) not including full service restaurants, plus one (1) parking space for every seventy-five (75) square feet of gross floor area devoted to full service restaurants.

USE	PARKING REQUIRED
Brewer, micro brewer, brewpub, and distilleries	One (1) parking space for each three hundred (300) square feet of floor area.
Catering establishments	One (1) parking space for every 3 persons, based on maximum capacity
Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis	One (1) parking space for each one thousand (1,000) square feet of floor space.
Convalescent and nursing homes	One (1) parking space for each three (3) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee including nurses.
Dance halls and ballrooms	One (1) parking space for each fifty (50) square feet of floor area used for dancing or assembly.
Day care nurseries	One (1) parking space per 250 sq. ft. of floor area.
Dog kennels	One (1) parking space per 4 stalls
Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks	One (1) parking space for each one hundred twenty-five (125) square feet of floor area, plus one (1) parking space for each three (3) outside patio seating spaces, plus one (1) parking space for each employee.
Establishments having liquor licenses such as Class C, tavern, and club	One (1) parking space for each three hundred (300) square feet of floor area.
Full-service restaurants with or without outdoor dining areas	One (1) parking space for each two (2) interior seating spaces to be provided within the proposed establishment, plus one (1) parking space for each three (3) outside patio seating spaces, plus one (1) parking space for each employee.
Funeral homes and undertaking establishments	One (1) parking space for each fifty (50) square feet of floor space in the parlors or individual funeral service rooms with a minimum of seventy-five (75) parking spaces.
Garages, repair shops, rustproofing and similar highway services	Two (2) parking spaces for each repair bay plus one (1) for each employee.
Gasoline service station	One (1) parking space for fueling pump
Golf courses but not including miniature golf courses or golf driving ranges	Three (3) parking spaces per hole plus one (1) parking space per three (3) seats of the dining facilities.
General offices	One (1) parking space for each two hundred (200) square feet of floor area.
Hotels	One (1) parking space for each guest room, plus one (1) additional space for each employee.
Indoor recreational uses	One (1) parking space per two hundred (200) square feet of floor area.
Laundry and dry-cleaning establishments	One (1) parking space per two (2) washing and drying machines.
Limited service and carry-out restaurants with or without outdoor dining areas	One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) parking space for each three (3) outside patio seating spaces, plus one (1) parking space for each employee.
Massage establishments	One (1) parking space for each one hundred fifty (150) square feet of floor area.

USE	PARKING REQUIRED
Motels	One (1) parking space for each guest or sleeping room in a tourist home; one (1) parking space for each rental unit in a motel; plus one (1) additional space in each case for the owner or manager and for each employee.
Museums	One (1) parking space per three hundred thirty-three (333) square feet of floor area.
Music, dance, or business academies	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities	One (1) parking space for every two hundred (200) square feet of use area.
Paint shops	One (1) parking space per service stall.
Pawn shops	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Payday lenders	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Personal service establishments	One (1) parking space for each five hundred (500) square feet of floor space.
Photographic studios	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Professional offices	One (1) parking space for each two hundred (200) square feet of floor area.
Retail sales	One (1) parking space for each one hundred fifty (150) square feet of floor space.
S.D.D. and S.D.M. licenses	One (1) parking space for each three hundred (300) square feet of floor area.
Second-hand stores and rummage shops	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Wholesale business uses	One (1) parking space for each five hundred (500) square feet of floor space.
INDUSTRIAL USES	
Bulk storage of refined petroleum products	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment	One (1) parking space for each four hundred (400) square feet of floor space.
Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair	Five (5) parking spaces, plus one (1) per 1,500 square feet of floor area plus one (1) per 350 useable square feet of office, sales or similar space plus one (1) per truck or company vehicle operating from the premises.
Experimental product development and testing including limited manufacturing	Five (5) parking spaces plus one (1) per 250 square feet gross floor area plus one (1) per each employee at peak shift.
Heavy manufacturing and general industrial plants	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Industrial, scientific, or business research development and testing laboratories and offices	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

USE	PARKING REQUIRED
Industrial plants manufacturing, processing or assembling	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Steel fabricators, truck terminals, truck and trailer rental facilities, and special trade contractors	One (1) parking space per five hundred (500) square feet of use area.
Tool and die shops and pattern making shops	One (1) parking space per five hundred (500) square feet of use area.
Warehouses	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

Section 9.06 Barrier-Free Parking Required.

Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall provide parking spaces for the physically handicapped which shall be located as close as possible to walkways and entrances. All parking lots shall be designed in conformance with Michigan State Act No. 1 of the Public Acts of 1966 as amended, and the Americans with Disabilities Act, as summarized in the Table below.

Total Spaces Required	Barrier-Free Spaces Required
1-25 Spaces	1 Space
25-50	2 Spaces
51-75	3 Spaces
76-100	4 Spaces
101-150	5 Spaces
151-200	6 Spaces
201-300	7 Spaces
301-400	8 Spaces
401-500	9 Spaces
501-1,000	2% of total
Greater than 1,000	20, plus one (1) for each 100 spaces over 1,000

Section 9.07 Parking and Loading for Multiple Uses and Joint Use.

The parking and loading regulations for any premises in multiple usages must be the sum of the minimum requirements for the individual uses on the premises.

In order to meet the minimum amount of required off-street parking spaces for a given use, application must be made to the City Council for the right to engage in the joint use of owned parking spaces. Prior to approving the joint use of parking spaces to meet the minimum amount of required off-street parking for a given use in a given zoning district, the City Council must verify by a preponderance of the evidence that each of the following statements are true:

- (1) The commercial enterprises, industrial establishments, residential uses, places of public assembly, and religious institutions engaged in the joint use of off-street parking spaces are unlikely to have a need for the joint parking spaces at overlapping times.

- (2) The parking spaces designated for joint use comprise less than seventy-five percent (75%) of the applicant's minimum required off-street parking spaces.
- (3) The parking spaces designated for joint use are within five hundred (500) lineal feet of the applicant's most appropriate entrance.
- (4) Written contracts, in the form of cross-access agreements, between the applicant and the owner/operator of the parking spaces approve this joint use.
- (5) There must be adequate pedestrian access provided between the shared parking lot and the associated buildings and uses.

Section 9.08 Off-Street Loading Space.

On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse purposes, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys. Such space shall be provided as follows:

TOTAL FLOOR AREA OF THE BUILDING	OFF-STREET LOADING SPACE REQUIREMENTS
Office Use	
0 - 10,000 square feet	One (1) usable loading space 10 ft. x 25 ft. in area
10,001 - 50,000 square feet	One (1) usable loading spaces 10 ft. x 50 ft. in area
Over 50,000 square feet	Two (2) usable loading spaces 10 ft. x 50 ft. in area
Commercial and Industrial uses	
0 - 1,400 square feet	One (1) usable loading 10 ft. x 25 ft. in area
1,401 - 20,000 square feet	One (1) usable loading space 10 ft. x 50 ft. in area
20,001 - 50,000 square feet	Two (2) usable loading spaces each 10 ft. x 50 ft. in area
Over 50,000 square feet	Three (3) usable loading spaces plus one (1) space for each fifty thousand (50,000) square feet in excess of fifty thousand (50,000) square feet each 10' x 50' in area

- (1) All loading spaces shall be in addition to the off-street parking area access drive and maneuvering lane requirements.
- (2) Off-street loading space shall have a clearance of fourteen (14) feet in height.
- (3) Off-street loading space may be completely enclosed within a building or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view from a public way, the space shall be screened in accordance with [Article X](#).
- (4) All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in the exterior side yard when the setback is equal to at least fifty (50) feet.

Section 9.09 **Parking structures.**

- (1) **Districts Permitted.** Parking structures are subject to the following standards and are treated as a permitted use in the P-L and M-2 Districts and as a waiver use in the C-2, C-3, C-4, ML, M-1, and P Districts.
- (2) **Maximum Height.** The height of any parking structure shall not exceed the maximum height of the district in which it is located.
- (3) **Location.** Parking structures shall not be located in the Front Yard. No parking space within a parking structure may be closer to the street than the front face of the principal building.
- (4) **Traffic Circulation.** Traffic circulation shall be designed so that no automobile need enter a public street in order to progress from one aisle to another within the same structure and so that no automobile need enter a public street backwards in order to leave the structure. Clear signs or pavement markings shall be provided to indicate traffic circulation.
- (5) **Screening.** Parking structures shall be designed to screen vehicles and light trespass onto adjacent properties.
- (6) **Architectural Standards.**
 - A) The design of all parking structures should be more than just a rectangular utilitarian box composed of concrete or steel beams and columns. Variation in forms and detail along with high quality facing materials are required where viewable by the general public.
 - B) Exterior elevations shall incorporate design components and materials utilized and compatible with the primary building(s). The incorporation of brick, stone, and precast concrete are preferred choices.
 - C) Floors shall be designed horizontally to support adaptive reuse of the structure.
- (7) **Exemptions.** Parking structures are not required to have interior landscape islands as required in Section 10.03 Section 10.03(2)(Section 10.03(2)B)).

Section 9.10 **Surfacing and Drainage.**

- (1) **Hard Surfacing.** All parking areas, regardless of size, must be hard surfaced. Pavement type and thickness must be approved by the City Engineer prior to construction, taking into consideration soil conditions and traffic loadings.
- (2) **Storm Water Management.** Storm water runoff created as a result of the improvements to the parking area must be controlled in such a manner so as to reduce and/or eliminate draining onto neighboring properties. To reduce storm water runoff, developers shall consider using permeable, pervious pavements wherever feasible. Improved parking areas may be incorporated into the storm water management plan for the proposed project. Site grading as well as storm water control provisions must be reviewed and approved by the City Engineer prior to site construction.
- (3) **Maintenance.** All off-street parking areas shall be continually maintained in satisfactory condition so as to be safe, attractive, and free of any hazard, nuisance, or other unsafe condition.

Section 9.11 Curb.

Except for those parking areas serving a single- and two-family dwelling unit, concrete curbs, sidewalks, and other items as necessary for the protection of the public and adjoining properties must be provided and maintained around all parking areas, including where parking spaces abut landscaping, property lines, or required setback areas. The City Council may approve an alternative design when opportunity exists to substantially improve the water quality of the site. In all cases where parking lots abut public sidewalks, a concrete curb at least six (6) inches high must be installed so that a motor vehicle cannot be driven or parked within two (2) feet of a public sidewalk.

Section 9.12 Approval.

Plans for the development of any such parking area must be approved by the City Council before construction is started. No such land shall be used for parking purposes until approved by the Department of Inspection.

Section 9.13 Off-Street Parking: Study and Report.

The City Council shall routinely make studies of the various areas in the City of Livonia for the purpose of determining areas within which there is need for the establishment of off-street parking facilities to be provided by the City of Livonia and to be financed wholly or in part by a special assessment district, or by other means, where such need is found. This study and report shall include recommendations on the site, location and other pertinent features of the proposed off-street parking facilities and the area they should be intended to serve. Wherever, pursuant to such recommendations, the City Council shall establish off-street parking facilities by means of a special assessment district or by any other means, it may also determine, upon completion and acceptance of such off-street parking facilities by the City, all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district, or districts which shall be exempt from the requirements of this section for privately supplied off-street parking facilities.

Section 9.14 Illegal Parking of Motor Vehicles; Tickets; Towing of Motor Vehicles.

- (1) It shall be unlawful for any motor vehicle which is abandoned, unlicensed, wrecked, inoperative, in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, to be parked on any private property unless the same is completely enclosed within a garage or other suitable building or structure. A vehicle of any type shall not at any time undergo major overhaul, including body work, in any residential district.
- (2) For the purpose of this section, a vehicle of any kind, as described in paragraph (1) of this section, or any unlicensed vehicle, shall be deemed abandoned when it has remained parked, stored, or left or been permitted to be parked, stored, or left on private property for a period of forty-eight (48) continuous hours or more. Provided, however, that this section shall not be applicable where a vehicle is being stored, used, or repaired, in connection with the following designated uses:
 - A) The repair and service facilities of a new and used automobile dealership or a new and used truck dealership when owned and operated in conjunction therewith by the same proprietor and located on the same property.
 - B) Garage, repair shops, and similar highway services.

- (3) The officer authorized to enforce the provisions of this Zoning Ordinance, may in his or her discretion remove, cause to be removed, or tow away under his or her direction, any such motor vehicle which is flagrantly, continuously or persistently violating the provisions of the Zoning Ordinance relating to the parking of motor vehicles on private property. Any such motor vehicle thus removed or towed away shall be taken to the City automobile or motor vehicle pound or to a privately owned garage and kept under the custody or control of the officer or person in charge thereof; provided, however, that any such removal or towing shall be at the risk of the owner of said vehicle, and provided further that the disposition of said vehicle after removal shall be in accordance with the provisions set forth in Sections 10.21.210-10.21.260 of the Livonia Code of Ordinances, as amended, which provisions are made a part hereof and incorporated herein by reference.
- (4) In any prosecution or proceeding under this section, the registration plate displayed on a motor vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked such vehicle at the place where such violation occurred. Whenever the owner or operator of any such motor vehicle is convicted of violating any of the provisions of said Ordinance pertaining to the parking of motor vehicles on private property, such violation shall be deemed to be a misdemeanor and shall be subject to all the penalties set forth in this Zoning Ordinance

Section 9.15 Electric Vehicle (EV) Charging Stations or Ports

- (1) **Accessory Use.** Electric Vehicle (EV) Charging Stations or Ports, when treated as an accessory use, shall be allowed in all zoning districts, subject to the review and approval of the Department of Inspection and the following:
 - A) **Size and Signage.**
 - i) **Commercial.** On commercial properties, all above-ground equipment associated with an EV Charging Station or Port shall be limited to a height of eight (8) feet and a width of four (4) feet, including any sign that is a part of or attached to the equipment, which sign shall not exceed two (2) square feet in area; provided, however, that in the case of an EV Charging Station that has a setback of one-hundred (100) feet or more from any public place, including any public right-of-way, the area of the sign shall be a maximum of ten (10) square feet. The use of neon-type or LED lighting around the frame, perimeter or any part of the EV Charging Station is strictly prohibited.
 - ii) **Single-Family.** On single-family lots, any equipment used in connection with an EV Charging Station located in a front or side yard shall be limited to a height of four (4) feet. In a rear yard, all EV Charging equipment shall be limited to a height of six (6) feet.
 - B) **Setbacks and Pedestrian Walkways.**
 - i) **Commercial.** No EV Charging Station shall be located closer than ten (10) feet from any public right-of-way, and no EV Charging Station shall be located within any part of a public right-of-way without the prior written approval of the authority having jurisdiction over the right-of-way. EV Charging Stations shall not encroach upon or inhibit the use of pedestrian walkways.
 - ii) **Single-Family.** EV Charging equipment on single-family lots shall not be located in any required front, side, or rear yard setback.
 - C) **Landscaping and Protection.** On commercial properties, any landscaping that must be removed for the installation of an EV Charging Station shall be replaced in the same general area as where it was removed. Adequate spacing or protection shall be provided around or adjacent to the EV Charging Station, such as steel or concrete-filled bollards.

- D) **Coverings.** All structural or non-structural canopies, coverings, overhangs or structures designed to fully or partially enclose or protect an EV Charging Station shall comply with the height, area and setback requirements of the zoning district in which the EV Charging Station is located. Such coverings or structures in any commercial zoning district shall first require approval of a site plan pursuant to [Section 13.13\(12\)](#).
 - E) **Residential.** In residential zoning districts, use of EV Charging Stations shall be limited to the owners, occupants or visitors of the property, and there shall be no remuneration or compensation charged for the services.
 - F) **Limitation.** In nonresidential zoning districts, no more than fifteen (15%) percent of the required number of parking spaces shall be dedicated EV Charging Stations unless an exception is granted by the Department of Inspection.
- (2) **Principal Use.** Electric Vehicle (EV) Charging Stations or Ports as a principal use of the property, shall be treated as a waiver use limited to C-2 and C-3 zoning districts and subject to review and submission of findings by the City Planning Commission and approval by the City Council pursuant to [Section 6.26](#).

Section 9.16 Limitation of the Use.

- (1) Parking areas shall be used for parking of private passenger vehicles only.
- (2) Parking may be with or without charge.
- (3) No business involving the repair or services to vehicles permitted thereon or sale, or other storage, or display thereof, shall be conducted from or upon such premises.

Article X.

Landscaping and Screening

Section 10.01 Applicability.

The requirements set forth in this Section shall apply to all uses, lots, site, and parcels for which Site Plan Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping and screening consistent with the provisions of this Section. Furthermore, where landscaping and screening is-are required, a Building Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a performance guarantee has been provided.

In cases where the use of an existing building changes or an existing building is altered or re-occupied, all of the standards of this Article shall be met.

The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the City from agreeing to more extensive landscaping.

Section 10.02 Landscape Plan Requirements.

The Landscaping Plan must be drawn at a reasonable scale to indicate all types of proposed landscape improvements at a minimum of one-inch equals thirty feet (1" = 30') and must include at least the following information:

- (1) North arrow and scale;
- (2) Name of the project applicant/owner;
- (3) Name, address and phone number of the person or firm responsible for the preparation of the Landscaping Plan;
- (4) Signed and sealed landscape architect stamp;
- (5) Dates on which the plan was submitted or revised;
- (6) All existing and proposed buildings and other structures, paved areas, planted areas, fencing, walls, water outlets, utility poles, fire hydrants, luminaires, underground utilities, signs, fences, dumpster locations, and other permanent features to be added to or retained on the site;

- (7) All existing plant material to be removed or retained and all proposed additions or changes to landscaping, buffering, and walkways, illustrating existing natural land features including, but not limited to: trees, forest cover, and water resources (Water resources include ponds, lakes, streams, wetlands, flood plains, and drainage ditches and retention areas, rivers, and any other body of water or waterway);
- (8) A schedule of all new landscaping materials to be installed. The plant list must include the common name, specified installation size, and on-center planting dimensions when applicable. When the list of plant material to be removed contains existing trees, the Landscaping Plan must justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities of plant material required shall be referenced on the plan;
- (9) All property lines and easements;
- (10) Details must be shown for the planting of trees, shrubs and ground cover within the buffered or landscaped area;
- (11) Proposed irrigation fixtures shall also be shown, including, but not limited to the location and type of all sprinkler heads, the size of mainline and irrigation piping, the location and size of water meters and all valves, and the location of back flow prevention devices and irrigation controllers;
- (12) Location and description of any and all storm water management or low impact development techniques used in site design (i.e., rain gardens, detention/retention ponds, filter strips, etc.); and
- (13) Any other information which is determined necessary by the Planning Director or City Council for adequate review of the proposal.

Section 10.03 Landscaping Design Requirements.

The following requirements must be satisfied by all projects set forth by Section 10.01 above. The following requirements must be detailed on a Landscaping Plan pursuant to Section 10.02 above. Existing landscaping or natural vegetation, as shown on a Landscaping Plan and that are in satisfactory condition, may be used to meet the standards and satisfy the requirements below in whole or in part, if protected and maintained during the construction phase of the development.

- (1) **Frontage Landscaping.** Where the site abuts a public road right-of-way, the following frontage landscaping shall be provided in the front yard area adjacent to the road right-of-way (see Example of Frontage Landscaping below):

Type of Landscaping	Minimum Required Landscaping
Deciduous or Evergreen Tree	1 per 40 linear feet of road frontage or fraction thereof
Ornamental (Flowering) Tree	1 per 100 linear feet of road frontage or fraction thereof
Shrubs	8 per 40 linear feet of road frontage or fraction thereof

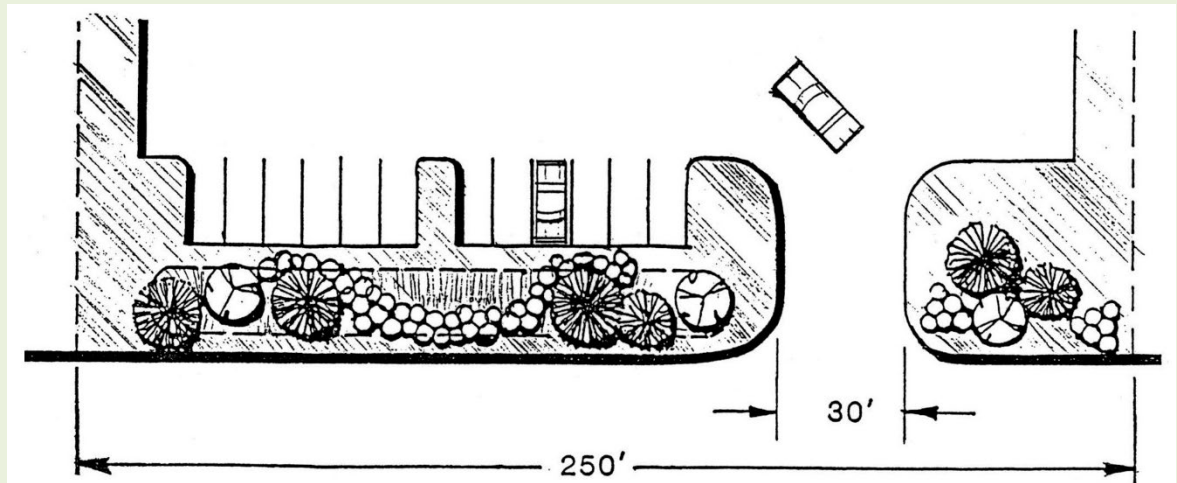
The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the City Council or Planning Director may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

Example of Frontage Landscaping

Length of Road Frontage: 250 linear feet minus 30-foot driveway = 220 feet

Required Number of Plants

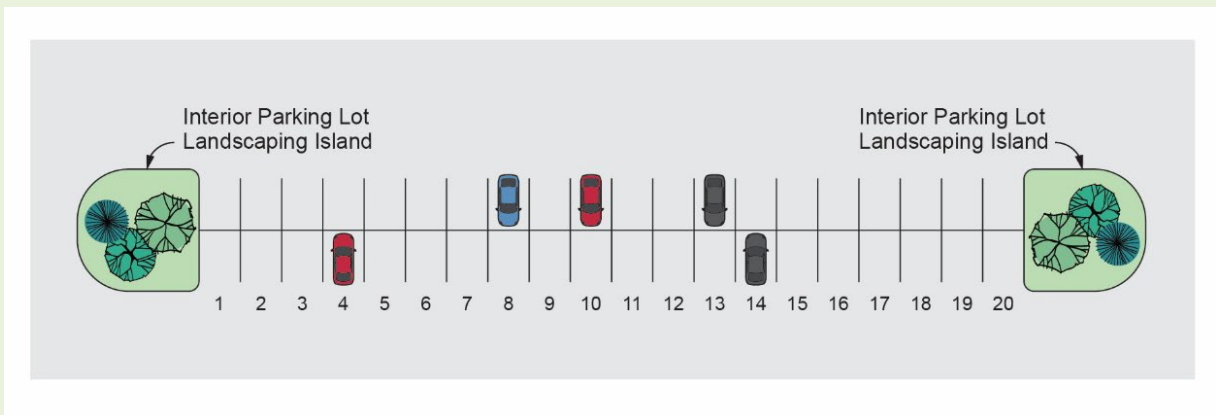
Deciduous or evergreen trees	$220 \text{ ft.} / 40 \text{ ft.} = 6$ deciduous or evergreen trees
Ornamental trees	$220 \text{ ft.} / 100 \text{ ft.} = 3$ ornamental trees
Shrubs	$(220 \text{ ft.} / 40 \text{ ft.}) \times 8 = 48$ shrubs
TOTAL	6 deciduous or evergreen trees, 3 ornamental trees, and 48 shrubs



- (2) **Parking Lot Landscaping.** All parking areas and other paved ground surface areas used for vehicular parking must have perimeter and internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

- A) **Parking Lot Screening.** Parking lot screening adjacent to a parking lot is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure. Where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area within ten (10) feet of the paved ground surface area with landscaping, a berm, a masonry wall, or a combination of these, as follows:
- i) **Parking Lot Screening Landscaping.** Landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. The landscaping shall be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within three (3) years. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang.
 - ii) **Parking Lot Screening Berm.** Berms shall be at least three (3) feet in height (measured above the elevation of the adjacent parking surface) and meet the requirements of [Section 10.03 \(7\)](#).
 - iii) **Parking Lot Screening Wall.** Walls shall be at least three (3) feet in height and constructed of the same or compatible material and colors of the principal building in terms of texture and quality.
- B) **Interior Parking Lot Landscaping.** All off-street parking areas of forty (40) parking spaces or more must have internal landscaping.

- i) **Size of Interior Parking Lot Landscaping Areas.** Interior landscaping must account for a minimum of five percent (5%) of all paved parking areas, including parking and loading spaces, driveways, and aisles. Each separate interior landscaped area must be a minimum of three hundred (300) square feet in area and must have a minimum width of ten (10) feet.
- ii) **Minimum Number of Trees.** Each interior landscape area must contain at least one (1) tree. One (1) tree must be planted for each three hundred (300) square feet of interior landscaping.
- iii) **Location of Landscaping.** All required interior parking lot landscaping must be planted within the landscaped islands or in landscaped areas within twenty (20) feet of the perimeter of the parking lot, provided that such landscaping is not also counted toward other landscape or screening requirements.
- iv) **Groundcover.** Interior parking lot landscape areas must include groundcover of grass, perennials, shrubs, and/or hardwood mulch. Rock, stone, or pebbles are not permitted ground cover.
- v) **Protection with Curbing or Wheel Stops.** All interior parking lot landscaping must be protected from vehicular encroachment by six (6) inch high concrete curbing or wheel stops.
- vi) **Maximum Number of Parking Spaces in a Row.** Landscaping islands with or without walkways must be used to subdivide parking areas into parking rows with no more than twenty (20) spaces. See image below.



- vii) **Maintenance.** The internal landscaping must be installed and maintained so that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns, or vision for safety or ingress or egress.

- (3) **Loading Area Landscaping.** All loading areas (including, but not limited to, truck docks, overhead doors, or trailer staging areas) not screened by an intervening building shall be screened from a perpendicular view from any public street rights-of-way or adjacent residential zoning district for the entire length except for necessary access. It is the intent of this Section to screen loading areas and delivery vehicles as completely as practicable. Screening for loading areas may be accomplished by one (1) or a combination of the following:
 - A) An opaque fence or wall which is at least six (6) feet high and is made of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional evergreen planting materials shall be provided so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure.
 - B) Evergreen trees at least eight (8) feet in height and planted in a staggered double row spaced fifteen (15) feet on center. Any plant material used to fulfill these requirements shall meet or exceed the minimum size requirements of [Section 10.04](#) when planted.

- (4) **Display Area Screening.** Screening of display areas may, at the discretion of the City Council, be accomplished by plants, fences, walls or earthen berms, or any combination thereof to meet the requirements of this Section. The City Council must base its discretion on the material being displayed and the visual impact on surrounding areas. The City Council may modify or waive these requirements where outdoor display is integral to the principal use of the property (e.g., Outdoor Vehicle Sales).
- A) The plants, fence, walls, earthen berms, or combination thereof, must provide a buffer no less than three (3) feet in height equal to the length of the display area, exclusive of driveways and sight lines used for safe automobile access and egress. In the case of vehicle or equipment display, the buffer must create a screen.
 - B) Walls which are used shall be of the same or compatible material, in terms of texture and quality, with the material and color of the principal building. Additional planting materials shall be provided so that no more than one half (½) of the surface area of the wall is visible from the street within three (3) years of erection of the structure. Forty percent (40%) of this plant material may be deciduous.
 - C) All shrubs shall comply with the requirements of **Section 10.04**. Vegetation planted on berms may have a lesser mature height required by the Article provided that the combined height of the berm and the plantings after three (3) years are at least three (3) feet high. Up to forty percent (40%) of all shrubs may be deciduous.
- (5) **Screen Wall and Greenbelt Buffering.** The intent of **this Section greenbelt buffering** is to reserve an appropriate area of a lot to screen and buffer the lot and its use(s) based on its zoning district and the zoning district of the adjacent lots, regardless of whether the adjacent lots are developed. A **screen wall and/or greenbelt** as specified in the table below shall be provided for all uses requiring Site Plan Review.

Developing Zoning District	Adjacent To			
	N1, N2, and R-U-F Districts	NM1, NM2, and NM3 Districts	C-1, C-2, C-3, and C-4 Districts	ML, M-1, and M-2, and Railroad and Utility rights-of-way
N1, N2, and R-U-F Districts	a	b	b	b
NM1, NM2, and NM3 Districts	b	a	b	b
C-1, C-2, C-3, and C-4 Districts	b	b	a	b
ML, M-1, and M-2 Districts	c	c	cb	a_c
a) A ten (10) foot wide buffer, with one (1) tree per thirty (30) linear feet. For proposed single-family residential uses, the greenbelt buffering requirements shall apply only to Subdivision and Site Condominium development. b) A six (6) foot high masonry wall or opaque fence and/or A twenty (20) foot wide greenbelt buffer, with one (1) tree per twenty (20) linear feet (minimum of 50% evergreen trees). A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required trees, subject to City Council review and approval. c) A seven (7) foot high masonry wall and/or A sixty (60) foot wide greenbelt buffer, with a staggered double row of evergreen trees spaced fifteen (15) feet apart on a six (6) foot high berm (see Section 10.03 (7)) with a flat horizontal area at the crest to be at least three (3) feet in width. subject to City Council review and approval. The planting must be in a manner where the evergreen trees provide eighty percent (80%) opacity within three (3) years of planting, measured from the top of the berm. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or shrubs must be planted to achieve eighty percent (80%) opacity at the time of their planting. A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required berm and trees.				

- A) **Planting Setback.** Trees and shrubs must not be placed closer than four (4) feet to the fence line or property line. Single family uses are excluded from this requirement.
- B) **City Review.** The City Council or Planning Director may modify the greenbelt buffering to allow less buffering or require additional buffering based on the proposed use's impact on adjacent lots.

- C) **Greenspace Lawn.** The remainder of the greenspace area which is not planted with the aforementioned stock must be kept in lawn or another approved native vegetation. All plant materials must be maintained in a healthy growing condition and in a neat and orderly appearance as required in this Article.
- D) **Existing Buffering.** If an existing wall, fence, or vegetation exists on the site that meets the greenspace buffering standards of this Ordinance, the City Council or Planning Director may accept the existing screening or require only supplemental screening to meet the intent of this Article.

E) **Circumstances Requiring Construction of a Wall.** City Council, in the review of a site plan or waiver use petition, may require the construction of a masonry wall where it is determined that construction of a wall is needed to adequately buffer a developing district from an adjacent use or district.

F) **Separation Agreement.** Upon receipt by the Inspection Department of a written agreement for a term of not more than five years, among the owner(s) of property requiring installation of a protective wall or greenbelt and the owner(s) of all abutting residential properties, and proof that a buffer complying with such agreement is in place, the requirements of this section shall be waived during the time such agreement remains in effect. Such an agreement may be renewed, for terms not exceeding five years for each renewal, pursuant to a written agreement of the owners of property described above. Any agreement made pursuant to this paragraph shall be expressly made binding on the parties' successors in title for the duration of the agreement. This paragraph shall only apply where the property requiring the protective wall cannot meet the standards for greenbelts set forth above due to a condition on the property which existed at the time this paragraph (f) was added to this Section.

- (6) **Open Space Landscaping.** All remaining open areas on the site that are not required landscaping areas as described elsewhere in this Article (frontage landscaping, parking lot landscaping, loading and display area landscaping, and greenbelt buffering) shall be planted with one (1) tree per three thousand (3,000) square feet of open area. All open space landscaping areas shall be planted with grass or another suitable vegetative ground cover.
- (7) **Berms.** Where required, earth berms, or landscaped berms must conform to the following standards:
 - A) The berm must be at least constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat area on the top unless a different size is required in this Ordinance.
 - B) The berm must be planted with grass or other suitable ground cover to ensure that it withstands wind, weather, and erosion, and retains its height and shape.
 - C) Unless a specific planting pattern is required by the Ordinance or the City Council, required trees and shrubs may be planted at uniform intervals, at random or in groupings.
 - D) Berm height must be measured as elevation above grade.
- (8) **Garbage, Refuse, and Recycling Collection Areas.** All garbage, refuse, and recycling must be placed within a sealed container that shall be screened utilizing an enclosure that meets the following requirements:
 - A) An enclosure of sufficient height to completely screen the dumpster is required on three (3) sides of the waste receptacle with a solid gate on the fourth side. The height of the enclosure must be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. This requirement specifically supersedes the maximum height requirement of a fence as set forth in Chapter 44 of Title 15 of the Livonia Code of Ordinances, as amended. The enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass and, when not in use, closed at all times.
 - B) The enclosure must be constructed of the same or compatible material and colors of the principal building in terms of texture and quality.

- (9) **Mechanical and Utility Equipment Screening.** All mechanical equipment, utility meters, storage tanks, air conditioning equipment, transformers, or similar equipment, incidental to any building, including roof-mounted equipment must be totally enclosed or screened from view off-site and must be an integral part of the architectural or landscape design of the building and site. This requirement does not apply to equipment serving a single-family unit or duplex.
- (10) **Right-of-Way and Access Easement Landscaping.** In addition to any other landscaping requirements of this Ordinance for public rights-of-way and other access easements, any public right-of-way and access easement areas adjacent to required landscaped areas shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas.

Section 10.04 Standards for Plant Materials.

- (1) **Lawn Areas.** Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- (2) **Recommended Species of Trees, Shrubs, and Perennials.** The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the southeast Michigan region. The following is a list of recommended species and required minimum sizes of plant materials. The City of Livonia may permit other species that are not listed below.

Recommended Plant Type and Minimum Size	Common Name
Evergreen Trees (8 feet minimum height)	Fir, Hemlock, Juniper, Pine, and Spruce
Narrow Evergreens (5 feet minimum height)	Blue Columnar Chinese Juniper, Column Honoki Cypress, Douglas Arborvitae, Pyramidal Red Cedar, Pyramidal White Pine, and Swiss Stone Pine
Deciduous Trees (3-inch minimum caliper)	Beech, Birch, Gingko, Hackberry, Honey Locust (Without Thorns), Hop Hornbeam, Linden, Oak, Planetree (Sycamore), and Sweet Gum
Ornamental Trees (2-inch minimum caliper)	Allegheny Serviceberry, Dogwood, Flowering Crab, Hawthorn, Hornbeam, Magnolia, Redbud, and Rose of Sharon
Deciduous Shrubs (3 feet minimum height)	Dogwood, Euonymus, Forsythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock-Orange, Ninebark, Privet, Spiraea, Sumac, and Viburnum
Evergreen Shrubs (30 inches minimum height)	Holly, Juniper, and Yew
Spreading Shrubs (18 inches minimum height)	Cotoneaster and Creeping Juniper
Perennial Flowers/Groundcover	Black-Eyed Susan, Creeping Juniper, Creeping Phlox, Daylily, Fragrant Sumac, Ornamental Grass, Periwinkle, and Purple Coneflower

- (3) **Prohibited Species.** Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The City Council or Planning Director may prohibit other species that are not listed below.

Latin (scientific name)	Prohibited Species	Description or Characteristic of Plant
Acer negundo	Boxelder Maple	
Catalpa speciosa	Catalpa	

Populus sp.	Poplars	
Salix sp.	Willows	
Ailanthus altissima	Tree of Heaven	
Fraxinus sp.	Ash	Due to Emerald Ash Borer.
Acer sp.	Maples	Should be discouraged due to overuse in landscape.

(4) Minimum Requirements for Plant Material.

- A) All plant material must conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials must be typical of their species or variety, have normal habitat of growth, well-branched, and densely foliated when in leaf.
- B) Plant materials must be chosen according to soil, climatic conditions, and environmental factors for the proposed development, the location of the installation, and its desired function.
- C) Artificial plants are prohibited from satisfying landscape requirements.

Section 10.05 Landscape Installation and Maintenance.

(1) Installation.

- A) **Installation Period.** Whenever planting is required by this Ordinance, it must be planted prior to the issuance of the Certificate of Occupancy. If the weather does not permit the planting, the required planting must take place within six (6) months from the date of issuance of the Certificate of Occupancy.
- B) **Installation Method.** All landscaping must be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:
 - i) **High Quality and Healthy Plant Material.** Plant material must be freshly dug. Plant material must be of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae. Trees must have straight trunks with leaders intact, undamaged and uncut.
 - ii) **Mulching.** Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) must be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials must not be permitted as a ground cover or mulch.
 - iii) **Topsoil.** A minimum of four (4) inches of topsoil must be provided for all lawn areas, ground covers, berms, and planting beds.
 - iv) **Plant Material Required in All Portions of Landscaped Areas.** All portions of the landscaped areas must be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with City Council approval.

- v) **Planting Locations.** Unless a specific planting pattern is required by the Ordinance or the City Council, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, provided they are planted in accordance with the approved plan. Landscaping must be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs.
- vi) **Protection of Existing Vegetation.** Existing vegetation to be preserved must be protected during construction through the use of temporary fencing around the drip line.

(2) Maintenance.

- A) The owner of the property is responsible for the regular maintenance of all plants and must replenish mulch, control weeds, fertilize plants, and prune plants as necessary beginning upon completion of construction of landscaping. All diseased, dead, or damaged plants must be replaced within thirty (30) days, unless the season is not appropriate for planting, in which case such plant material must be replaced at the beginning of the next planting season.
- B) The approved landscape plan must be considered a permanent record and integral part of site plan approval. Unless otherwise approved in accordance with the procedures for amending a site plan, any revisions to or removal of plant materials that are not replaced will cause the parcel to be in nonconformity with the originally approved landscape plan and must be viewed as a violation of this Ordinance.

- (3) Irrigation Required.** All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The City Council or Planning Director may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.

- (4) Snow Storage.** Landscape areas may be used for snow storage, provided they are designed to accommodate the large volumes of snow, planted with salt-tolerant landscape material that can survive in winter conditions, and maintained in accordance with this Article.

Section 10.06 Modifications.

In consideration of the overall design and impact of the landscape plan, the City Council may modify or adjust the requirements outlined in this Article for required landscaping, provided that any such adjustment is keeping with the intent of this Ordinance and more specifically, with the intent of this Article.

Article XI.

Signs

Section 11.01 Applicability.

(1) Sign Standards.

All signs within the City of Livonia shall comply with the General Requirements of [Section 11.04](#). Signs in specific Zoning Districts shall comply with [Section 11.08](#). For prohibited signage refer to [Section 11.05](#) and [Section 11.09](#). For exempt signage refer to [Section 11.06](#).

(2) Existing Signs.

Except as otherwise specifically provided, nothing in this Article requires removal or discontinuance of an existing sign. Existing signs must not be enlarged or extended without meeting the requirements of this Article and obtaining a sign permit. Legally existing signs that do not meet this Article's requirements are labeled nonconforming signs.

(3) Dual Suitability.

Meeting the criteria of one sign type definition does not exclude the sign from meeting another sign definitions' criteria. For example, a blade sign can also meet the definition criteria of a double-faced sign. Therefore, the sign is a double-faced blade sign.

Section 11.02 Intent.

It is not the intent of this Ordinance to have the open spaces and lines of vision created by public rights-of-way used as license for unrestricted advertising through the use of signage, but rather to enhance the physical appearance of the city, preserve scenic and natural beauty of designated areas, make the city a more enjoyable and pleasing community and to create a more attractive economic and business climate by preserving property values. It is intended by the provisions of this Ordinance to reduce sign or advertising distractions, to eliminate the visual blight caused by abandoned or poorly maintained signs and to avoid the confusion of conflicting adjacent signs. Through this Ordinance signage will be allowed in such a manner so as to provide those similar uses in similar zones the opportunity for identification exposure regardless of parcel size, although the location and size of buildings will influence the amount and type of signage permitted. This Ordinance shall make a distinction between those non-residential zones that provide for transitional or other than retail activity as a primary use. This section, through this approach, reflects the transitional nature of the zoning district arrangements shown on the zoning map and the future land use plan so that as the intensity of land use is decreased, so is the amount of permitted signage. This consistent approach is necessary to remove the need for the type of signs which compete for attention for the motorist, thereby creating traffic hazards as well as creating visual blight within the city. It is therefore within the health, safety and welfare responsibility of the city of Livonia that this section of the Ordinance is promulgated.

Section 11.03 Substitution Clause.

Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Ordinance.

Section 11.04 General Requirements for All Signs.

The following conditions apply to all signs erected or located in any zoning district:

(1) Inspection.

No signs oriented to motorized traffic on a public street (except as specifically exempted) shall be erected, used, changed or altered without first having been approved by the Director of the Inspection Department, or his or her designee, and a sign permit issued.

(2) Sign Location.

- A) No sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than eighteen (18) inches and shall not project above or beyond the highest point in the roof or parapet.
- B) No sign shall be permitted at any location that creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. Any citation or notice of violation of this subsection shall cite any relevant building or electrical codes, provisions of this Ordinance or other City ordinances, and/or findings or studies of the Livonia Police Department Traffic Bureau and/or a traffic engineer.

(3) Maximum Sign Size. No sign in the City shall exceed an overall sign area of 200 square feet.

(4) Alterations. No sign will be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article. The refacing of signs is not an alteration within the meaning of this Article.

- (5) **Sign Attachment and Support.** A sign must not be attached to or supported by a tree, utility pole, light pole, trash receptacle, bench, vending machine, public shelter, or be painted or drawn upon rocks or other natural features.

Section 11.05 Prohibited Signs.

A sign not expressly permitted in a zoning district is prohibited. The following signs shall not be permitted and are expressly prohibited in any zoning district:

- (1) **Abandoned signs.**
- (2) **Bench signs.**
- (3) **Billboards.**
- (4) **Festoons, air-activated signs, and balloon signs** except for decorations commemorating a permitted time-limited event or a nationally recognized holiday.
- (5) **Flashing signs.**
- (6) **Moving signs.**
- (7) **Outline tubing signs**, except that the use of outline tubing may be permitted when
 - A) such tubing is encased with tinted glass or plastic so as to protect it from weather and breakage and to render such tubing invisible when not illuminated, and
 - B) the tubing does not outline windows, roofs, or other building features.
- (8) **Portable signs.**
- (9) **Pylon signs.**
- (10) **Roof signs.**
- (11) **Trailer signs.**
- (12) Any sign attached to a tree or utility pole whether public or private, or attached to a traffic device or public sign.
- (13) Any sign unlawfully installed, erected or maintained.
- (14) Any sign which has displayed thereon advertising or announcements in obscene material or language.
- (15) Signs painted permanently and directly on the exterior surface of any building, wall or fence.
- (16) Signs that include audio, pyrotechnic, Bluecasting (Bluetooth advertising), or other similar components.
- (17) Any sign, that is located in or projects into any public right-of-way as shown on the Future Transportation Map is prohibited, except for traffic or other public signs and those signs for which a valid permit has been issued by a) the County, in the case of a County right-of-way, or b) the State, in the case of a State right-of-way. Any sign, including real estate signs, placards, posters, circulars, showbills, handbills, cards, leaflets or other advertising matter posted, pasted, nailed, printed, stamped, or unlawfully placed or erected in any right-of-way or public property may be removed and disposed of by the enforcement officers of the City of Livonia without regard to other provisions of this Ordinance.

Section 11.06 Exempt Signs.

The following types of signs, where expressly permitted by zoning district, shall not require sign permits unless otherwise indicated; provided that the principal use to which they relate is permitted by this Zoning Ordinance and they meet all other restrictions of the particular zoning district and the following criteria:

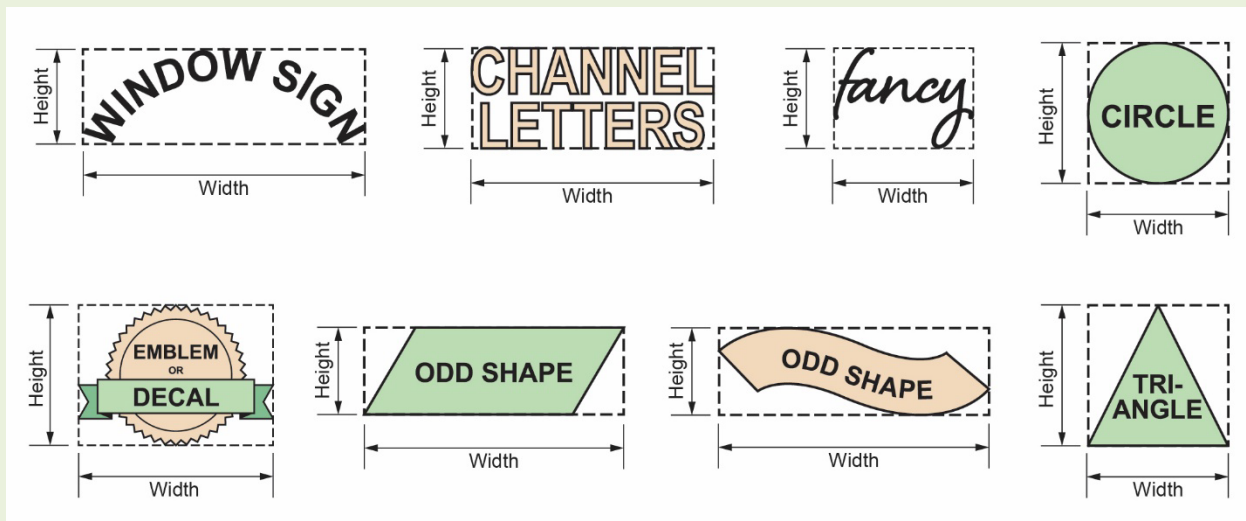
- (1) **Public signs.**
- (2) **Temporary signs.** Provided they meet district regulations of [Section 11.08](#).
- (3) **Flags.** No greater quantity than three (3) per development site. Flagpoles shall be permitted to be located within the minimum required building setback area, provided that the distance between the base of the pole and any lot line is not less than the height of the flagpole.
- (4) Address numbers with a numeral height not greater than six (6) inches for residences and twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or ground sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style and color.
- (5) Nameplates on the entry door of the premises or adjacent to the doorway.
- (6) One (1) temporary construction sign of whatever content the owner deems appropriate, provided that such sign is erected only after the issuance of a building permit and is removed at the completion of construction or occupancy of the building, whichever occurs first, and subject to the following additional requirements:
 - A) Construction signs in R-U-F, N1, and N2 districts shall not exceed six (6) square feet in area, and if freestanding shall not exceed five (5) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
 - B) Construction signs in all other districts shall not exceed thirty (30) square feet in area, and if freestanding shall not exceed six (6) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
- (7) Temporary community event signs, of whatever content the owner deems appropriate, for the purpose of advertising or promoting public events sponsored by a non-profit association or corporation for a charitable, educational, or public purpose to which the general public is invited when approved by the City Council and only after a sign permit has been issued by the Director of the Inspection Department, or his or her designee. Such signs shall not exceed sixteen (16) square feet of sign area, eight (8) feet in height, have a minimum setback of ten (10) feet from any public right-of-way and shall be removed within twenty-four (24) hours of the conclusion of the event it advertises.
- (8) Directional signs, of whatever content the owner deems appropriate, located on parking areas or on auxiliary parking lots used in conjunction with an adjacent permitted use when the purpose of the sign is to expedite the flow of vehicular and pedestrian traffic to, from, and within a development site, each sign may not exceed two (2) square feet in area. The minimum setback for such signs used to indicate an entrance or exit shall be two (2) feet from all property lines or any public right-of-way line with a maximum height of three (3) feet. All other directional signs shall have a minimum setback of ten (10) feet from all property lines or any public right-of-way line with a maximum height of five (5) feet.
- (9) One (1) temporary real estate sign of whatever content the owner deems appropriate, when located on the land or building intended to be rented, leased or sold, subject to the following additional requirements:

- A) Real estate signs shall be removed within thirty (30) days after the property is rented, leased, or sold. For the purpose of this Ordinance, a property shall be considered leased when the lease agreement is executed by all parties or it shall be considered sold when the sale is closed.
 - B) Real estate signs in R-U-F, N1, and N2 districts shall not exceed six (6) square feet in area, and if freestanding shall not exceed five (5) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
 - C) Temporary real estate signs, of whatever content the owner deems appropriate, in all other districts shall not exceed sixteen (16) square feet in area, and if freestanding shall not exceed eight (8) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way or a location as deemed appropriate by the Director of the Inspection Department. Two (2) signs not exceeding sixteen (16) square feet each shall be permitted on property situated on a lot with double frontage and corner lots. Such signs shall require a sign permit and may be erected for a time period not to exceed six (6) months from the date of issuance of the sign permit; provided, however, that such permit may be renewed by the Director of the Inspection Department, or his or her designee, for a second six (6) month period. At the end of the second six (6) month period, such permit may be renewed for a period not to exceed six (6) additional months only if more than ten (10%) of the building or rentable area of the building is available.
 - D) On development sites with a minimum of two hundred (200) feet of property bordering on the I-275 freeway, temporary real estate, of whatever content the owner deems appropriate, signs facing the I-275 freeway shall not exceed sixty-four (64) square feet in area, and if freestanding shall not exceed twelve (12) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
- (10) One (1) temporary non-illuminated "open house" real estate sign, of whatever content the owner deems appropriate, with an area not to exceed four (4) square feet. Such signs may be located only on the premises being sold and may be displayed for only one (1) day in any seven (7) day period.
- (11) Temporary real estate development signs, of whatever content the owner deems appropriate, when permitted in a zoning district, require sign permits, provided that such sign is erected only after the issuance of a building permit for the development or a portion thereof. Except for temporary residential subdivisions which are provided for elsewhere, such signs shall be subject to the following additional requirements:
- A) Real estate development signs shall be located on the land being developed and shall not exceed thirty-two (32) square feet in area, eight (8) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way line.
 - B) Real estate development signs may be permitted for a time period not to exceed twelve (12) months from the date of issuance of the sign permit and may be renewed by the Director of the Inspection Department, or his or her designee, when the sign is demonstrated to be safe and well maintained. Such signs are to be removed upon expiration of the permit or occupancy of the building, whichever occurs first.
- (12) Residential subdivision development with models shall be permitted one (1) temporary real estate sign of whatever content the owner deems appropriate, for each access road entering the development. Such signs shall be separated by a minimum distance of five hundred (500) feet and shall not exceed thirty (30) square feet in area, twelve (12) feet in height, and shall have a minimum setback of ten (10) feet from all property lines and any public right-of-way lines.
- A) Within subdivisions, each home builder for each model shall be permitted, one (1) temporary real estate sign of whatever content the owner deems necessary, for each home builder for each model. Such signs shall not exceed of sixteen (16) square feet in area, five (5) feet in height, and shall have a minimum setback of fifteen (15) feet from any property line.

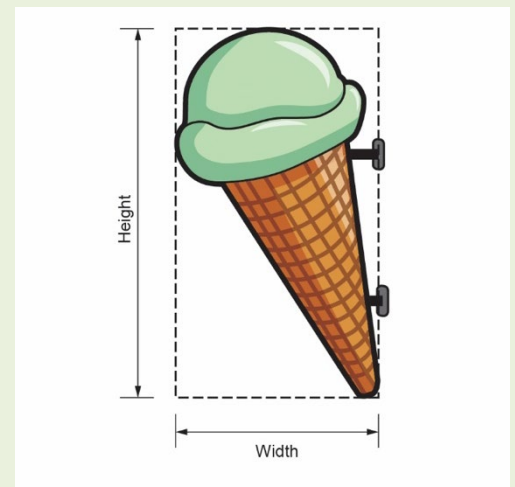
- B) Such home builder signs shall be removed upon cessation of new home marketing within the subdivision or when ninety-five percent (95%) of all lots have been sold by the builder(s) or when the permit expires, whichever occurs first.
- (13) Required announcement signs are permitted in all zoning districts when erected and maintained in accordance with the provisions requiring their use.

Section 11.07 Measurement of Sign Area.

- (1) The area of a sign, expressed in square feet, shall mean the entire area within any circle, triangle or rectangle or square enclosing the extreme limits of writing, representation, emblem or any 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 the necessary supports or uprights on which such sign is placed. Refer to the image below.



- (2) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
- (3) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area unless it too contains advertising lettering, materials or symbols.
- (4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is measured as their maximum projection, upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See figure to the right.
- (5) Regardless of spacing, the letters forming a word or words shall be considered a single sign. The area of such a sign shall be measured as provided in this Article.



Section 11.08 Zoning District Regulations.

(1) Sign Regulations for Residential Districts

Sign Type	N1, N2, RUF, NM1, NM2, and NM3 Districts (Single-family and two-family lots only)	N1, N2, RUF, NM1, NM2, and NM3 Districts (Residential developments [subdivisions, site condominiums, and multi-family] and non-residential uses only)
Blade Signs	Not Permitted	
Banner or Pennant Signs	Not Permitted	
Monument Signs	Not Permitted	Maximum Number: One (1) for each lot with permitted non-residential uses. One (1) entranceway sign per residential development when constructed out of natural materials. Maximum Height: Five (5) feet. Maximum Area: Twenty (20) sq. ft. Minimum Setback: Ten (10) feet from all property lines and any right-of-way line.
Awning, Canopy, or Wall Signs	Not Permitted	Maximum Area: Twenty (20) sq. ft.
Window Signs	Not Permitted	
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 11.10</i>	Not Permitted	
Temporary Signs	Maximum Number: Two (2) per residential lot. Maximum Area: Thirty-two (32) sq. ft., total for all signs. Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Minimum Setback: Ten (10) feet from any property line. Duration: Temporary signs shall not be placed for a period exceeding ninety (90) days in one calendar year, unless otherwise permitted by this ordinance.	
Address Number Signs	Maximum Numeral Height. Six (6) inches for residences and twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style, and color.	
Identification Sign	Maximum Number: One (1) for each waiver use, not including religious institutions. Maximum Area: Six (6) sq. ft. Maximum Height: Four (4) feet. Minimum Setback: Twenty (20) feet from any right-of-way line.	

(2) Sign Regulations for C-1 Districts.

SIGN TYPE	C-1 DISTRICTS	
Blade Signs	Maximum Area: Six (6) sq. ft.	
Banner or Pennant Signs	Maximum Number: One (1) per lot. Maximum Area: Thirty-two (32) sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. Maximum Duration: Four (4) weeks per year. No such permit shall allow the display of balloons or searchlights for more than seven (7) consecutive days or of pennants, banners, or other decorations for more than fourteen (14) consecutive days.	
Menu Order Board	Maximum Number: One (1). Maximum Area: Thirty (30) sq. ft. Such signs shall be primarily directed at persons within the premises of the sign owner.	
Monument Signs	Sites consisting of a single tenant occupying a single building.	Sites comprised of one (1) building or multiple architecturally uniform buildings and sharing a common parking area
	Maximum Number: One (1). Maximum Area: Thirty (30) sq. ft. Maximum Height: Six (6) feet. Maximum Length: Ten (10) feet. Minimum Setback: Ten (10) feet from any right-of-way line.	Maximum Number: One (1). Maximum Area: Twenty-Thirty (2030) sq. ft. Maximum Height: Six (6) feet. Maximum Length: Ten (10) feet. Minimum Setback: Ten (10) feet from the perimeter of the building.
Awning, Canopy, or Wall Signs	Maximum Area: One (1) square foot of area for each one (1) lineal foot of frontage of the building or portion thereof occupied by each separate business; provided, however, that in the case of a single business occupying a corner lot situated on two (2) major thoroughfares, a second wall sign having an area not exceeding one-half (½) of the allowable area as the first permitted sign, shall be permitted on the other façade facing a street.	
Window Signs	Maximum Area: 20% of the window area.	
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 11.10</i>	Maximum Area: Fifteen (15) sq. ft. EMC signs are only permitted if they are a monument sign, and only if all signage on site is fully compliant with the Zoning Ordinance.	
Temporary Signs	Maximum Number: - On lots of five (5) acres or less, no more than two (2) temporary signs are permitted at any one time. - On lots of five (5) acres or more, or with three (3) or more businesses, no more than three (3) temporary signs are permitted at any one time. Maximum Area: Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Duration: Must not be displayed more than 90 days in a 1-year period.	
Address Number Signs	Maximum Numeral Height. Twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style, and color.	

(3) Sign Regulations in C-2, C-3, and C-4 Districts.

SIGN TYPE	C-2, C-3, AND C-4 DISTRICTS		
Blade Signs	Maximum Area: Six (6) sq. ft.		
Banner or Pennant Signs	Maximum Number: One (1) per lot. Maximum Area: Thirty-two (32) sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. Maximum Duration: Four (4) weeks per year. No such permit shall allow the display of balloons or searchlights for more than seven (7) consecutive days or of pennants, banners, or other decorations for more than fourteen (14) consecutive days.		
Menu Order Board	Maximum Number: One (1). Maximum Area: Thirty (30) sq. ft. Such signs shall be primarily directed at persons within the premises of the sign owner.		
Monument Signs	For each single building or business center, housing no more than three (3) separate business uses	For each business center having four (4) or more separate business uses	Signage in a Regional Shopping Center is intended to identify the regional center and/or the principal tenants to the general public
	Maximum Area: Thirty (30) sq. ft. Maximum Height: Six (6) feet.	Maximum Area: Forty (40) sq. ft. Maximum Height: Eight (8) feet.	Maximum Area: One Hundred (100) sq. ft. Maximum Height: Twenty (20) feet.
	Maximum Number: One (1). Where a development site has more than four hundred (400) feet of frontage along a major thoroughfare or a minimum of two hundred (200) feet of frontage on each of two (2) major thoroughfares, a second freestanding sign shall be permitted with the same size and location limitations as the first permitted sign, provided the distance between the two (2) signs is no less than three hundred (300) feet measured along the road frontage. Maximum Length: Ten (10) feet. Minimum Setback: Ten (10) feet from any right-of-way line. No freestanding sign shall be permitted when the front yard setback of the building(s) is less than twenty (20) feet.		
Awning, Canopy, or Wall Signs	Maximum Area: One (1) square foot of area for each one (1) lineal foot of frontage of the building or portion thereof occupied by each separate business; provided, however, that in the case of a single business occupying a corner lot situated on two (2) major thoroughfares, a second wall sign having an area not exceeding one-half (½) of the allowable area as the first permitted sign, shall be permitted on the other façade facing a street.		
Window Signs	Maximum Area: 20% of the window area.		
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 11.10</i>	Maximum Area: Fifteen (15) sq. ft. EMC signs are only permitted if they are a monument sign, and only if all signage on site is fully compliant with the Zoning Ordinance.		
Temporary Signs	Maximum Number: - On lots of five (5) acres or less, no more than two (2) temporary signs are permitted at any one time. - On lots of five (5) acres or more, or with three (3) or more businesses, no more than three (3) temporary signs are permitted at any one time. Maximum Area: Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Duration: Must not be displayed more than 90 days in a 1-year period.		
Address Number Signs	Maximum Numeral Height: Twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style, and color.		

(4) Sign Regulations in Industrial Districts.

SIGN TYPE	M-L, M-1, AND M-2 DISTRICTS		
Blade Signs	Maximum Area: Six (6) sq. ft.		
Banner or Pennant Signs	Maximum Number: One (1) per lot. Maximum Area: Thirty-two (32) sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. Maximum Duration: Four (4) weeks per year. No such permit shall allow the display of balloons or searchlights for more than seven (7) consecutive days or of pennants, banners, or other decorations for more than fourteen (14) consecutive days.		
Monument Signs	For each industrial development site consisting of a single tenant occupying a single building	Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area shall be permitted the following, and prior to sign permits being issued, a master sign plan shall be submitted to the Director of the Inspection Department, or his or her designee, indicating size, type and location of wall signs, ground signs and any other requested signs	At the entrance to an industrial park, an entranceway sign shall be permitted when constructed out of natural materials.
	Maximum Number: One (1). Where a development site has more than four hundred (400) feet of frontage along a major thoroughfare or a minimum of two hundred (200) feet of frontage on each of two (2) major thoroughfares, a second freestanding sign shall be permitted with the same size and location limitations as the first permitted sign, provided the distance between the two (2) signs is no less than three hundred (300) feet measured along the road frontage. Maximum Length: Ten (10) feet. Maximum Area: Thirty (30) sq. ft. Maximum Height: Six (6) feet. Minimum Setback: Ten (10) feet from any right-of-way line.		Maximum Number: One (1). Maximum Area: Twenty (20) sq. ft. Maximum Height: Five (5) feet. Minimum Setback: Ten (10) feet from any right-of-way line.
Awning, Canopy, and Wall Signs	For each industrial development site consisting of a single tenant occupying a single building	Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area	
	Maximum Area: One (1) square foot of area for each two (2) lineal foot of front building width or one hundred (100) square feet, whichever is lesser.	Multi-tenant structures may identify tenants with not more than one (1) wall sign per tenant, not to exceed ten (10) square feet of sign area and to be located on the face of the area occupied by the tenant. Additionally, one (1) identification wall sign not to exceed two (2) square feet in area shall be permitted at the rear entrance to each business establishment.	

SIGN TYPE	M-L, M-1, AND M-2 DISTRICTS
Window Signs	Maximum Area: 20% of the window area.
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 11.10</i>	Not Permitted
Temporary Signs	Maximum Number: - On lots of five (5) acres or less, no more than two (2) temporary signs are permitted at any one time. - On lots of five (5) acres or more, or with three (3) or more businesses, no more than three (3) temporary signs are permitted at any one time. Maximum Area: Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Duration: Must not be displayed more than 90 days in a 1-year period.
Address Number Signs	Maximum Numeral Height. Twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style and color.
Identification Signs	Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area shall be permitted one (1) group identification sign not to exceed twenty-four (24) square feet of sign area and if freestanding, shall be located within ten (10) feet of the perimeter of the building.

Section 11.09 Billboards.

The erection and maintenance of billboards and outdoor advertising signs on any parcel of land within the City of Livonia, or the use of any such parcel for said purpose, are hereby prohibited; provided, however, that this section shall not apply to billboards or outdoor advertising signs lawfully in existence at the time this Ordinance becomes effective, nor to those specific signs which are expressly allowed by the district regulations contained in this Ordinance.

Section 11.10 Sign Illumination.

(1) Illumination.

Signs permitted to be illuminated, may be either internally or indirectly illuminated. Any sign, regardless of size, that makes use of electricity, shall require an electrical permit in addition to any required sign permit. No sign shall be illuminated by other than approved electrical devices, installed in accordance with the requirements of the regulations adopted by the City of Livonia, and shall be subject to the following conditions:

- A) The lighting of signs shall be of a non-intermittent, non-flashing character.
- B) Illumination devices designed and installed to illuminate the exterior of principal buildings or accessory buildings on a site shall be permitted without respect to the size of signs permitted in any zoning district; provided, however, that there shall be no spillage of illumination or glare onto any public or private roads, drives or traffic lanes, and shall be so shielded, trained, or aimed that glare is prevented from spilling onto adjacent residential properties.

- C) Internal illumination or back-lighting of signs attached to a canopy or awning, which render the canopy or awning translucent, is not permitted; however, the portion of the canopy or awning which encompasses the sign area only may be illuminated to light the sign area in a translucent manner.

(2) Standards.

Any ground sign permitted under [Section 11.08, 0](#) which pertains to a business, business center, and/or regional center as to which all other signage of whatever type also conforms to this Ordinance, may include a variable electronic message sign covering not more than fifty (50) percent of the area of the ground sign, provided that each individual message on the sign shall remain in place for a minimum of eight (8) seconds, any change of message is accomplished within one (1) second, and any change shall occur simultaneously over the entire face of the variable electronic message sign. Signs which constitute Nonconforming Uses under [Section 11.15](#) of this Ordinance, or as to which variance(s) has/have been granted for sign size, height, location, or number, must be eliminated or brought into conformity with all currently applicable Ordinance limits prior to the issuance of a variable electronic message sign permit for the business, business center, and/or regional center to which such nonconforming sign(s) pertain(s).

- A) No such sign may be oriented to face any residentially zoned property.
- B) The intensity of the display on any variable electronic message sign shall not exceed the levels specified in the chart below:

INTENSITY LEVEL (NITS)		
COLOR	DAYTIME	NIGHTTIME
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

- C) Prior to the issuance of a permit for a variable electronic message sign, applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the chart above, and the intensity level is protected from end-user manipulation by password-protected software or other method deemed appropriate by the Department. The characters on any variable electronic message sign must be lighted against a darker or less luminous background.
- D) The sign owner shall provide on the application for a permit for a variable electronic message sign contact information for a person who is available to be contacted at any time and who is able to turn off the variable electronic message sign promptly after a malfunction occurs. If the Department finds that a variable electronic message sign has malfunctioned, the owner of the sign, within twenty-four (24) hours of a request by the Department, shall correct the malfunction or power off the sign.
- E) Variable electronic message signs which do not comply with all of the provisions of this subsection shall not be permitted in any zoning district in the City.

Section 11.11 Construction and Maintenance.

(1) Material Requirements.

All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the B.O.C.A. Code and requirements of this section.

- A) **Restriction on Combustible Materials.** All signs and sign structures erected shall conform to the State Construction Code relating to combustibility.
- B) **Non-Structural Trim.** Non-structural trim may be of wood, metal, approved plastics, or any combination thereof.
- C) **Fastenings.** Signs erected to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied. All bolts, cables, and other parts of such signs shall be painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector. All building fastenings must be of non-corrosive materials. Lightweight sign letters may be attached by means of an approved adhesive.
- D) **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables, guys, etc., will be within six (6) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- E) **Erector's Imprint.** Signs of every class which come within the purview of this section, must carry the identification of the sign erector in clearly legible letters. In case of rehanging or re-erection of any sign, the new erector must place his or her identification and the date on the sign.

(2) Windloads.

For the purpose of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than fifteen (15) pounds per square foot for those portions above the ground. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on three-fifths (3/5) of the projected area. In all open frame signs or sign structures, the area used in computing wind pressure shall be one-half (1/2) times the net area of the framing members exposed to the wind.

(3) Sign Elimination.

The Director of the Inspection Department, or his or her designee, may order the removal of any sign and supporting structures:

- A) Maintained in violation of this section, such order shall be in writing to the owner of said sign; or to the owner of the building, structure, or premises on which the sign is located; or to the owner or operator of the business to which the sign pertains; and shall allow seven (7) days for the removal of said sign or to insure that it is brought into conformance with the terms of this section.
- B) Existing at the time of, or erected after, the adoption of this Ordinance if either by its location or structural characteristics is deemed to be immediately hazardous to the safety of the general public.
- C) Whenever the sign becomes abandoned as defined in this Ordinance.

(4) Responsibility of Compliance.

The owner of any property on which a sign is erected, located, or placed, and the person maintaining said sign, are declared to be equally responsible for the condition of the sign and the area in the vicinity thereof.

Section 11.12 Permits.

(1) Permits Required.

It shall be unlawful for any person to erect, alter, paint, relocate, or maintain (by structural change or changing the display of the face of the sign) within the City of Livonia any sign or other advertising structure as defined herein, except where specifically exempted by [Section 11.06](#) of this Ordinance, without first obtaining a permit from the Department and payment of the fee provided for in this Ordinance. The provisions and regulations of this Ordinance shall not apply to the ordinary servicing or repainting of an existing sign message, cleaning of a sign, nor to changing of advertising on a sign specifically designed for periodic change of message without change in structure, such as a bulletin board, or similar type of sign, but not including a sign to which a new permanent face may be attached.

(2) Application for Sign Permit.

Application for sign permits shall be made upon forms provided by the Department, and shall contain or have attached thereto the following information:

- A) Name, address, and telephone number of the applicant.
- B) Location of the building, structure, or lot to which the sign is to be attached or erected.
- C) Position of the sign in relation to nearby buildings, structures, and property lines.
- D) Three (3) scaled drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
- E) Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
- F) Name and address of the person, firm, corporation, or association erecting the structure.
- G) Any electrical permit required and issued for said sign.
- H) Insurance policy or bond as required herein.
- I) Such other information as the Director of the Inspection Department, or his or her designee, may require to show full compliance with this and all other applicable laws of the City of Livonia and the State of Michigan.
- J) In the discretion of said Director when in his or her opinion the public safety requires it, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.
- K) In all applications for entranceway signs, the Director of the Inspection Department, or his or her designee, shall require that appropriate provisions have been made to assure continued maintenance of the sign.

(3) Permit Fees.

A permit fee shall be paid to the Department for each permanent permit and each temporary permit and each renewal thereof required by this Ordinance as shall be set by resolution of the City Council. The fee for any required permit shall be doubled if the sign is erected prior to the issuance of the permit.

(4) Appeal Process.

The Department has the authority to revoke or deny any sign permit required under this Ordinance if the sign violates this Ordinance or another law, provided that the Department shall offer the sign owner an opportunity to be heard by the Director of the Inspection Department, or his or her designee. Such hearing rights shall be in addition to the property owner's rights under [Section 13.14](#) of this Zoning Ordinance as amended. Such hearing shall occur no later than ten (10) business days after the denial or revocation complained of, except with the consent of the owner to a later hearing date. The person(s) whose permit is under consideration shall be given at least five (5) days written notice of the time, place, and reason for the hearing. The sign owner and/or person identified in the permit shall be permitted to present relevant facts and legal argument concerning the pending denial or revocation. Following this hearing, the Department shall consider the merits of the case and shall present a written opinion prior to any action. If, however, the Department believes the health, safety, or welfare of the citizens is endangered by any violation of this Ordinance, the Department may immediately revoke any sign permits.

(5) Sign Permit Expiration.

A sign permit shall become null and void if the work for which the permit was issued is not completed within ninety (90) days of the date of issuance.

(6) Authorized Sign Erectors.

Every person before engaging or continuing in the business of erecting, repairing, or dismantling signs, poster boards, or other display signs in the City of Livonia, shall obtain an annual sign erector's license. The erector shall first furnish the City a public liability insurance policy, approved by the City Attorney, in the amount of one million dollars (\$1,000,000.00) for injury to one (1) person and another one million dollars (\$1,000,000.00) for injury to more than one (1) person, and property damage insurance policy in the amount of five hundred thousand dollars (\$500,000.00) for damage to property, said policy to indemnify said erector from all damage suits or actions of every nature brought or claimed against the erector for or on account of injuries or damages to persons or property received or sustained by any person or persons through any act of omission or negligence of said erector, his or her servants, agents or employees in the erection, repair, or dismantling of any sign, poster board, or other display sign. Said policy shall contain a clause whereby said policy cannot be cancelled until after a written notice of intention to cancel has been filed with the Department at least ten (10) days prior to the date of cancellation. In lieu of an insurance policy as herein required, an erector may present proof satisfactory to the City Attorney that the said erector is financially capable of self-insurance in the above amounts. Said sign erector's license shall terminate upon the expiration or cancellation of the insurance policy unless evidence of renewal is filed with the Department. The license may be suspended or revoked in the manner provided by [0 \(8\)](#), revocation of license.

(7) License Fees.

The annual fees for licenses issued under this section shall be as provided in Section 15.56.070 of the Livonia Code of Ordinances, as amended.

(8) Revocation of License.

The Director of the Inspection Department, or his or her designee, may, after notice and service upon any holder of a license issued under this Ordinance, suspend any license heretofore or hereafter granted, for good cause shown. The City Council may revoke a sign license upon giving thirty (30) days' notice to the licensee of the reasons for the proposed revocation and a hearing held thereon. Upon such hearing the licensee may appear in person or together with counsel and contest such revocation.

Section 11.13 Sign Removal.

The Zoning Inspector will order the removal of any sign for which no sign permit has been issued or signs erected in violation of this Ordinance in accordance with the following procedures:

(1) Notify Property Owner of Violation.

The Zoning Inspector will notify the property owner by first class mail describing the sign, specifying the violation involved, and ordering correction of the violation within 15 days. A similar notice will be posted on the property.

(2) Timely Action by Property Owner.

The property owner must remove the offending sign, obtain a permit if the sign can be conforming, or initiate an appeal to the Board of Appeals within 15 days of receipt of the letter.

(3) Enforcement.

When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign must also be removed. Affected building surfaces must be restored to match the adjacent portion of the structure. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or appealed the decision of the Zoning Inspector, the Zoning Inspector may carry out the requirements of the notice pursuant to [Article XIV](#) to seek the legal removal of the sign.

Section 11.14 Dangerous Signs

In the case of a sign which presents imminent danger to life or property the sign owner must take immediate action as is necessary to abate the danger. If the sign owner cannot be reached, the appropriate City Official may abate the danger in order to protect the health, safety, and welfare of the community.

Section 11.15 Non-Conforming Signs.

It is the intent of this section to recognize that the existence of non-conforming signs is contrary to the best interests of the community. It is considered as much a subject of health, safety, and welfare as is the prohibition of the establishment of new signs in violation of the requirements of this Ordinance. It is hereby declared to be the policy of the City of Livonia, as expressed in this Ordinance, to remove non-conforming signs as expeditiously as is reasonable and as circumstances permit, having due regard for the rights of all parties concerned.

(1) Maintenance.

Nothing in this section shall relieve the owner or user of a non-conforming sign, or owner of property on which the non-conforming sign is located, from the provisions of this Ordinance regarding safety and maintenance of the sign.

(2) Existing Signs.

Any existing sign lawfully erected prior to the effective date of this Ordinance, which does not comply with all of the requirements and provisions hereof, may be maintained subject to the following provisions, but shall not be:

- A) Replaced by or changed to another non-conforming sign.
- B) Structurally altered so as to prolong the life of the sign or to change the shape, size, type, or design of the sign unless the sign is brought into conformance with the requirements of this Ordinance.

- C) Repaired or reestablished after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the cost of an identical new sign.
- D) Displayed, maintained, or placed by anyone other than the person who owned the premises on the date of adoption of this Ordinance.
- E) Reestablished or maintained after the activity, business, or usage to which it relates has been discontinued for a period of ninety (90) days or longer. In the case where the activity, business, or usage which is discontinued occupies a portion of a non-conforming multi-tenant wall or ground type business sign, that portion of the sign identifying the previous use shall be painted out or replaced with a blank panel of the same color as the background color that it replaces until such time as fifty (50) percent or more of the total sign area is blank, at which time the entire sign structure is to be removed or replaced with a conforming sign.

(3) Alteration.

No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this Article. For the purpose of this Article only, the term “altered” or “reconstructed” shall not include normal maintenance; changing of surface sign space to a lesser or equal area, ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments.

Section 11.16 Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality must not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this Article must be considered independent, valid, and enforceable.

Article XII. Nonconformities.

Section 12.01 Nonconforming Uses and structures; Continuance.

The lawful use of land or a structure exactly as such existed at the time of the enactment of this Ordinance, may be continued although such use or structure does not conform with the provisions of this Ordinance. Such a use, where lawfully continued pursuant to the provisions of this section, shall, for the purpose of this Ordinance, be known as a "Valid Nonconforming Use"; but where such a use is not thus lawfully continued, the same, for the purpose of this Ordinance, shall be known as an "Invalid Nonconforming Use." For purpose of this section, produce markets and nurseries existing in the City as of July 1, 1997 in RUF zoning districts and which are currently nonconforming uses shall be considered to be valid nonconforming uses as long as the continuation of the operation of such business and buildings utilized therein is substantially of the same size and same essential nature as the use existing as of July 1, 1997. Such produce markets and nurseries shall remain subject to the provisions below, inclusive, of this Ordinance and any expansion of these uses is prohibited.

Section 12.02 Certificates of Valid Nonconforming Uses and structures.

A certificate shall be required for each valid nonconforming use, as that term is defined in [Section 12.01](#) of this Ordinance. Such certificate shall state that, on consideration by the Department of Inspection of an application for such certificate and of such other facts as may be ascertained by the Department, the use described in the application has been determined to be a valid nonconforming use existing pursuant to [Section 12.01](#) and [Section 12.03](#) of this Ordinance. Such application shall be filed with the Department of Inspection by the owner or lessee of the building or land occupied by such nonconforming use, within one (1) year from the effective date of this Ordinance, and the Department shall issue such certificate within thirty (30) days following the filing of such application. Failure of an owner or lessee to so obtain such a certificate within said one (1) year period shall create a conclusive presumption that such use is not a valid nonconforming use and such use shall be discontinued immediately following said one (1) year period; provided, however, that nothing contained in this section shall affect existing dwellings or interfere with the continued use, as a dwelling, or any dwelling lawfully existing at the time this Ordinance becomes effective, or prevent any alteration, repair or improvements as provided by [Section 12.06](#) of this Ordinance.

Section 12.03 Nonconforming Uses and structures; Termination.

Any use which is properly designated as a valid nonconforming use shall be automatically terminated on the happening of either of the following events:

- (1) Actual abandonment of said use;

- (2) Acquisition by the City of Livonia, by purchase, condemnation or otherwise, of private property for the removal of such valid nonconforming use, pursuant to Section 8 (3), Act 110, Public Acts of Michigan, 2006, MCL125.3208, as amended.

After such termination, such nonconforming use may not thereafter be resumed or revived.

Section 12.04 Nonconforming Uses and structures; Restoration.

- (1) Nothing in this Ordinance shall prevent the restoration, repairing, or rebuilding of any valid nonconforming building or structure damaged by fire, explosion, act of God, or any act of the public enemy, subsequent to the effective date of this Ordinance, or shall prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such impairment of such building or part thereof, provided said use has not been abandoned.
- (2) No nonconforming structure or use shall be changed unless the changed structure or use conforms to the Zoning Ordinance regulations for the district in which such structure or use is located. However, any vertical or horizontal retraction of a nonconforming structure or use is permitted, provided there is no vertical or horizontal expansion of the nonconforming portion of the structure or use.
- (3) No nonconforming use or structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire use and structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 12.05 Nonconforming Uses and structures; Repair.

Nothing in this Ordinance shall prevent the repair, reinforcement, or reconstruction of a valid nonconforming building, structure, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation, provided such use, building, or structure has not been previously abandoned, nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in this City or the Housing Laws of Michigan relative to the maintenance of buildings or structures.

Section 12.06 Nonconforming Uses and Structures; Exceptions.

Notwithstanding the provisions of the preceding Sections above, inclusive, of this Ordinance, nothing in this Ordinance shall prevent:

- (1) The alteration, improvement, or rehabilitation of any valid nonconforming building which does not involve any increase in height, area, bulk, or change of use;
- (2) The strengthening or restoration of any building or wall declared unsafe by the Department of Inspection;
- (3) Any alteration, improvement or repair required by the Department of Health or the Department of Public Safety, or by any of the divisions of said departments, as necessary to the protection of the public health, safety, and welfare;
- (4) Any alteration, improvement, repair, or addition determined by the Department of Inspection to constitute full or partial compliance with the use requirements of the district in which the building in question is situated.

- (5) The conforming alteration, improvement, or repair of, or addition to any dwelling or any accessory building, including private garage, incidental to such dwelling; or
- (6) The erection of any conforming accessory building, including private garage, incidental to an existing dwelling.

Section 12.07 Nonconforming Uses and Structures; Elimination.

Except as hereinafter provided, no building, structure, or premises or part thereof shall be used, altered, constructed, or reconstructed except in conformity with the provisions of this Ordinance which apply to the district in which it is located. The existence of nonconforming uses is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the City as expressed in this Ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses which constitute a nuisance or are detrimental to the public health and general welfare, the City of Livonia, pursuant to Section 8(3), Act 110, Public Acts of Michigan, 2006, MCL 125.3208(3), as amended, and Sections 11 and 15, Chapter IV of the Charter, may acquire by purchase, condemnation or otherwise private property for the removal of nonconforming uses and structures. The Council may in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district.

Section 12.08 Nonconforming Due to Reclassification.

The foregoing provisions relating to nonconforming uses shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassification of districts under this Ordinance or any subsequent change in the regulations of the Ordinance.

Article XIII.

Administrative Procedures

Section 13.01 Administration and Enforcement.

The Department of Inspection shall administer the provisions of this Ordinance and shall enforce such provisions with the assistance of the Police Department.

Section 13.02 Zoning Permit and Zoning Compliance Permit Required.

It shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including a fence or an accessory structure exceeding forty (40) square feet in area until the building official has issued either a Zoning Permit or a Zoning Compliance Permit for such work which includes a certification of his or her determination that plans, specifications, and the intended use for such structure do, in all respects, conform to the provisions of this Ordinance. Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the building official has issued for such intended use a Zoning Compliance Permit, including a certification of his or her determination that the proposed new use does, in all respects, conform to the provisions of this Ordinance. In all cases where a building permit is required, application for a Zoning Compliance Permit shall be made coincidentally with the application for a building permit; in all other cases, it shall be made prior to that date when a new or enlarged use of a building or premises or part thereof is intended to begin. All Zoning Permit and Zoning Compliance Permit applications shall be made in writing to the building official on forms provided for that purpose. The Zoning Permit or Zoning Compliance Permit may be incorporated as part of the building permit form and issued simultaneously with the issuance of the building permit, or it may be issued separately.

Section 13.03 Duties and Limitations of the Building Official.

- (1) The building official shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.
- (2) Every application for a zoning compliance permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the building official to ascertain whether the proposed work or use is in conformance with the provisions of this Ordinance:

- A) The actual shape, location, and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
 - B) The shape, size, and location of all buildings, or other structures, to be erected, altered or moved, and of any other buildings, or other structures, already on the lot.
 - C) The existing and intended use of the lot and of all structures upon it.
 - D) Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this Ordinance and any condition(s) of zoning approval(s) are being observed.
- (3) If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance and any condition(s) of zoning approval(s), the building official shall issue a Zoning Compliance Permit, however:
- A) Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
 - B) The building official under no circumstances is permitted to grant exceptions to any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures, or land.
 - C) The building official under no circumstances is permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his or her duties as building official.
 - D) The Zoning Compliance Permit shall be in addition to any building permit or other permits specifically required to be obtained by this Ordinance and shall be in addition to all permits required to be obtained by the Building Code ordinances of the City.
 - E) The building official shall issue a permit when the imposed conditions of this Ordinance and any condition(s) of zoning approval(s) are complied with by the applicant.
 - F) If any application for such permit is not approved, the building official shall state in writing the cause for such disapproval.

Section 13.04 Permit Fees.

No Zoning Compliance Permit shall be issued under the provisions of this Ordinance until there shall have been paid to the City Treasurer a separate permit fee therefor in accordance with the schedule outlined in Chapter 15.56 of the Code of Ordinances.

Section 13.05 Duration of Permit.

Any Zoning Compliance Permit issued under the provisions of this Ordinance shall be valid for a period of six (6) months from the date of the issuance thereof, unless revoked prior to the termination of such six (6) month period, thereof, or as long as work is in progress, unless revoked etc.

Section 13.06 Revocation of Permit.

Any permit issued under the provisions of this Ordinance may be revoked by the Department of Inspection at any time whenever the holder thereof:

- (1) shall have made any false or fraudulent statement in the application for such permit or in the exercise of such permit;
- (2) shall have violated any of the provisions of this Ordinance;
- (3) shall have failed to satisfy the requirements of this Ordinance or of any rules or approvals adopted pursuant thereto; or
- (4) shall have caused, created or maintained, in the exercise of such permit, a menace or danger to the public health, safety, or welfare.

Section 13.07 Inspection.

It shall be the duty of the holder of every zoning compliance permit, building permit, or other permit to notify the Department of Inspection, in writing, of the time when such building or premises will be ready for inspection. In addition to inspections required by other ordinances of the City, at least two (2) such inspections shall be requested on all buildings. The first of these inspections shall be requested when excavation for foundations has been completed, and the second inspection shall be requested when the building is completed. In the case of sheds and garages, having an area of less than eight hundred (800) square feet, only one (1) inspection by the Department of Inspection shall be required, which inspection shall be requested as soon as wall studs are in place. Failure to notify the Department of Inspection of the time of such inspection shall automatically cancel all permits, and before re-issuing any of such permits, the Department of Inspection may require the payment of a second fee. A notice to call the attention of the holders of permits to the requirements of this section shall be printed on all permits issued. Whenever a zoning compliance permit shall be issued for the use of vacant land, an inspection of such land may be made at any time by the Department of Inspection.

Section 13.08 Certificate of Compliance Required.

No land or building, or part thereof, for which a zoning compliance permit or a building permit has been issued, shall be used or occupied unless and until after final inspection a Certificate of Compliance shall have been issued by the Department of Inspection for such new use. Certificates of Occupancy as required by the Building Code ordinances may be so prepared and worded as to include and constitute Certificates of Compliance as required by this Ordinance, in which case the same shall be designated as a Certificate of Compliance and Occupancy. The issuance of either a Certificate of Compliance or Occupancy shall not be construed as waiving any provision or requirement of this Ordinance.

Section 13.09 Temporary Certificate of Occupancy.

The Chief Building Inspector or Acting Chief Building Inspector may issue a Temporary Certificate of Occupancy for a portion of a building in process of erection or alteration, provided that such certificate shall not be effective for longer than six (6) months; provided further, that such portion of the building is in conformity with the provisions of this Ordinance and provided further, that the applicant has agreed in writing to comply with all of such provisions as to the entire building.

Section 13.10 Application for Certificates.

Application for any certificate authorized by the provisions of this Ordinance shall be made in writing to the Department of Inspection on forms furnished by the Department and such certificate shall be issued within ten (10) days after receipt of such application if it is found that the building, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused, the applicant shall be notified of such refusal and the reasons therefor within the aforesaid ten (10) day period.

Section 13.11 Record of Certificates.

A record and copy of each permit and of each certificate issued pursuant to the provisions of this Ordinance shall be kept on file in the office of the Department of Inspection and copies shall be furnished to any person having a proprietary or tenancy interest on payment to the City Treasurer of a fee of one dollar (\$1.00) each. A record of all applications shall likewise be kept on file in said office.

Section 13.12 Exception to Barrier Free Design Requirements—Posting of Final Order.

Any business or establishment which has requested and received an exception to the barrier free design requirements from the State Barrier Free Design Board, pursuant to the provisions of Act I, Public Acts of Michigan of 1966, MCL 125.1351, et seq, as amended, shall post a copy of the Final Order issued by the State Barrier Free Design Board in a conspicuous location in a public area of the building for examination by the public. The copy of the Final Order shall be exhibited at all times at such location and shall be required to be posted in this manner regardless of whether the Final Order was issued prior to or subsequent to the enactment of this section.

Section 13.13 City Planning Commission.

(1) Appointment and Duties.

The City Planning Commission is hereby appointed by the City Council to perform the duties of the Commission specified in Act 33, Public Acts of Michigan of 2008, MCL 125.3801, et seq. as amended; is hereby designated as such Commission; and is authorized to perform such duties. The City Planning Commission is hereby vested with all powers and duties given to a City Planning Commission by the laws of the state, together with such other powers and duties as are given to such Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or action of such Commission.

(2) Authority to Grant Waivers and Approve Uses.

Wherever in this Ordinance the lawful exercise or existence of a use requires the review of a waiver or a conditional use and submission of findings by the City Planning Commission and approval by the City Council, the Commission is hereby authorized and directed, upon application or petition by an owner or property owners, to investigate the matters relating to the requested waiver or use approval, to conduct a public hearing thereon, to make a determination, to either recommend approval or denial of the requested waiver or use approval, and to do all other things reasonably necessary or incidental to the making of such investigation or determination.

(3) Applications and Petitions; Filing Fee.

Each application for a waiver or conditional use approval filed by a property owner or owners shall be accompanied by a filing fee as determined by the schedule outlined in Chapter 15.56 of the Code of Ordinances.

(4) Applications and Petitions; Filing, Form and Contents. All applications and petitions for waivers or use approvals shall be in writing, signed, notarized, and filed in triplicate with the City Clerk and, if in the proper form, shall be immediately forwarded by the City Clerk to the City Planning Commission. All such applications and petitions, without limiting the right to file additional material, shall contain at least the following:

- A) The petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition.
- B) The waiver use or other use sought to be recommended;
- C) A fully dimensional map showing:
 - i) The land upon which the proposed use is to be located, including the location of the use on such land and dimensions indicating the front, side and rear setback lines to be maintained.
 - ii) The location and arrangement of parking areas and spaces.
 - iii) A legal description of the property to be considered.
 - iv) The zoning classification of the property together with the zoning classification of all property located within five hundred (500) feet of such property as measured from all of its property lines.
 - v) All public and private rights-of-way and easements bounding and intersecting the land to be under consideration.
 - vi) All existing uses within five hundred (500) feet of any property line of the property to be considered.
 - vii) The lot lines and their dimensions.
 - viii) The area of the property.
 - ix) All other circumstances, factors and reasons which the applicant offers in support of the proposed use.
- D) The applicant shall also furnish such other surveys, plans or other information as may be reasonably required by the Commission for the proper evaluation and consideration of the matter.

(5) Hearings; Notice. Prior to conducting a hearing as required in [Section 13.13 \(2\)](#), or by any other provision of this Ordinance, the City Planning Commission shall cause notice of such hearing to be given as required by law for public hearings concerning zoning matters. In the case of public hearings on waiver use petitions pursuant to [Section 13.15](#), [Section 13.15\(5\)](#), notice of the hearing shall be provided as set forth in that Section. Failure of any person to receive any notice required to be sent under the provisions of this section shall not invalidate any such proceedings provided that the notice has been given as required herein.

- (6) **General Waiver Requirements and General Standards.** Where this Ordinance empowers the City Planning Commission to review waivers or approval of conditional uses to be approved by the City Council, such waiver or use shall be approved only where the proposal complies with all of the special requirements for the waiver or use sought to be approved, except that any or all requirements may be waived or modified by a separate resolution, specifically delineating the requirement(s) waived or modified, in which two-thirds (2/3) of the members of the City Council concur. Whether or not any condition is waived, all such proposals must comply with all of the following general standards:
- A) The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - B) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard, the Commission shall consider, amongst other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed use to main traffic thoroughfares and to streets and road intersections; vehicular turning movements in relation to routes of traffic flow; location and access of off-street parking and provisions for pedestrian traffic with particular attention to minimizing child-vehicle contact in residential districts; and the general character and intensity of the existing and potential development of the neighborhood.
 - C) The location and height of buildings or structures and the location, nature, and height of walls and fences must be such that the proposed use will not have a detrimental effect upon the neighboring property or the neighboring area in general, nor impair the value of neighboring property, nor interfere with or discourage the appropriate development and use of adjacent land or buildings or unreasonably affect their value.
 - D) The standards of density and required open spaces for the proposed use shall be at least equal to those:
 - i) required in the zoning district in which the proposed use is to be located or
 - ii) unless they have been specifically waived as set forth above, those prescribed in the special requirements relating to the proposed use, whichever is the greater.
 - E) The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights. Such design shall provide for (but shall not be limited to) the following:
 - i) Facilities for the storage of refuse for subsequent disposal which shall be concealed and contained in such a manner that they will be screened from public view and will prevent the emission of noxious odors and the attraction of insects and vermin.
 - ii) All mechanical equipment, such as (but not limited to) air conditioning and heating units which shall be located and concealed so as to be completely screened from public view; provided, however, that the location and method of containment and concealment of refuse storage facilities and mechanical equipment shall be subject to the review and recommendation of the Planning Commission and approval by the City Council.
 - F) The proposed use must provide for proper yard space, parking facilities, loading space, percentage of lot coverage, protective walls, size of buildings, lot area and width and other requirements of this Ordinance.
 - G) The proposed use must be in accord with the spirit and purpose of this Ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this Ordinance and principles of sound planning.

- H) Any building proposed to be erected or any addition thereto shall be designed by an architect or professional engineer registered by the State of Michigan or by a state having a reciprocal agreement with the State of Michigan; provided, however, that no building shall be erected, placed, expanded or externally altered on any lot or parcel for which a site plan therefor is required pursuant to [Section 5.01](#) and [Section 13.13 \(12\)](#) of this Ordinance until the exterior design of which has been reviewed and approved as to materials and harmony of design and colors with existing and planned buildings by that City body having the authority to grant final site plan approval as designated in [Section 5.01](#) and [Section 13.13 \(12\)](#) of this Ordinance.
 - I) No building shall be erected, placed or expanded on any lot or parcel for which a site plan therefor is required pursuant to [Section 5.01](#) and [Section 13.13 \(12\)](#) of this Ordinance until a landscape plan has been reviewed and approved by that City body having the authority to grant final site plan approval as designated in [Section 5.01](#) and [Section 13.13 \(12\)](#) of this Ordinance; provided, however, that the area proposed to be landscaped as illustrated on the landscape plan shall not be less than fifteen (15) percent of the total area of the lot or parcel exclusive of public right-of-way as shown on the Future Transportation Map ; provided further, however, that such minimum area requirement may be waived by that City body having the authority to grant final site plan approval as designated in [Section 5.01](#) and [Section 13.13 \(12\)](#) of this Ordinance. The landscape plan shall identify all plant materials as to species, quantity and size upon installation and all other landscape materials shall be similarly identified on the plan. Tree species shall be from the Approved Tree Species list as identified in [Article X](#).
- (7) City Body Having the Authority to Grant Final Site Plan Approval. That City body having the authority to grant final site plan approval as designated in Article V and Section 13.13 (12) of this Ordinance, in acting on any request for a waiver use, approval of a conditional use, or approval of a site plan, may attach any conditions to their approval which they determine are necessary to accomplish the reasonable application of the special requirements and the foregoing standards. Compliance with such conditions shall be a prerequisite to the issuance of a Certificate of Compliance or Occupancy, and the violation of any such condition shall be deemed a violation of this Ordinance.
- (8) Mayoral Veto. Any waiver use or conditional use approval shall be subject to mayoral veto as set forth in the City Charter, provided that
- A) The mayor has participated in any council hearing(s) held with respect to the petition for waiver or conditional use;
 - B) The mayor shall apply the standards applicable in the City Council's review of said petition; and
 - C) Any veto shall be incorporated in a statement of conclusions relative to said petition, specifying the basis for the veto.
- (9) **Determination.**
- Each determination or recommendation made by the City Planning Commission under the provisions of this Ordinance shall be in the form of a resolution, copies of which shall be furnished to any party on request.

(10) Appeal to City Council; Filing Fee; Hearing and Notice.

Any applicant or petitioner aggrieved by a recommendation and findings of fact by the City Planning Commission that results in a denial of any application or petition may file an appeal with the City Council requesting a reversal of such recommendation and/or findings. In order for such appeal to be heard by the City Council, the same must be filed with the City Clerk, in writing, no more than ten (10) business days from the Commission's determination and shall specify the grounds thereof. Each request for appeal shall be accompanied by a filing fee. Upon receiving such an appeal, the City Clerk shall immediately forward the same to the City Council. The City Council shall thereafter fix a reasonable time for a hearing of the appeal and the City Clerk shall give due notice of such hearing and the date thereof in the same manner and to the same extent as was given prior to the hearing before the Commission. The City Council shall make a determination of the appeal by resolution and such determination shall be final.

(11) Rules of Procedure.

The City Planning Commission is hereby authorized to make rules of procedure consistent with the statutes of Michigan and the provisions of this Ordinance.

(12) Site Plan Review and Approval.

A) **Authority.** No condominium or site condominium shall be developed in an N1, N2, or RUF district, nor shall any building be constructed or expanded in an NM1, NM2, NM3, C-1, C-2, C-3, or C-4 district, nor shall any parking lot be constructed or expanded in a P district, nor shall any building be constructed or expanded in an ML, M-1 or M-2 district which abuts a residential district, unless a site plan therefor has been reviewed by the City Planning Commission and approved by the City Council.

A)B) **Staff Review.** Prior to Planning Commission or City Council consideration, the site plan and application may be distributed to appropriate City departments, staff, and any consultants for review and comment. If deemed necessary, the plans may also be submitted to applicable outside agencies for review and comment. After written comments are obtained from City departments, staff, consultants, and outside agencies, a Staff Review meeting may be held with the applicant, Planning Director, City departments, staff, and consultants to discuss review comments and address concerns raised. After the Staff Review meeting, the Planning Director shall determine if the site plan application is ready to proceed for Planning Commission review.

B)C) **Planning Commission Review.** The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies and any public comments. The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the site plan as follows:

- i) **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
- ii) **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance or would require extensive revisions to comply with the standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. In instances where Planning Commission denies a Site Plan this decision can be appealed to City Council pursuant to **Section 13.13 (10)**.
- iii) **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.

- iv) **Approval Subject to Conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

D) Final Site Plan Review. Except as provided below, the City Council shall review the final site plan, together with any reports and recommendations from the Planning Commission, staff, consultants, and other reviewing agencies and any public comments. The City Council shall then make a determination to postpone, deny, approve, or approve subject to conditions based on the requirements of this Ordinance. Amendments to Site Plans previously given final approval by the Planning Commission shall be reviewed and approved by the Planning Commission.

D)E) Submittal Requirements. The site plan shall be drawn to scale and shall contain the following information. The Planning Department shall have the discretion to modify site plan information requirements based on site specific development characteristics.

Site Plan Required Information

- Site dimensions including road right-of-way and building setback lines.
- Public or private easements, protective walls (existing and/or proposed) and existing trees.
- Any significant topographic features (existing and proposed).
- Relationship of ingress and egress to thoroughfares, showing traffic patterns into the site from the same including ultimate pavement width, deceleration lanes and the like.
- On-site traffic circulation, parking areas (including size of parking bays, aisles, lighting materials, surface materials, and striping of parking lots surface to delineate parking bays).
- All landscape treatment of the site, including the labeling of all materials as to type and size, when installed.
- The location of signs (existing and/or proposed), and an indication of their size, height, and design
- Title and date of plan, including the date and nature of all subsequent revisions.
- North arrow and scale.
- Zoning classification of the petitioner's parcel and all abutting parcels.
- The location and height of all existing and proposed structures on and within 100 feet of the subject property.
- A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc. for computation of parking needs. Each individual parking space shall be indicated including typical parking space dimensions for regular and handicapped spaces and type of lot surfacing.
- The location of all waste and recycling receptacles and the location, height and type of fences and walls to screen receptacles.
- Location of existing and proposed fire hydrants, water mains, pump houses, stand pipes, building services, and sizes including proposed connections to public sewer or water supply systems and/or considerations for extensions to loop other public water mains in adjacent public rights of way.
- Front, rear, and side elevations of proposed buildings, a color rendering, and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, i.e., air conditions, heating units, etc.
- The location and type of outdoor lighting, proposed illumination patterns (including a photometric plan), a manufacturer cut sheet detailing lighting specifications, aesthetic appearance, and method of screening to prevent glare onto adjacent properties.
- The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.
- With nonresidential proposals, the number of offices, number of employees, the number of floors, typical floor plans, and the gross and usable floor area shall be provided.
- For sites with regular truck traffic, a truck circulation diagram indicating the type and volume of truck traffic anticipated at the site and defining all truck access and circulation lanes and truck loading/unloading areas on the site plan.

E)F) Outside Agency Permits or Approvals. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside state and county agencies. All federal, state, and local laws and ordinances shall be met, and no unresolved negative comments issued by any governmental agency or public utility shall exist prior to the issuance of a certificate of occupancy.

F)G) Limitation.

- i) Whenever the City Council shall have approved a site plan, such approval shall continue and be valid for a period of one (1) year only from the date of such action. If the applicant does not obtain a building permit or obtain an extension of time, the site plan approval shall be deemed null and void at the expiration of said period. Site plan approvals granted to applicants shall be construed as running with the land and shall not be transferable or assignable.
- ii) If the City Council approves a site plan conditional upon the petitioner submitting additional information such as, but not limited to, revised site plans, landscape or signage plans, said information must be submitted to the City for review within sixty (60) days from the date of approval of the site plan unless more time is granted by the City Council. If the additional information is not submitted, no building permits shall be issued by any city department for work or improvements at the subject site.

G)H) Implementation. An approved site plan shall be immediately transmitted to the Inspection Department, and all non-building improvements such as, but not limited to, landscaping, parking lots, parking spaces, walkways, screen walls and exterior lighting required by such site plan shall be completed prior to the issuance of a Certificate of Occupancy; provided, however, that a temporary Certificate of Occupancy may be issued in the event that such completion is impractical or impossible provided that a performance bond in the form of a cash bond or irrevocable bank letter of credit covering the estimated total cost of such improvements or parts thereof is deposited with the Inspection Department prior to the issuance of such temporary Certificate of Occupancy; provided further, however, that in no event shall a final Certificate of Occupancy be issued until all improvements have been completed. All improvements, when completed, shall thereafter be maintained with materials equal to or greater than the quality of the materials originally installed.

~~H) **Application Fee.** Each application presented by a property owner or owners to have a site plan approved shall be accompanied by a filing fee of six hundred dollars (\$600.00) plus twenty dollars (\$20.00) for each 1,000 square feet of gross floor area of new construction proposed. Each request to extend the expiration date of an approved site plan shall be accompanied by a filing fee of two hundred dollars (\$200.00). Each request to modify a site plan or amend a condition of approval shall be accompanied by a filing fee of three hundred dollars (\$300.00).~~

- (13) **Waiver or Use Approval; Limitation.** Whenever the Commission or City Council grants a waiver or approves of a conditional use upon original application or appeal, such waiver or approval shall continue and be valid for a period of one (1) year only from the date of such action. If the applicant does not obtain a building permit and commence construction within that period or obtain an extension of time, the waiver or use approval shall be deemed void at the expiration of said period. Waivers and use approvals granted to applicants shall be construed as running with the land and shall not be transferable or assignable.

Section 13.14 Board of Appeals.

- (1) **Creation of Board.** A Board of Appeals consisting of seven (7) members is hereby created pursuant to the provisions of Section 5, Act 207, Public Acts of Michigan of 1921, as well as Act 110 of 2006, MCL 125.3101, et seq, as amended. Said board shall be known as the Board of Appeals.

- (2) **Appointment of Members.** The members of the Board of Appeals shall be appointed by the City Council; provided, however, that those persons who are acting as members of the Board of Appeals under the provisions of Ordinance No. 543, as amended, of the City of Livonia, having been duly appointed as members of such Board by the City Council, and who are so acting immediately prior to the time this Ordinance becomes effective, shall automatically become members of the Board of Appeals created under the provisions of Section 13.14 (1) of this Ordinance, are hereby appointed as such at the time this Ordinance becomes effective, and shall hold their respective offices for respective periods of time equivalent to their respective unexpired terms as members of the Board of Appeals, created under the provisions of Ordinance No. 543 , as amended.
- (3) **Term of Office.** Each member of the Board of Appeals shall be appointed for a term of three (3) years; provided, however, that the first members of such Board to be appointed shall hold their respective offices for the period provided in Section 13.14 (1) of this Ordinance; and thereafter two (2) members shall be appointed each year, each for the full three (3) year term; provided, however, that every three (3) years there shall be three (3) members appointed for the full three (3) year term.
- (4) **Officers.** The Board of Appeals shall annually elect from among its members a Chairman, Vice-Chairman, Secretary and such other officers as it may determine, who shall each hold office for one (1) year and until his or her successor is duly elected.
- (5) **Compensation.** The City Council may authorize by Council resolution the remuneration of the members of the Board for attendance at each meeting of the Board.
- (6) **Powers of Board.** The Board of Appeals shall have all powers and authority granted by State Law together with such other powers and duties as are given to such Board by the provisions of this Ordinance, including the following specific powers:
- A) **Administrative Review.** To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or refusal made by the building official or any other administrative official in enforcing the provisions of this Ordinance.
 - B) **Variances.** To authorize, upon an appeal filed by the legal or equitable owner of property, a variance from the strict application of the provisions of this Ordinance where existing conditions or factors would result, by strict application of the provisions of this Ordinance, in peculiar or exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board of Appeals may attach thereto such condition regarding the location, character, and other features of the proposed building, structure, or use as it may deem reasonable. Compliance with such conditions shall be a prerequisite to the issuance of a Certificate of Compliance or Occupancy and the violation of any such condition shall be deemed a violation of this Ordinance.
 - C) **Other Powers:**
 - i) In those cases where a district boundary line divides a lot of record, the Board shall have the power to permit the extension of a use permitted on the less restricted portion of such a lot to that portion of said lot which lies in the more restricted district, provided that such extension shall be made for a distance of not to exceed fifty (50) feet beyond the district boundary line in any case.
 - ii) The Board shall also have the authority to hear and decide all matters referred to it or upon which such Board is required to pass under this Ordinance, including the power to reverse, affirm, in whole or in part, or modify the order, requirement; decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.
 - D) **Rules.** To adopt and enforce rules of procedure consistent with the statutes of the State of Michigan, the Charter of the City of Livonia and the provisions of this Ordinance.

(7) **Application of Variance Power.** No variance in the application of the provisions of this Ordinance shall be allowed by the Board of Appeals relating to buildings, land, or premises now existing or to be constructed, except in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal from a decision or order of the building official supports the following affirmative findings:

- A) That the alleged hardships and practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.
- B) That the alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
- C) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
- D) That the variance, if granted, will not adversely affect the purpose or objectives of the Master Plan of the City of Livonia.

The above findings of fact shall be made by the Board of Appeals which is not empowered to grant a variance without an affirmative finding of fact on the categories above.

(8) **Limitations on the Powers of the Board of Appeals.** Every decision of the Board of Appeals shall be based upon finding of fact and every finding of fact shall be supported in the record of the proceedings of the Board. Nothing contained herein shall be construed to empower the Board of Appeals to change the terms of this Ordinance, or effect changes in the Zoning Map.

(9) **Appeal Procedure.**

- A) **Notice of Appeal.** An appeal may be taken by any person aggrieved or by an officer, department, board, or Department of the City of Livonia. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by rule, by the filing with the officer from whom the appeal is taken and with such Board of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B) **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Circuit Court on application, on notice to such officer, and on due cause shown.
- C) **Hearing on Appeal.** The Board of Appeals shall fix a reasonable time for the hearing of an appeal and give due notice thereof as required by law for public hearings concerning zoning matters, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
- D) **Official Record of Appeal.** The Board of Appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:
 - i) The relevant administrative and historical records and any administrative orders issued thereon relating to the appeal.
 - ii) The notice of appeal.
 - iii) Such documents, exhibits, photographs, or written reports as may be submitted to the Board for its consideration.

- E) **Determination of Appeal.** The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant any matter upon which the Board is required to pass under this Ordinance or to effect any variation of this Ordinance except that a concurring vote of two-thirds (2/3) of the members of the Board shall be necessary to grant a variance from uses of land permitted in this Ordinance.
 - F) **Recording of Determination.** The requisite written findings of fact, the conditions attached, and the decisions and orders by the Board in disposing of the appeal shall be entered into the official record after they have been authenticated by the signature of the chairman of the Board and after written notice of the disposition of the appeal has been served, either in person or by mail, upon the parties to the appeal, the building official, and the City Clerk. The completed official records of appeals shall be filed in the Inspection Department.
- (10) **Filing Fees.** Each application for appeal shall be given a number and shall be accompanied by a filing fee as determined by the schedule outlined in Chapter 15.56 of the Code of Ordinances.
- (11) **Meetings and Records of Board.** At least one (1) regular meeting shall be held each month by the Board of Appeals, as provided in the rules of the Board. Special meetings may be called by the chairman or any three (3) members. All regular meetings and all hearings shall be public. The Board shall keep minutes of its meetings, which shall be a public record. The chairman, or in his or her absence, the vice-chairman may administer oaths and compel the attendance of witnesses.
- (12) **Pending Matters.** All petitions, appeals and other matters pending at the time this Ordinance becomes effective, before the Board of Appeals, created and existing under the provisions of Ordinance No. 543 of the City of Livonia, shall continue before the Board of Appeals, created by Section 13.14 (1) of this Ordinance, and said Board shall hear, determine and dispose of such petitions, appeals and other matters with the same effect as if such petitions, appeals, and other matters had been duly filed with said Board of Appeals.

Section 13.15 Amendments.

- (1) **This Ordinance may be amended from time to time pursuant to the provisions of PA 110 of 2006 (MCL 125.3405, as amended).** All amendments shall be made in the manner provided in this section and in [Section 3.01, Section 3.01\(4\)](#) of this Ordinance. Proceedings to amend this Ordinance or the Zoning Map of the City of Livonia shall be initiated or commenced by any one or more of the following methods:
- A) By resolution of the Council wherein the question whether or not a particular amendment should be made is referred by the Council, on its own motion, to the City Planning Commission and wherein such commission is requested to hold a public hearing on the question and to thereafter make a report and recommendation to the Council.
 - B) By resolution of the City Planning Commission wherein such commission, on its own motion, provides for a public hearing on the question whether or not a particular amendment should be made and for a report and recommendation thereon to the Council.
 - C) By written application in triplicate, addressed to the Council, duly signed by the legal or equitable owners of fifty percent (50%) or more of the frontage in any district or part thereof, duly acknowledged by each owner substantially in accordance with the statutory provisions for acknowledgment of deeds, and accompanied by the filing fee hereinafter fixed.
- (2) **Procedure for Amendment Applications.** Where an application is presented by a property owner or owners, pursuant to [Section 13.15 \(1\), Section 13.14 \(1\)C](#), the following procedure and requirements shall be observed in every case:

- A) **Filing of Applications.** All applications shall be in writing, signed before a notary, and filed in quadruplicate with the City Clerk for presentation to the City Council.
 - B) **Contents of Applications.** All applications for amendments to this Ordinance, without limiting the right to file additional material, shall contain at least the following:
 - i) The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or an equitable interest in the land covered by the petition.
 - ii) The nature and effect of the proposed amendment.
 - iii) The existing zoning classification of such property.
 - iv) The change or amendment desired.
 - v) A complete legal and common description of the property sought to be rezoned.
 - vi) If the proposed amendment would require a change on the zoning map, a fully dimensional area map drawn at a scale of four hundred (400) feet to one (1) inch with a north point, dated, key to symbols, if used, section numbers and showing:
 - a) The land which would be affected by the proposed amendment;
 - b) A legal description of such land;
 - c) A common description of such land;
 - d) The present zoning classification of the land;
 - e) The zoning classification of all abutting zoning districts;
 - f) All public and private right-of-ways and easements bounding and intersecting the land under consideration;
 - g) The dimension of land sought to be rezoned;
 - h) The proposed land uses in land sought to be rezoned; and
 - i) The structures and existing land use on all property adjacent to the subject parcel and on such other property as may, in the City Planner's determination, be necessary to properly reflect the existing character of the surrounding neighborhood.
- (3) **Fees for Amendment Applications.** Each application presented by a property owner or owners to have property rezoned pursuant to [Section 13.15 \(2\) \(5\)](#) shall be accompanied by a publication fee in the amount specified in Chapter 15.56 of the Code of Ordinances.
- (4) **Designation of Proceedings.** Each proceeding, whether originating by resolution or application, shall be designated as a "petition" and given a number by the City Clerk. All such petitions shall be approved as to form by the Department of Law before action is taken thereon by the City Planning Commission, in the case of those petitions initiated by resolution; and before forwarding to the City Council, where initiated by application.
- (5) **Standards of Review for Amendments.** In considering any petition for an amendment to the text of this Ordinance or to the Zoning Map, the Planning Commission and City Council shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations specific to the subject matter of the proposed amendment.
- A) Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
 - B) Consistency with the basic intent and purpose of this Zoning Ordinance.

- C) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- D) The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.
- E) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.
- F) That the amendment will not be expected to result in exclusionary zoning.
- G) If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- H) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- I) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the sites will be able to meet the dimensional regulations for the requested zoning district.
- J) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
- K) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- L) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

(6) Action by City Planning Commission; Notice; Public Hearing. The City Council, on receipt of a petition for amendment from the City Clerk, shall forthwith refer such petition to the City Planning Commission. The Commission shall cause a complete study of the petition to be made by the Planning Director, shall review the request contained in the petition, and shall within sixty (60) days recommend to the City Council such action as the Commission deems proper. The Commission shall hold a public hearing on such petition before making its recommendation and notice thereof shall be given to the same extent as is provided for the public hearing required to be held by the City Council. At least fifteen (15) days prior to the public hearing the applicant shall erect a four foot by four foot (4' x 4'), two (2) sided sign on the property proposed to be rezoned with an insert ~~provided by the City Clerk~~ containing the following information:

- A) At the top of the sign the following words shall appear: "This property is proposed to be rezoned," followed by the present zoning district at the time of the petition and the proposed or requested zoning district sought. The full name of the zoning districts shall be used as, for example, RUF, rural urban farm.
- B) The name and address of the real party requesting the zoning change.
- C) The proposed use of the land or building if the request for rezoning is successful.
- D) The phone number at City Hall where interested persons can call for further information.

The sign shall be erected in a location one (1) foot behind the right-of-way line perpendicular to the adjoining street(s) and clearly observable by passersby on the adjoining street(s). The sign shall remain up until the application process is completed and shall thereafter be removed by the petitioner within thirty (30) days.

- (7) **Action by City Council; Notice; Public Hearing.** The City Council shall, after receipt of the report and recommendation from the City Planning Commission, either approve or reject the recommendation of the Commission and either grant or refuse the requested amendment; provided, however, that a public hearing shall be held by the City Council, for which notice shall be given as required by law for public hearings concerning zoning matters, before the adoption of any amendment to this Ordinance. The City Council's approval of any amendment hereunder shall be subject to mayoral veto as set forth in the City Charter.

- (8) **Effect of Protest to Proposed Amendment.** In case a protest against any proposed amendment to the Zoning Map be presented in writing to the City Council prior to the adoption by the Council of the Ordinance which protest is duly signed by the owners of at least twenty percent (20%) of the area of land included in the proposed change, or by the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change excluding publicly owned land, said amendment shall not be passed except by a three-fourths ($\frac{3}{4}$) vote of the City Council.

Article XIV.

Violations and Penalties

Section 14.01 Compliance and Responsibility.

- (1) No land or building within the City of Livonia shall be occupied or used except in compliance with the provisions of this Ordinance, including any conditions on any zoning approval by the City Council or Board of Appeals. No building within the City of Livonia shall be erected, altered, repaired, or moved except in compliance with the provisions of this Ordinance. No person shall use or occupy any land or building within the City of Livonia, nor shall any person erect, alter, repair, or move any building within the City of Livonia except in compliance with this Ordinance.
- (2) The prohibition of any act in this Ordinance, in any amendment thereof and in any rule or regulation adopted hereunder shall include the causing, securing, aiding, or abetting of another person to do said act.
- (3) It shall be the duty of all architects, contractors, subcontractors, builders, and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work to see that all proper and necessary permits have been applied for and obtained, including a zoning compliance permit, certificate of occupancy, building permit and all other permits required by either this Ordinance or any of the Building Code ordinances of the City; it shall also be the duty of such parties to see that such work does not conflict with and is not in violation of the terms of this Ordinance and any such architect, contractor, subcontractor, builder or other person doing or performing any such work or erecting, repairing, altering, changing or remodeling without such a permit or permits having been issued or in violation of, or in conflict with the terms of this Ordinance or allowing any building erected to be occupied without a certificate of occupancy having first been issued, shall be guilty of a violation of this Ordinance in the same manner and to the same extent as the owner of the premises or the person or persons for whom such building was or is erected, altered, changed, repaired or remodeled or the use of land established or a building occupied in violation hereof and shall be subject to the penalties herein prescribed for such violation.

Section 14.02 Violation Nuisance Per Se.

Buildings erected, altered, razed, converted, or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court having jurisdiction shall order such nuisances abated and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

Section 14.03 Penalty.

Any person, persons, firm, corporation, or any others acting on behalf of said person, persons, firm, or corporation, violating or failing to comply with any of the provisions of this Ordinance, or any of the regulations adopted in pursuance hereof, or who shall hamper, impede or interfere with the performance of the duties of any official or agent of the Department of Inspection or other officer under the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding ninety-three (93) days, or by both such fine and imprisonment in the discretion of the Court. Alternatively, first-time violators may be charged with a civil infraction, with a maximum fine of \$500. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

Section 14.04 Other Remedies.

In addition to all other remedies, including the penalties provided in [Section 14.03](#) of this Ordinance, the City of Livonia may commence and prosecute appropriate actions or proceedings in the Circuit Court for the County of Wayne or any other court having jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such noncompliance or violation.

Section 14.05 Severability.

It is the legislative intent of the City Council in adopting this Ordinance that all sections thereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the City of Livonia, Wayne County, Michigan, and further, that should any provision, portion, section, or subsection of this Ordinance be held or deemed unconstitutional or invalid, such holding shall not be construed nor shall it in any manner affect the validity of any of the remaining provisions, portions, sections, or subsections of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any provision or section or any part thereof. The provisions of this section shall apply to the amendment of any section of this Ordinance whether or not such a provision is restated in the amendatory Ordinance, and to any supplemental regulation added by amendment to this Ordinance.

Section 14.06 Repeal.

The existing zoning regulations of the City of Livonia, being Ordinance No. 543 and all amendments and extensions thereof, are hereby repealed and all other ordinances of the City of Livonia and parts of such other ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing provision of Ordinance No. 543, as amended, if the use, so in violation, is in violation of the provisions of this Ordinance. The adoption of this Ordinance shall not be deemed to nor shall it discontinue, abate, modify, alter, or in any way affect or waive any right of the City of Livonia under any section or provision of the ordinances herein repealed existing on the effective date of this Ordinance or any right of the City under any determination or action by the Board of Appeals or City Planning Commission made pursuant to any section or provision of the ordinances herein repealed. A provision herein which duplicates the wording of a corresponding provision of any predecessor Ordinance shall be deemed effective continuously from the date of original adoption.

1

Mr. Caramagno, Secretary, announced the next item on the agenda, Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the *LIVONIA VISION 21 Zoning Ordinance* in order to correct

certain defects, add and delete provisions, and provide clarification to others.

Mr. Taormina: This item involves changes to the Livonia Vision 21 Zoning Ordinance. As you know, the new zoning ordinance was adopted last August. After six months of applying the new regulations, staff has discovered several items that were somehow overlooked and missing, and which should be added back. Additionally, we feel that this presents a great opportunity to make other desired improvements to the ordinance. The requested changes affect 35 different sections of the code. A few are more significant than others, which I will go over briefly. They include: 1) Expanding the opportunity to use the Planned Development option within the City's residential districts. 2) Changing ambulance services, local and suburban passenger, bus, taxi, and trucking transportation terminals, from a permitted use to a waiver-use in the industrial districts. 3) Adding back the provisions for industrial parks that previously existed in Ordinance 543. This is something that came up recently with a couple of site plans in Rosati Park and is important that we get the old regulations reinstated into the new zoning ordinance. 4) Increasing the allowable floor area ratio in the NM2 multi-family district from 30% to 35%. 5) Adding back provisions for restricting the storage of materials and equipment in the front, side, and rear yards within the city's commercial districts. This is something that was inadvertently omitted from the new zoning ordinance, and we found a place to put that back into the code. 6) Eliminating accessory dwelling units as a permitted used in one-family residential districts. I showed you this last week. This language exists in two different spots within the ordinance. Both of those sections would be eliminated. One is part of Article XI and the other is in Article XII. 7) Eliminating the zones that require minimum house sizes since these are all obsolete. When we adopted the new zoning map, we removed any reference to Zones A, B, and C, which for a long time were part of the various district designations, but no longer exist. 8) Including retail sales in our C-4, High Rise Commercial zoning district. Why that was left out, I don't know. The fact that it is a commercial zoning district, it should allow for limited retail sales. 9) Adding back a provision that will allow limited projections of chimneys, eaves, and other architectural features into the required yard setbacks on residential properties. This is another item we discussed where it is not uncommon to have minor projections for features on houses such as chimneys, eaves, and those types of things. Currently, the ordinance has separate rules as applied to porches and decks, but other minor

architectural features were unaccounted for in the new zoning ordinance. We want to add that language back. 10) Adding back the allowance for reduced parking stall dimensions in the case of office developments. Where we typically require 10 x 20 spaces, often times in office complexes where employees park for a long period of time, we really don't see the need for the ten-foot-wide spaces. Nine feet seems to be appropriate in most circumstances. It saves land and since it is not used for customer parking there is less risk of vehicles being damaged. 11) Making sure that screen walls are the preferred means by which to buffer non-residential developments from residential properties. Mr. Long had asked, as we were going through the restrictions, that it should be the preference over the landscape buffering. If you refer to Article X Section 10.03, you will see how we have modified that language to address that concern. 12) Allowing for separation agreements between property owners who desire certain buffering standards and are willing to avoid going through the variance process. There are times when the owner of a commercial property is required to put up a wall, but the adjacent residential property owner might have an existing fence that they prefer to keep. As long as the two parties agree, the ordinance would allow for up to five-year agreements. Over the years, we have done a number of these. They work well. Again, that was left out of the new code book, and we feel it is an important item to put back in. 13) Increasing the allowable area for monument signs in the C-1, Local Business zoning district from 20 square feet to 30 square feet. Why we reduced it in the first place I don't know. It seems logical that for multi-building complexes that the amount of sign area would be at least equal to if it were a single commercial building. 14) Adding back a provision that requires site plan review in the case of certain commercial and other non-residential developments, as well as site condominium and condominium projects. Again, this is language that was inadvertently omitted that we are putting back. 15) Eliminating the application fee for site plan reviews since this was moved to the Code of Ordinances. 16) Lastly, removing the requirement for the City Clerk to provide inserts in the case of rezoning notification signs. It is our opinion that these changes will result in a better overall zoning ordinance and one that helps achieve the overall goals and objectives of the Master Plan. Thank you.

Mr. Wilshaw: Excellent. Thank you, Mr. Taormina. There is no further correspondence from any other departments for this item, is there?

UNAPPROVED MINUTES

4

Mr. Taormina: There is not. That is correct. The report for the prepared resolution should be located at the end of the staff report.

Mr. Wilshaw: I do see it in our packet. Thank you. Just for the audience's benefit, who may be reading this or seeing it online or whatever, we did at our study meeting go through an exhaustive review of each of these changes at our study meeting and really appreciate that detail. We have had an opportunity now for the past week between the study meeting and now to further review these changes. Is there any questions from the commissioners for our planning staff?

Ms. Smiley: Not a question. More of a comment. This must have taken a great deal of effort and experience to make these changes and I appreciate them being done. Thank you.

Mr. Taormina: It was interesting because between the Planning, Inspection and Law Departments, in the real-world application of the new ordinance, we began discovering several defects and omissions. There was constant correspondence back and forth between the departments. Where is this? Why is it missing? And what should we do to fix it? So, over the course of the last six months, we have been logging all of these items which aided significantly in drafting the changes.

Ms. Smiley: Thank you.

Mr. Wilshaw: Thank you, Ms. Smiley. That is a great point. This zoning ordinance is over 200 pages. It was almost a clean sheet rewrite from scratch over a period of many many months reviewed by many departments. At some point, when you are looking at all these words you end up getting cross-eyed or you get sort of tunnel vision. It is not easy to see everything clearly, so it is good that this process is happening to constantly review and modify. That is the intent of this new zoning ordinance to be flexible and I think this is a great example of that. Any other comments or questions from anybody? This is a public hearing. There is no one else in the audience to speak to this, so I will not look for anybody to come forward. If there is no other comments or questions from anyone, I will close the public hearing and ask for a motion.

On a motion by Long, seconded by Caramagno, and unanimously adopted, it was

#02-15-2022 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on February 22, 2022, on Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the *LIVONIA VISION 21 Zoning Ordinance* in order to correct certain defects, add and delete provisions, and provide clarification to others, the Planning Commission does hereby recommend to the City Council that Petition 2022-01-06-01 be approved for the following reasons:

1. That the proposed language amendments are needed to correct certain errors and omissions that were overlooked with the adoption of the original Livonia Vision 21 Zoning Ordinance.
2. That the proposed amendments add and delete certain provisions in a way that will serve to improve the effectiveness of the City's land use regulations.
3. That the proposed amendments will serve to further the implementation of the goals and objectives of the Livonia Vision 21 Master Plan and are in the best interests of the community as a whole.
4. That the proposed amendments to are in full compliance with the requirements of the Livonia Vision 21 Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

Mr. Wilshaw: Is there any discussion?

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.

CITY OF LIVONIA

NOTICE OF PUBLIC HEARING

In accordance with the provisions set forth in Section 4 of Act 207 of the Public Acts of Michigan of 1921, as amended, the City Zoning Act (MSA 5.2934; MCLA 125.584) as well as Article XXIII of Ordinance No. 543, as amended, the Zoning Ordinance of the City of Livonia, the Council has determined that a Public Hearing will take place before the Council of the City of Livonia on **MONDAY, MARCH 21, 2022 at 7:00 P.M.**, in the Auditorium at City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the following item:

Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance in order to correct certain defects, add and delete provisions, and provide clarification to others

SUSAN M. NASH, CITY CLERK



LETTER TO THE LIVONIA CITY COUNCIL

2.

Planning
February 25, 2022

MEETING DATE

Public Hearing of March
21, 2022

PREPARED BY

Stephanie Reece, Program Supervisor,

AGENDA ITEM

Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance in order to correct certain defects, add and delete provisions, and provide clarification to others.

BACKGROUND

RECOMMENDATION

At the 1,184th Public Hearing and Regular Meeting held by the City Planning Commission on February 22, 2022, the following resolution was unanimously adopted:

#02-15-2022 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on February 22, 2022, on Petition 2022-01-06-01 submitted by the City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance in order to correct certain defects, add and delete provisions, and provide clarification to others, the Planning Commission does hereby recommend to the City Council that Petition 2022-01-06-01 be approved for the following reasons:

1. That the proposed language amendments are needed to correct certain errors and omissions that were overlooked with the adoption of the original Livonia Vision 21 Zoning Ordinance.
2. That the proposed amendments add and delete certain provisions in a way that will serve to improve the effectiveness of the City's land use regulations.
3. That the proposed amendments will serve to further the implementation of the goals and objectives of the Livonia Vision 21 Master Plan and are in the best interests of the community as a whole.
4. That the proposed amendments to are in full compliance with the requirements of the Livonia Vision 21 Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. 2022-01-06-01_LV21 Amendments_V2PCPH_E-COUNCIL Pkt
2. Petition 2022-01-06-01 Notice

APPROVED BY



Mark Taormina, Planning and Economic Development
Director

Date: February 24, 2022



Maureen Miller Brosnan, Mayor

Date: March 04, 2022

**PUBLIC HEARING
DIRECTION**

MONDAY, MARCH 21, 2022

PETITION 2022-01-06-01 submitted by The City of Livonia Planning Commission on its own motion pursuant to Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and in accordance with Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the LIVONIA VISION 21 Zoning Ordinance in order to correct certain defects, add and delete provisions, and provide clarification to others.

DIRECTION: 1) APPROVING

**THESE ITEMS ARE TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF APRIL 4, 2022**

(1) Permitted Residential Uses by District.

RESIDENTIAL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Accessory residential use for apartments										W							Section 5.23 Section 5.23(2)
Bed and breakfast establishments	W	W	W	W			P	P	P	P							Section 4.08
Boarding, rooming and lodging houses or tourist homes				W													
Condominium multiple dwellings				P	P	P											
Family child care home	P	P	P														Section 4.11
Group child care home	P	P	P														Section 4.12
Home occupations	P	P	P	P	P	P											Section 4.28
Housing for the elderly						P					P						Section 4.31
Multiple dwellings and apartment houses					P												Section 4.04 Section 4.18
One-family dwellings	P	P	P	P	P												Section 4.19
<u>Planned developments</u>	<u>W</u>	<u>W</u>	<u>W</u>	<u>W</u>	<u>W</u>		<u>W</u>	<u>W</u>	<u>W</u>	<u>W</u>							Section 3.02 Section 3.02(2)
Residential homes for mentally or physically handicapped persons			W														Section 4.02
Single-family clustering	W	W															Section 3.03
Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements	P	P	P														Section 4.56 Section 4.56(2)
Two-family dwellings				P	P												Section 4.20

(2) Permitted Medical Uses by District.

MEDICAL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Blood and plasma donation centers							P	P	P	P							
Hospitals							W	W	P	W	P						Section 4.29
Kidney transfusion centers							P	P	P	P							
Medicine, osteopathy and dentistry (excluding veterinary clinics)							P	P	P	P							
Optometry and chiropractic							P	P	P	P							
Orthopedic and medical supply stores, but not including assembly or manufacture of such articles							P	P	P	P							
Physical therapy and health services (not including massage establishments and public baths)							P	P	P	P							
Psychology and podiatry							P	P	P	P							
Veterinary clinics, animal clinics and animal hospitals			W				W	W	P								Section 4.59

(3) Permitted Public and Quasi-Public Uses by District.

PUBLIC AND QUASI-PUBLIC USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Cemeteries			W														
Clubs, lodges, and meeting halls, fraternal and religious							P	P	P								
Cultural service buildings, such as publicly owned museums, art galleries and libraries							P	P	P	P	P						
Educational uses	P	P	P				P	P	P	P	P						Error! Reference source not found. Error! Reference source not found.
Heliports										W	P	W	W	W			Section 4.27
Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment and/or rehabilitation of adults or minor children and psychiatric hospitals											W						Section 4.23
Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities													PW	PW			Section 4.36
Municipal or other governmental buildings											P						
Nature Preserve															P		Error! Reference source not found. Error! Reference source not found. Section 4.39
Parking Structure				W	W	W		W	W	W	P	W	W	P		W	Section 7.09

Parks and Outdoor recreational uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Error! Reference source not found. Error! Reference source not found.
Privately owned and operated recreational uses	W	W	W	W													Section 4.48
Public utility buildings and substations	W	W	W	W			P	P	P	P			P	P			
PUBLIC AND QUASI-PUBLIC USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Radio and television towers and broadcasting studios								P	P	P							
Religious Institutions	W	W	W	W			P	P	P	P							Section 4.50
Schools including, but not limited to dance, music and instrumental, and business/ training							P	P	P	P							
Universities, colleges, private colleges, including ancillary uses and facilities			P							P	P						

(4) Permitted Commercial and Retail Uses by District.

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Adult Businesses									W								Section 4.01
Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft			W														
Ambulance services, local and suburban bus terminals and taxicab terminals								W	P				W	W			Section 4.57
Artisan, Craftsman, Printing and Engraving Shops other similar uses							W	P	P	P			P	P			Error! Reference source not found. Error! Reference source not found.
Automobile and light truck (one (1) ton gross vehicle weight) repair								W	P								Section 4.06
Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps								W	P								Section 4.07
Bakeries							P	P	P	P							
Banks and savings and loans associations							P	P	P	P							
Brewer, Micro Brewer, Brewpub, and Distilleries							W	W	P	W	P	P	P	P			Section 4.09
Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more							W	W	P								Section 4.52 Section 4.52(1)

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Carnivals, outdoor circuses or migratory amusement enterprises			W					W	P	W	P						Section 4.56 Section 4.56(3)
Catering establishments							P	P	P	P							
Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis								W	P			P	P	P			Section 4.54
Convalescent and nursing homes							W	W	P	P							Section 4.40
Dairies, Creameries, Soft Drink and Bottling Plants, and other similar uses							W	W	W	W			P	P			Error! Reference source not found.
Dance Halls and Ballrooms								W	P								Section 4.14
Day care nurseries					W		W	P	P	P							Section 4.13
Dog Kennels			W														Section 4.34(3)
Drive-in Restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks								W	P								Section 4.51 Section 4.51(3)
Drive-in Theaters								W	P								
Establishments having liquor licenses such as Class C, Tavern, and Club							W	W	P	W	P						Section 4.22
Full-Service Restaurants with or without outdoor dining areas							W	W	P	P							Section 4.51 Section 4.51(2)
Funeral homes and undertaking establishments							W	P	P	P							

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Garages, repair shops, rustproofing and similar highway services													W	P			Section 4.24
Gasoline service station								W	P								Section 4.26
Golf courses, but not including miniature golf courses or golf driving ranges	P	P	P														
General offices							P	P	P	P		P	P	P			
Hotels								P	P	P							Section 4.30
Indoor recreational uses							P	P	P	P			W				Error! Reference source not found. Error! Reference source not found. Section 4.32
Laundry and dry-cleaning establishments												P	P	P			
Limited Service and Carry-Out restaurants with or without outdoor dining areas							P	P	P	P							Section 4.51 Section 4.51(1)
Massage establishments							W	W	P	W							Section 4.37
Motels								W	P	P							Section 4.38
Museums							P	P	P	P							
Music, Dance, or Business academies							P	P	P	P							
New and Used Car Lots and Showrooms, New or Used Mobile Home Sales and Automobile Rental Facilities								W	P								Section 4.05
Open-air business uses							W	W	P								Section 4.42
Open-air sales of Christmas trees							P	P	P	P							Section 4.43

COMMERCIAL AND RETAIL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Automotive Paint shops								W	W	W			P	P			Error! Reference source not found.
Parking, non-residential							P	P	P	P	P	P	P	P	P	P	Article VII
Pawn shops								W	P								Section 4.45
Payday lenders								W	P								Section 4.46
Personal service establishments					W	W	P	P	P	P							Error! Reference source not found. Error! Reference source not found. Section 4.47
Photographic studios							P	P	P	P							
Planned general developments	W	W	W	W	W		W	W	W	W							Section 3.02 Section 3.02(2)
Professional offices							P	P	P	P		P	P	P			Error! Reference source not found. Error! Reference source not found.
Retail sales					W	W	P	P	P	P			W				Error! Reference source not found. Error! Reference source not found. Section 4.52
S.D.D. and S.D.M. licenses							W	W	P								Section 4.03
Second-hand stores and rummage shops								W	P								Section 4.53
Wholesale business uses								P	P	P							Error! Reference source not found. Error! Reference source not found.

(5) Permitted Industrial Uses by District.

INDUSTRIAL USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	P	Use Standards
Bulk storage of refined petroleum products													P	P			
Caregiver grow facilities													P	P			Section 4.10
Data processing and computer centers								W	W			P	P	P			
Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair												P	P	P			Error! Reference source not found. Error! Reference source not found.
Experimental product development and testing including limited manufacturing												P	P	P			
Heavy manufacturing and general industrial plants														P			
Outdoor storage of Recreational Equipment													W	P			Section 4.44
Industrial, scientific, or business research development and testing laboratories and offices												P	P	P			
<u>Industrial parks</u>												<u>P</u>	<u>P</u>	<u>P</u>			Section 5.28
Industrial plants manufacturing, processing or assembling													P	P			Error! Reference source not found. Error! Reference source not found.
Internet-based exotic vehicle sales													P	P			Section 4.33
Steel fabricators, truck terminals, truck and													W	<u>PW</u>			Section 4.58

trailer rental facilities, special trade contractors, and vehicle tow yards.																	
Tool and die shops and pattern making shops												P	P	P			
Warehouses												P	P	P			Error! Reference source not found. Error! Reference source not found.

(6) Permitted Other Uses by District.

OTHER USES																	
Land Use	N1	N2	RUF	NM1	NM2	NM3	C-1	C-2	C-3	C-4	P-L	M-L	M-1	M-2	NP	p	Use Standards
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Section 5.23 Section 5.23(1)
Any lawful use of land or buildings not herein expressly provided for or prohibited														P			
Temporary buildings for construction purposes for a period not to exceed the duration of construction							P	P	P	P		P	P	P			
Temporary Uses and Sidewalk and Tent Sales							P	P									Section 4.56(1)

Section 1.02 N1 Neighborhood District.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply to all N1 Districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 5.09, Section 5.23, Section 5.23(1)) • Educational uses (Error! Reference source not found., Error! Reference source not found.) • Golf courses, but not including miniature golf courses or golf driving ranges • Family child care home (Section 4.11) • Group child care home (Section 4.12) • Home occupations (Section 4.28) • One-family dwellings (Section 4.19) • Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) • Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements (Section 4.56, Section 4.56(2))	• Bed and breakfast establishments (Section 4.08) • Planned developments (Section 3.02, Section 3.02(2)) • Public utility buildings and substations • Single-family clustering (Section 3.03) • Privately owned and operated recreational uses (Section 4.48) • Religious institutions (Section 4.50)
Refer to Error! Reference source not found. for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.	

PROHIBITED USES

- Caregiver grow facilities.
- Non-residential uses, except as set forth in this Section.

DIMENSION REGULATIONS

Lot Standards	N1
Min. Lot Area (sq. ft.)	6,000
Min. Lot Width (ft.)	50 ((a))
Min. Lot Depth (ft.)	120 ((a)) ((b))
Front Yard Setback	25 feet ((r))
Rear Yard Setback	30 feet
Side Yard Setback	5 feet
Total of two side yard setbacks	14 feet
Side yard setback abutting street	15 feet
Rear yard abutting side yard, the side yard abutting upon a street not less than	25 feet
Max. Lot Coverage (%)	((c))
Max. Building Height	35 feet (2 stories), except as provided in Section 5.17 to Section 5.20
Footnotes: Refer to Section 2.03 wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to Section 3.04(1) for dimensional regulations for specific uses.	

Section 1.03 N2 Neighborhood District.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply to all N2 Districts.

PERMITTED USES

- Accessory structures and uses ([Section 5.09](#), [Section 5.23](#), [Section 5.23\(1\)](#))
- Educational uses ([Error! Reference source not found.](#), [Error! Reference source not found.](#))
- Golf courses, but not including miniature golf courses or golf driving ranges
- Family child care home ([Section 4.11](#))
- Group child care home ([Section 4.12](#))
- Home occupations ([Section 4.28](#))
- One-family dwellings ([Section 4.19](#))
- Parks and outdoor recreational uses ([Error! Reference source not found.](#), [Error! Reference source not found.](#))
- Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements ([Section 4.56](#), [Section 4.56\(2\)](#))

WAIVER USES

- [Bed and breakfast establishments](#) ([Section 4.08](#))
- [Planned developments](#) ([Section 3.02](#), [Section 3.02\(2\)](#))
- Public utility buildings and substations
- Single-family clustering ([Section 3.03](#))
- Privately owned and operated recreational uses ([Section 4.48](#))
- Religious institutions ([Section 4.50](#))

Refer to [Error! Reference source not found.](#) for definitions of uses and refer to [Section 3.04\(1\)](#) for development standards for specific uses.

PROHIBITED USES

- Caregiver grow facilities.
- Non-residential uses, except as set forth in this Section.

DIMENSION REGULATIONS

Lot Standards	N2
Min. Lot Area (sq. ft.)	8,400
Min. Lot Width (ft.)	70 ((a))
Min. Lot Depth (ft.)	120 ((a)) ((b))
Front Yard Setback	30 feet ((r))
Rear Yard Setback	30 feet
Side Yard Setback	6 feet
Total of two side yard setbacks	16 feet
Side yard setback abutting street	17 feet
Rear yard abutting side yard, the side yard abutting upon a street not less than	25 feet
Max. Lot Coverage (%)	((c))
Max. Building Height	35 feet (2 stories), except as provided in Section 5.17 to Section 5.20

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.04 RUF District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply to all RUF Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 5.09, Section 5.23, Section 5.23(1)) - Educational uses (Error! Reference source not found., Error! Reference source not found.) - Fowl and rabbits for the owner's consumption (Section 4.34) - Gardening and tree nurseries (Section 4.24) - Golf courses, but not including miniature golf courses or golf driving ranges - Family child care home (Section 4.11) - Group child care home (Section 4.12) - Home occupations (Section 4.28) - One-family dwellings (Section 4.19) - Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) - Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements (Section 4.56, Section 4.56(2)) - Universities, colleges, private colleges, including ancillary uses and facilities	- Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft - Bed and breakfast establishments (Section 4.08) - Carnivals, outdoor circuses or migratory amusement enterprises (Section 4.56, Section 4.56(3)) - Cemeteries - Dog kennels (Section 4.35) - Fowl and rabbits raised for sale - Planned developments (Section 3.02, Section 3.02(2)) - Public utility buildings and substations - Privately owned and operated recreational uses (Section 4.48) - Religious institutions (Section 4.50) - Residential homes for mentally or physically handicapped persons (Section 4.02) - The raising of fur bearing animals (Section 4.49) - Veterinary clinics, animal clinics and hospitals (Section 4.59)
Refer to Error! Reference source not found. for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.	

PROHIBITED USES

- Caregiver grow facilities.
- Non-residential uses, except as set forth in this Section.

DIMENSION REGULATIONS

Lot Standards	RUF
Min. Lot Area (sq. ft.)	15,000
Min. Lot Width (ft.)	75 ((a))
Min. Lot Depth (ft.)	150 ((a)) ((b))
Front Yard Setback	50 feet ((r))
Rear Yard Setback	45 feet
Side Yard Setback	10 feet
Total of two side yard setbacks	20 feet
Side yard setback abutting street	23 feet
Rear yard abutting side yard, the side yard abutting upon a street not less than	40 feet
Max. Lot Coverage (%)	(c)
Max. Building Height	35 feet (2 stories), except as provided in Section 5.17 to Section 5.20

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.05 NM1 Neighborhood Multifamily Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all NM1 Districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 5.23, Section 5.23(1)) • Condominium multiple dwellings • One-family dwellings (Section 4.19, Section 4.19(2)) • Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) • Two-family dwellings (Section 4.20, Section 4.20(2)) • Home occupations (Section 4.28)	• Bed and breakfast establishments (Section 4.08) • Boarding, rooming and lodging houses or tourist homes • Planned developments (Section 3.02, Section 3.02(2)) • Privately owned and operated recreational uses (Section 4.48) • Public utility buildings and substations • Religious institutions (Section 4.50)
Refer to Error! Reference source not found. for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.	

DIMENSION REGULATIONS

Lot Standards	NM1
Min. Lot Width	80 ((a))
Front Yard Setback	30 feet
Rear Yard Setback	50 feet
Side Yard Setback	25 ((d))
Total of two side yard setbacks	60 ((d))
Side yard setback abutting street	((e))
Max. Lot Coverage	25%
Max. Building Height	35 feet (2.5 stories), except as provided in Section 5.17 to Section 5.20

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.06 NM2 Neighborhood Multifamily District.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all NM2 Districts.

PERMITTED USES

- Accessory structures and uses ([Section 5.23](#) [Section 5.23\(1\)](#))
- Condominium multiple dwellings
- Home occupations ([Section 4.28](#))
- Multiple dwellings and apartment houses ([Section 4.04](#), [Section 4.18](#))
- One-family dwellings ([Section 4.19](#), [Section 4.19\(2\)](#))
- Parks and outdoor recreational uses ([Error! Reference source not found.](#), [Error! Reference source not found.](#))
- Two-family dwellings ([Section 4.20](#), [Section 4.20\(2\)](#))

WAIVER USES

- Day care nurseries ([Section 4.13](#))
- Personal service establishments ([Error! Reference source not found.](#), [Error! Reference source not found.](#)) ([Section 4.47](#))
- Planned ~~general~~ developments ([Section 3.02](#), [Section 3.02\(2\)](#))
- Retail sales ([Error! Reference source not found.](#), [Error! Reference source not found.](#)) ([Section 4.52](#))

Refer to [Error! Reference source not found.](#) for definitions of uses and refer to [Section 3.04\(1\)](#) for development standards for specific uses.

DIMENSION REGULATIONS

Lot Standards	NM2
Max. Usable Floor Area in percentage of lot area	30 35% ((s))
Front Yard Setback	50 feet ((f))
Rear Yard Setback	50 feet ((f))
Side Yard Setback	25 feet ((f))
Total of two side yard setbacks	60 feet ((f))
Max. Building Height	(g)

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.07 NM3 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all NM3 Districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 5.23, Section 5.23(1)) • Condominium multiple dwellings • Home occupations (Section 4.28) • Housing for the elderly (Section 4.31) • Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.)	• Personal service establishments (Error! Reference source not found., Error! Reference source not found.) (Section 4.47) • Retail sales (Error! Reference source not found., Error! Reference source not found.) (Section 4.52)
Refer to Error! Reference source not found. for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.	

DIMENSION REGULATIONS

Lot Standards	NM3
Front Yard Setback	50 feet ((i))
Rear Yard Setback	50 feet ((i))
Side Yard Setback	25 feet ((i))
Total of two side yard setbacks	60 feet
Maximum ground coverage by principal structure	25%
Max. Building Height	((h))
Footnotes: Refer to Section 2.03 wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to Section 3.04(1) for dimensional regulations for specific uses.	

Section 1.08 C-1 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-1 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 5.23, Section 5.23(1)D) - Bakeries - Banks and savings and loans associations - Bed and breakfast establishments (Section 4.08) - Blood and plasma donation centers - Catering establishments - Clubs, lodges, and meeting halls, fraternal and religious - Cultural institutions, such as museums, art galleries and libraries - Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment - Educational uses (Error! Reference source not found., Error! Reference source not found.) - General offices - Indoor recreational uses - Kidney transfusion centers - Limited service and carry-out restaurants with or without outdoor dining areas (Section 4.51., Section 4.51(1)) - Medicine, osteopathy and dentistry (excluding veterinary clinics) - Music, dance, or business academies - Open-air sales of Christmas trees (Section 4.43) - Optometry and chiropractic - Orthopedic and medical supply stores, but not including assembly or manufacturing - Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) - Personal service establishments (Error! Reference source not found., Error! Reference source not found.) (Section 4.47) - Photographic studios - Physical therapy and health services (not including massage establishments and public baths) - Professional offices (Error! Reference source not found., Error! Reference source not found.) - Psychology and podiatry - Public utility uses - Religious institutions (Section 4.50) - Retail sales (Error! Reference source not found., Error! Reference source not found.) (Section 4.52) - Schools including, but not limited to dance, music and instrumental, and business/training - Schools - music, dance or business - Temporary buildings for construction purposes, not to exceed the duration of construction - Temporary Uses and Sidewalk and Tent Sales (Section 4.56(1))	- Artisan, craftsman, printing and engraving Shops other similar uses (Error! Reference source not found., Error! Reference source not found.) - Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more (Section 4.52, Section 4.52(1)) - Brewer, micro brewer, brewpub, and distilleries (Section 4.09) - Convalescent and nursing homes (Section 4.40) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Error! Reference source not found., Error! Reference source not found.) - Day care nurseries (Section 4.13) - Establishments having liquor licenses such as Class C, tavern, and club (Section 6.22) - Full-service restaurants with or without outdoor dining areas (Section 4.51, Section 4.51(2)) - Funeral homes and undertaking establishments - Hospitals (Section 4.29) - Massage establishments (Section 4.37) - Open-air business uses (Section 4.42) - Planned general developments (Section 3.02) - S.D.D. and S.D.M. licenses (Section 4.03) - Veterinary clinics, animal clinics and animal hospitals (Section 4.59)
Refer to Error! Reference source not found. for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.	

PROHIBITED USES

In all C-1 Districts no buildings shall hereafter be erected, altered, or used, nor shall any land be used in whole or in part for residential purposes; provided, however, that nothing contained in this section shall affect or interfere with dwellings now in existence in C-1 Districts on the date when this Ordinance becomes effective nor with any buildings accessory to such dwellings or in any way prevent the owners thereof from making any additions, alterations, or repairs to such dwellings or erecting any buildings accessory thereto; provided further, however, that all such dwellings and buildings accessory thereto shall conform to the same requirements as are provided in this Ordinance for the nearest district thereto in which a dwelling may hereafter be lawfully erected.

Nothing in this Article shall be construed as permitting the operation of material yards, new and used lumber sales, nor the sale of used machinery or auto parts, which uses are hereby expressly prohibited in C-1 Districts.

DIMENSION REGULATIONS

Lot Standards	C-1
Min. Lot Area	4,000 sq. ft.
Min. Size of Commercial Buildings	(j)
Front Yard Setback	15 feet (p)
Side Yard Setback	8 feet (p)
Total of two side yard setbacks	16 feet
Rear Yard Setback	8 feet (p)
Max. Building Height	35 feet (2 stories), except as provided in Section 5.17 to Section 5.20

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.09 C-2 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-2 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 5.23, Section 5.23(1D)) - Artisan, craftsman, printing and engraving shops other similar uses (Error! Reference source not found., Error! Reference source not found.) - Bakeries - Banks and savings and loans associations - Bed and breakfast establishments (Section 4.08) - Blood and plasma donation centers - Catering establishments - Clubs, lodges, and meeting halls, fraternal and religious - Cultural institutions, such as museums, art galleries and libraries - Day care nurseries (Section 4.13) - Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment - Educational uses (Error! Reference source not found., Error! Reference source not found.) - Funeral homes and undertaking establishments - Gardening and tree nurseries (Section 4.24) - General offices - Hotels (Section 4.30) - Indoor recreational uses (Section 2.01 (8)) (Section 4.32) - Kidney transfusion centers - Limited service and carry-out restaurants with or without outdoor dining areas (Section 4.51, Section 4.51(1)) - Medicine, osteopathy and dentistry (excluding veterinary clinics) - Music, dance, or business academies - Nurseries, including sale of garden supplies - Open-air sales of Christmas trees (Section 4.43) - Optometry and Chiropractic - Orthopedic and medical supply stores, but not including assembly or manufacturing - Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) - Personal service establishments (Error! Reference source not found., Error! Reference source not found.) (Section 4.47) - Photographic studios - Physical therapy and health services (not including massage establishments and public baths) - Professional offices (Error! Reference source not found., Error! Reference source not found.) - Psychology and podiatry - Public utility uses - Radio and television towers and broadcasting studios - Religious institutions (Section 4.50) - Retail sales (Error! Reference source not found., Error! Reference source not found.) (Section 4.52) - Schools including, but not limited to dance, music and instrumental, and business/ training	- Ambulance services, local and suburban bus terminals and taxicab terminals (Section 4.57) - Automobile and light truck (one (1) ton gross vehicle weight) repair (Section 4.06) - Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps (Section 4.07) - Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more (Section 4.52, Section 4.52(1)) - Brewer, micro brewer, brewpub, and distilleries (Section 4.09) - Carnivals, outdoor circuses or migratory amusement enterprises (Section 4.56, Section 4.56(3)) - Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 4.54) - Convalescent and nursing homes (Section 4.40) - Dairies, Creameries, Soft Drink and Bottling Plants, and other similar uses (Section 2.01 (8)) - Dance halls and ballrooms (Section 4.14) - Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks (Section 4.51, Section 4.51(3)) - Drive-in theaters - Establishments having liquor licenses such as Class C, tavern, and club (Section 6.22) - Full-service restaurants with or without outdoor dining areas (Section 4.51, Section 4.51(2)) - Gasoline service station (Section 4.26) - Hospitals (Section 4.29) - Massage establishments (Section 4.37) - Motels (Section 4.38) - New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities (Section 4.05) - Open-air business uses (Section 4.42) - Automotive paint Shops (Section 2.01 (8)) - Parking structure (Section 7.09) - Pawn shops (Section 4.45) - Payday lenders (Section 4.46) - Planned general developments (Section 3.02) - S.D.D. and S.D.M. licenses (Section 4.03) - Second-hand stores and rummage shops (Section 4.53) - Veterinary clinics, animal clinics and animal hospitals (Section 4.59)

- Temporary buildings for construction purposes, not to exceed the duration of construction
- Temporary Uses and Sidewalk and Tent Sales ([Section 4.56\(1\)](#))
- Wholesale business uses ([Error! Reference source not found.](#), [Error! Reference source not found.](#))

Refer to **Error! Reference source not found.** for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.

PROHIBITED USES

In all C-2 Districts no building shall hereafter be erected, altered, or used, nor shall any land be used in whole or in part for residential purposes; provided, however, that nothing contained in this section shall affect or interfere with dwellings now in existence in C-2 Districts on the date when this Ordinance becomes effective nor with any buildings accessory to such dwellings, or in any way prevent the owners thereof from making any additions, alterations, or repairs to such dwellings or erecting any buildings accessory thereto; provided further, however, that all such dwellings and buildings accessory thereto shall conform to the same requirements as are provided in this Ordinance for the nearest district thereto in which a dwelling may hereafter be lawfully erected.

Nothing in this Article shall be construed as permitting the operation of material yards, new and used lumber sales, nor the sale of used machinery or auto parts, which uses are hereby expressly prohibited in C-2 Districts.

DIMENSION REGULATIONS

Lot Standards	C-2
Min. Lot Area	((k))
Min. Size of Commercial Buildings	((l))
Front Yard Setback	15 feet ((p))
Side Yard Setback	8 feet ((p))
Total of two side yard setbacks	16 feet
Rear Yard Setback	8 feet ((p))
Max. Building Height	35 feet (2 stories), except as provided in Section 5.17 to Section 5.20

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.10 C-3 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-3 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 5.23, Section 5.23(1D)) - Ambulance services, local and suburban bus terminals and taxicab terminals (Section 4.57) - Artisan, craftsman, printing and engraving shops other similar uses (Error! Reference source not found., Error! Reference source not found.) - Automobile and light truck (one (1) ton gross vehicle weight) repair (Section 4.06) - Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps (Section 4.07) - Bakeries - Banks and savings and loans associations - Bed and breakfast establishments (Section 4.08) - Blood and plasma donation centers - Buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more (Section 4.52, Section 4.52(1)) - Brewer, micro brewer, brewpub, and distilleries (Section 4.09) - Carnivals, outdoor circuses or migratory amusement enterprises (Section 4.56, Section 4.56(3)) - Catering establishments - Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 4.54) - Clubs, lodges, and meeting halls, fraternal and religious - Convalescent and nursing homes (Section 4.40) - Cultural institutions, such as museums, art galleries and libraries - Dance halls and ballrooms (Section 4.14) - Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment - Day care nurseries (Section 4.13) - Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks (Section 4.51, Section 4.51(3)) - Drive-in theaters - Educational uses (Error! Reference source not found., Error! Reference source not found.) - Establishments having liquor licenses such as Class C, tavern, and club (Section 6.22) - Full service restaurants with or without outdoor dining areas (Section 4.51, Section 4.51(2)) - Funeral homes and undertaking establishments - Gardening and tree nurseries (Section 4.24) - Gasoline service station (Section 4.26) - General offices - Hospitals (Section 4.29) - Hotels (Section 4.30) - Indoor recreational uses (Error! Reference source not found., Error! Reference source not found.) (Section 4.32) - Kidney transfusion centers - Limited service and carry-out restaurants with or without outdoor dining areas (Section 4.51 Section 4.51(1)) - Massage establishments (Section 4.37) - Medicine, osteopathy and dentistry (excluding veterinary clinics) - Motels (Section 4.38)	- Adult businesses (Section 4.01) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Error! Reference source not found.) - Automotive paint shops (Error! Reference source not found.) - Parking structure (Section 7.09) - Planned general developments (Section 3.02)

PERMITTED USES	WAIVER USES
• Music, dance, or business academies • New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities (Section 4.05) • Nurseries, including sale of garden supplies • Open-air business uses (Section 4.42) • Open-air sales of Christmas trees (Section 4.43) • Optometry and chiropractic • Orthopedic and medical supply stores, but not including assembly or manufacturing • Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) • Pawn shops (Section 4.45) • Payday lenders (Section 4.46) • Personal service establishments (Error! Reference source not found., Error! Reference source not found.) (Section 4.47) • Photographic studios • Physical therapy and health services (not including massage establishments and public baths) • Professional offices (Error! Reference source not found., Error! Reference source not found.) • Psychology and podiatry • Public utility uses • Radio and television towers and broadcasting studios • Religious institutions (Section 4.50) • Retail sales (Error! Reference source not found., Error! Reference source not found.) (Section 4.52) • S.D.D. and S.D.M. licenses (Section 4.03) • Second-hand stores and rummage shops (Section 4.53) • Schools including, but not limited to dance, music and instrumental, and business/ training • Temporary buildings for construction purposes, not to exceed the duration of construction • Veterinary clinics, animal clinics and animal hospitals (Section 4.59) • Wholesale business uses (Error! Reference source not found., Error! Reference source not found.)	

PROHIBITED USES
In all C-3 Districts no building shall hereafter be erected, altered, or used, nor shall any land be used in whole or in part for residential purposes; provided, however, that nothing contained in this section shall affect or interfere with dwellings now in existence in C-3 Districts on the date when this Ordinance becomes effective nor with any buildings accessory to such dwellings, or in any way prevent the owners thereof from making any additions, alterations or repairs to such dwellings or erecting any buildings accessory thereto; provided further, however, that all such dwellings and buildings accessory thereto shall conform to the same requirements as are provided in this Ordinance for the nearest district thereto in which a dwelling may hereafter be lawfully erected. Nothing in this article shall be construed as permitting the operation of material yards and the sale of used machinery or auto parts, which uses are hereby expressly prohibited in C-3 Districts.

DIMENSION REGULATIONS	
Lot Standards	C-3
Min. Lot Area	((k))
Min. Size of Commercial Buildings	((l))
Front Yard Setback	50 feet ((p))
Side Yard Setback	25 feet ((p))
Total of two side yard setbacks	50 feet

Rear Yard Setback	((p)) ((q))
Max. Building Height	35 feet (2 stories), except as provided in Section 5.17 to Section 5.20
Footnotes: Refer to Section 2.03 wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to Section 3.04(1) for dimensional regulations for specific uses.	

Section 1.11 C-4 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all C-4 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 5.23, Section 5.23(1D)) - Artisan, craftsman, printing and engraving shops other similar uses (Error! Reference source not found., Error! Reference source not found.) - Bakeries - Banks and savings and loans associations - Bed and breakfast establishments (Section 4.08) - Blood and plasma donation centers - Brewer, Micro Brewer, Brewpub, and Distilleries (Section 4.09) - Catering establishments - Convalescent and nursing homes (Section 4.40) - Cultural service buildings, such as publicly owned museums, art galleries and libraries - Day care nurseries (Section 4.13) - Educational uses (Error! Reference source not found., Error! Reference source not found.) - Full service restaurants with or without outdoor dining areas (Section 4.51, Section 4.51(2)) - Funeral homes and undertaking establishments - Gardening and tree nurseries (Section 4.24) - General offices - Hotels (Section 4.30) - Indoor recreational uses (Error! Reference source not found., Error! Reference source not found.) (Section 4.32) - Kidney transfusion centers - Limited service restaurant and carry-out restaurants with or without outdoor dining areas (Section 4.51, Section 4.51(1)) - Medicine, osteopathy and dentistry (excluding veterinary clinics) - Motels (Section 4.38) - Museums - Music, dance, or business academies - Nurseries, including sale of garden supplies - Open-air sales of Christmas trees (Section 4.43) - Optometry and chiropractic - Orthopedic and medical supply stores, but not including assembly or manufacturing - Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) - Personal service establishments (Error! Reference source not found., Error! Reference source not found.) (Section 4.47) - Photographic studios - Physical therapy and health services (not including massage establishments and public baths)	- Accessory residential use for apartments (Section 5.23, Section 5.23(2)) - Carnivals, outdoor circuses or migratory amusement enterprises (Section 4.56, Section 4.56(3)) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Section 2.01 (8)) - Establishments having liquor licenses such as Class C, Tavern, and Club (Section 6.22) - Heliports (Section 4.27) - Hospitals (Section 4.29) - Massage establishments (Section 4.37) - Automotive paint shops (Section 2.01 (8)) - Parking structure (Section 7.09) - Planned general-developments (Section 3.02)

- Professional offices (*Error! Reference source not found., Error! Reference source not found.*)
- Psychology and podiatry
- Public utility uses
- Radio and television towers and broadcasting studios
- Religious institutions (*Section 4.50*)
- Retail sales (*Error! Reference source not found., Error! Reference source not found., (Section 4.52)*)
- Schools including, but not limited to dance, music and instrumental, and business/ training
- Universities, colleges, private colleges, including ancillary uses and facilities
- Wholesale business uses (*Error! Reference source not found., Error! Reference source not found.*)
- Temporary buildings for construction purposes, not to exceed the duration of construction

Refer to *Error! Reference source not found.* for definitions of uses and refer to *Section 3.04(1)* for development standards for specific uses.

DIMENSION REGULATIONS

Lot Standards	C-4
Min. Lot Area	4,000 sq. ft.
Front Yard Setback	40 feet <i>((p))</i>
Side Yard Setback	40 feet <i>((p))</i>
Total of two side yard setbacks	80 feet
Rear Yard Setback	40 feet <i>((p))</i>
Max. Ground Coverage by Principal Structure	20%
Max. Building Height	<i>(h)</i>

Footnotes: Refer to *Section 2.03* wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to *Section 3.04(1)* for dimensional regulations for specific uses.

Section 1.12 P-L District Regulations.

APPLICATION OF ARTICLE

This district is designed to classify publicly owned uses and land publicly or privately-owned facilities (as defined in *Error! Reference source not found.* of this ordinance). The regulations set forth in this Article shall apply in all P-L districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (<i>Section 5.23, Section 5.23(1)</i>) • Brewer, Micro Brewer, Brewpub, and Distilleries (<i>Section 4.09</i>) • Carnivals, outdoor circuses or migratory amusement enterprises (<i>Section 4.56(3)</i>) • Cultural service buildings, such as publicly owned museums, art galleries and libraries • Educational uses (<i>Error! Reference source not found., Error! Reference source not found.</i>) • Establishments having liquor licenses such as Class C, tavern, and club (<i>Section 4.22</i>) • Hospitals (<i>Section 4.29</i>) • Housing for the elderly (<i>Section 4.31</i>) • Municipal or other governmental buildings • Heliports (<i>Section 4.27</i>) • Parking structures (<i>Section 7.09</i>) • Parks and outdoor recreational uses (<i>Error! Reference source not found., Error! Reference source not found.</i>) • Universities, colleges, private colleges, including ancillary uses and facilities	• Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment and/or rehabilitation of adults or minor children and psychiatric hospitals (<i>Section 4.23</i>)
Refer to <i>Error! Reference source not found.</i> for definitions of uses and refer to <i>Section 3.04(1)</i> for development standards for specific uses.	

Section 1.13 ML District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all ML Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 5.23, Section 5.23(1)) - Brewer, micro brewer, brewpub, and distilleries (Section 4.09) - Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 4.54) - Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment - Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair - Experimental product development and testing including limited manufacturing (Section 4.22(3)) - General offices - Industrial, scientific, or business research development and testing laboratories and offices - Industrial parks (Section 5.28) - Laundry and dry-cleaning establishments - Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) - Professional offices (Error! Reference source not found., Error! Reference source not found.) - Temporary buildings for construction purposes for a period not to exceed the duration of construction - Tool and die shops and pattern making shops - Warehouses (Error! Reference source not found., Error! Reference source not found.)	- Heliports (Section 4.27) - Parking structure (Section 7.09)
Refer to Error! Reference source not found. for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.	

PROHIBITED USES

In all ML Districts no building shall be erected or used, or land used, in whole or in part, for any one or more of the following uses:

- All uses permitted in N1, N2, R-U-F, NM1, NM2, C-1, C-2, and C-3 Districts.
- All waiver uses listed in N1, N2, R-U-F-Districts, NM1, NM2, C-1, C-2, and C-3 Districts.
- Outside storage of trucks, materials, and/or supplies.
- Uses causing or resulting in obnoxious, offensive, injurious, dangerous or unhealthy odors, fumes, dust, smoke, noise, glare of lights or vibration, or the accumulation of unsightly waste materials on private or public property.

DIMENSION REGULATIONS

Lot Standards	ML
Front Yard Setback	((m))
Rear Yard Setback	((m))
Side Yard Setback	((m))
Max. Building Height	35 feet, except as provided in Section 5.17 to Section 5.20

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.14 M-1 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all M-1 Districts.

PERMITTED USES	WAIVER USES
- Accessory structures and uses (Section 5.23, Section 5.23(1)) - Artisan, craftsman, printing and engraving shops other similar uses (Error! Reference source not found. Error! Reference source not found.) - Brewer, micro brewer, brewpub, and distilleries (Section 4.09) - Bulk storage of refined petroleum products - Caregiver grow facilities (Section 4.10) - Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 4.54) - Dairies, creameries, soft drink and bottling plants, and other similar uses (Error! Reference source not found. Error! Reference source not found.) - Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment - Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair - Experimental product development and testing including limited manufacturing (Section 4.22(3)) General offices Industrial parks (Section 5.28) Industrial, scientific, or business research development and testing laboratories and offices Internet-based exotic vehicle sales (Section 4.33) Industrial plants manufacturing, processing or assembling (Error! Reference source not found. Error! Reference source not found.) Laundry and dry-cleaning establishments Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 6.36) - Paint shops (Section 2.01 (8)) - Parks and outdoor recreational uses (Error! Reference source not found. Error! Reference source not found.) - Professional offices (Error! Reference source not found. Error! Reference source not found.) - Public utility uses Industrial, scientific, or business research development and testing laboratories and offices Internet-based exotic vehicle sales (Section 6.33)	- Ambulance services, local and suburban bus terminals and taxicab terminals (Section 4.57) - Garages, repair shops, rustproofing and similar highway services (Section 4.24) - Heliports (Section 4.27) Indoor recreational uses (Error! Reference source not found. Error! Reference source not found.) (Section 4.32) Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 4.36) - Outdoor storage of recreational equipment (Section 4.44) - Parking structures (Section 7.09) - Retail sales (Error! Reference source not found. Error! Reference source not found.) (Section 4.52) - Steel fabricators, truck terminals, truck and trailer rental facilities, where vehicles, trailers, equipment and material, special trade contractors, and vehicle tow yards (Section 4.58)

- ~~Industrial plants manufacturing, processing or assembling (Section 2.02, Section 2.02(2))~~
- Temporary buildings for construction purposes for a period not to exceed the duration of construction
- Tool and die shops and pattern making shops
- Warehouses (*Error! Reference source not found.*, *Error! Reference source not found.*)

Refer to *Error! Reference source not found.* for definitions of uses and refer to *Section 3.04(1)* for development standards for specific uses.

PROHIBITED USES

In all M-1 Districts no building shall be erected or used, or land used, in whole or in part, for any one or more of the following uses:

- a) All uses permitted in N1, N2, R-U-F, NM1, NM2, C-1, C-2 and C-3 Districts unless expressly permitted in this Article.
- b) All waiver uses listed in any of the N1, N2, RUF, NM1, NM2, C1, C2, and C3 Districts unless expressly permitted in this Article.
- c) Junk yards and businesses handling junk, waste, trash, or rubbish.
- d) Used auto parts or auto wrecking establishments.
- e) Incubation, raising, or storing of poultry.
- f) Slaughtering of animals.
- g) Use or operation of steam hammers, forging equipment.
- h) Heavy manufacturing drop forging plants, foundries, and boiler works.
- i) Uses causing or resulting in obnoxious, offensive, injurious, dangerous or unhealthy odors, fumes, dust, smoke, noise, glare of lights or vibration, or the accumulation of unsightly waste materials on private or public property.

DIMENSION REGULATIONS

Lot Standards	M-1
Front Yard Setback	(n)
Rear Yard Setback	(n)
Side Yard Setback	(n)
Max. Building Height	50 feet, except as provided in Section 5.17 to Section 5.20
Footnotes: Refer to Section 2.03 wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to Section 3.04(1) for dimensional regulations for specific uses.	

Section 1.15 M-2 District Regulations.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply in all M-2 Districts.

PERMITTED USES	WAIVER USES
• Accessory structures and uses (Section 5.23, Section 5.23(1)) • Any lawful use of land or buildings not herein expressly provided for or prohibited • Artisan, craftsman, printing and engraving shops other similar uses (Error! Reference source not found., Error! Reference source not found.) • Brewer, micro brewer, brewpub, and distilleries (Section 4.09) • Bulk storage of refined petroleum products • Caregiver grow facilities (Section 4.10) • Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis (Section 4.54) • Dairies, creameries, soft drink and bottling plants, and other similar uses (Section 2.01 (8)) • Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment • Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair • Experimental product development and testing including limited manufacturing (Section 4.22(3)) • Garages, repair shops, rustproofing and similar highway services (Section 4.24) • General offices • Heavy manufacturing and general industrial plants • Industrial, scientific, or business research development and testing laboratories and offices • Industrial parks (Section 5.28) • Industrial plants manufacturing, processing or assembling (Error! Reference source not found., Error! Reference source not found.) • Internet-based exotic vehicle sales (Section 4.33) • Laundry and dry-cleaning establishments • Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 6.36) • Outdoor storage of Recreational Equipment (Section 4.44) • Paint shops (Section 2.01 (8)) • Parking structure (Section 7.09) • Parks and outdoor recreational uses (Error! Reference source not found., Error! Reference source not found.) • Professional offices (Error! Reference source not found., Error! Reference source not found.) • Public utility uses • Steel fabricators, truck terminals, truck and trailer rental facilities where vehicles, trailers, equipment and material (Section 6.58) • Temporary buildings for construction purposes for a period not to exceed the duration of construction • Tool and die shops and pattern making shops • Warehouses (Error! Reference source not found., Error! Reference source not found.)	• Ambulance services, local and suburban bus terminals and taxicab terminals (Section 4.57) • Heliports (Section 4.27) • Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities (Section 4.36) • Steel fabricators, truck terminals, truck and trailer rental facilities, special trade contractors, and vehicle tow yards (Section 4.58) • Vehicle tow yards (Section 6.58)
Refer to Error! Reference source not found. for definitions of uses and refer to Section 3.04(1) for development standards for specific uses.	

PROHIBITED USES

In all M-2 Districts no building shall be erected or used, or land used, in whole or in part, for any one or more of the following uses:

- a) All uses that are prohibited in an M-1 District.
- b) Tanneries, slaughterhouses, stock yards, glue factories, soap factories, asphalt mixing, batching or paving plants, oil or asphalt refineries.
- c) Furniture stores.
- d) Indoor recreational uses.
- e) The operation of forgings by steam or board hammers except where located more than one thousand (1,000) feet from any district zoned as residential as measured from any point on the property and only when approved by the City Council after review and submission of findings by the City Planning Commission. No such approval shall be given until the City Council is satisfied that vibration and noise will be reduced to a reasonable minimum through construction and use of the most modern and effective facilities available for such purpose.
- f) Uses causing or resulting in obnoxious, offensive, injurious, dangerous or unhealthy odors, fumes, dust, smoke, noise, glare of lights, waste, discharge of by-products, or the accumulation of unsightly waste materials on private or public property.
- g) Uses like the above specified uses.

DIMENSION REGULATIONS

Lot Standards	M-2
Front Yard Setback	((o))
Rear Yard Setback	((o))
Side Yard Setback	((o))

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 1.16 NP District Regulations.

APPLICATION OF ARTICLE

The regulations of this Article shall apply in all NP Districts. The intent of this Article is to provide for the preservation and protection of certain City-owned properties which remain undisturbed in their natural state and which are designated as "Nature Preserve" on Part VII of the Master Plan, the Future Land Use Plan, because they have unique characteristics such as a dense growth of trees, wild flowers and a variety of other plants, animals and birds normally associated with a densely wooded area, as well as the preservation of publicly-owned properties which are designated as wetlands by the Department of Natural Resources or are located within a designated Flood Hazard District as defined in *Error! Reference source not found.*, *Error! Reference source not found.* of this Ordinance.

PERMITTED USES

Nature Preserves (*Error! Reference source not found.*, *Error! Reference source not found.*, *Section 4.39*)

Refer to **Error! Reference source not found.** for definitions of uses.

PROHIBITED USES

In all NP districts, no building or structure shall be erected, nor shall any land be used in whole or in part for any purpose whatsoever except for one or more of the uses expressly permitted in the permitted uses listed above. Irrespective of any other provisions of this Ordinance, the foregoing prohibition shall include grading, filling or dumping of any material in any manner; the removal or damaging of trees, wild flowers, and other plant material; and the destruction of wildlife.

Section 1.17 P District Regulations.

APPLICATION OF ARTICLE

The regulations of this Article shall apply in all P Districts.

PERMITTED AND WAIVER USES

Non-residential parking shall be treated as a Permitted Use. In all P Districts, no land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for in this Ordinance, for any use other than automobile parking. All P Districts shall be contiguous to a Business District and/or Industrial District; provided, however, that there may be a private highway or public street or public alley between such P District and such Business District and/or Industrial District. Parking may be with or without charge. The standards of Article X, Parking, Loading, and Access Management shall apply (*Article X*).

Parking structures shall be treated as a Waiver Use, subject to the provisions set forth in *Section 7.09*.

PROHIBITED USES

- a) Parking areas shall be used for parking of private passenger vehicles only.
- b) No business involving the repair or services to vehicles permitted thereon or sale, or other storage, or display thereof, shall be conducted from or upon such premises

Article II.

Schedule of Regulations

Section 2.01 Statement of Purpose.

The purpose of this Article is to provide area, height, and placement regulations for districts established by this Zoning Ordinance.

Section 2.02 Schedule of Regulations.

Unless otherwise provided in this Ordinance, area, height, and placement regulations under this Ordinance shall be in accordance with the Schedule of Regulations in the Table and footnotes below, which schedule and footnotes are hereby made a part of this *Section 2.02*.

SCHEDULE OF REGULATIONS														
	Lot Area, Lot Coverage, and Dwelling/Business Unit Standards						Minimum Yard Setbacks (ft)						Maximum Building Height	
Zoning District	Minimum Lot Area	Maximum Usable Floor Area in Percentage of Lot Area	Minimum Size of Commercial Buildings	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Maximum Lot Coverage (%)	Front (ft.)	Side (ft.)	Total of 2 Sides (ft.)	Side yard setback abutting street	Rear yard abutting side yard, the side yard abutting upon a street not less than	Rear (ft.)	Feet	Stories
N1, Neighborhood	6,000 sq. ft.	—	—	50 (a)	120 (a) (b)	(c)	25 (r)	5	14	15	25	30	35, except as provided in Section 5.17 to Section 5.20	2, except as provided in Section 5.17 to Section 5.20
N2, Neighborhood	8,400 sq. ft.	—	—	70 (a)	120 (a) (b)	(c)	30 (r)	6	16	17	25	30	35, except as provided in Section 5.17 to Section 5.20	2, except as provided in Section 5.17 to Section 5.20
RUF, Rural Urban Farm	15,000 sq. ft.	—	—	75 (a)	150 (a) (b)	(c)	50 (r)	10	20	23	40	45	35, except as provided in Section 5.17 to Section 5.20	2, except as provided in Section 5.17 to Section 5.20
NM1, Neighborhood Multifamily	—	—	—	80 (a)	--	25%	30	25 (d)	60 (d)	(e)	—	50	35, except as provided in Section 5.17 to Section 5.20	2 ½, except as provided in Section 5.17 to Section 5.20
NM2, Neighborhood Multifamily	—	3035% (s)	—	—	—	—	50 (f)	25 (f)	60 (f)	—	—	50 (f)	(g)	(g)
NM3, Neighborhood Multifamily	—	—	—	—	—	25% for the principal structure	50 (i)	25 (i)	60 (i)	—	—	50 (i)	(h)	(h)
C-1, Local Business	4,000 sq. ft.	—	(j)	—	—	—	15 (p)	8 (p)	16	—	—	8 (p)	35, except as provided in Section 5.17 to Section 5.20	2, except as provided in Section 5.17 to Section 5.20
C-2, General Business	(k)	—	(l)	—	—	—	15 (p)	8 (p)	16	—	—	8 (p)	35, except as provided in Section 5.17 to Section 5.20	2, except as provided in Section 5.17 to Section 5.20
C-3, Highway Services	(k)	—	(l)	—	—	—	50 (p)	25 (p)	50	—	—	(p)(q)	35, except as provided in Section 5.17 to Section 5.20	2, except as provided in Section 5.17 to Section 5.20
C-4, High Rise Commercial	4,000 sq. ft.	—	—	--	--	—	40 (p)	40 (p)	80	—	—	40 (p)	(g)	(g)
ML, Manufacturing Limited	—	—	—	—	—	—	(m)	(m)	—	—	—	(m)	35, except as provided in Section 5.17 to Section 5.20	—
M-1, Light Manufacturing	—	—	—	—	—	—	(n)	(n)	—	—	—	(n)	50, except as provided in Section 5.17 to Section 5.20	—
M-2, General Manufacturing	—	—	—	—	—	—	(o)	(o)	—	—	—	(o)	—	—

Footnotes: Refer to [Section 2.03](#) wherever a footnote is referenced in parentheses after one of the design regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Section 3.04\(1\)](#) for dimensional regulations for specific uses.

Section 2.03 Footnotes to Schedule of Regulations.

- (a) When lots are hereafter platted with a side or rear lot line abutting a major thoroughfare with an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Future Transportation Map of the City of Livonia, the lot depth and/or lot width shall be increased by at least thirty (30) feet to provide additional buffering from such thoroughfare.
- (b) Lot depth requirements need not be adhered to where immovable physical boundary limitations exist which prohibit meeting lot depth requirements, provided that all minimum area and width requirements are met.
- (c) One-family dwellings together with accessory buildings shall not cover more than thirty-five (35) percent of the lot area.
- (d) Side Yard Setbacks
 - i) Side Yards; One- and Two-Family Dwellings. All lots in NM1 Districts on which a one family dwelling is established shall have two (2) side yards, one with a minimum width of not less than six (6) feet, and the aggregate width of both side yards shall not be less than sixteen (16) feet. All lots in NM1 Districts on which a two (2) family dwelling is established shall have two (2) side yards of not less than ten (10) feet each.
 - ii) Side Yards; Non-Residential Use. Every lot on which a building or structure used for a non-dwelling purpose shall have a side yard on each side of such lot, and each such yard shall be not less than fifteen (15) feet in width.
- (e) In NM1 Districts, the width of side yards abutting upon a street shall not be less than seventeen (17) feet at the first-floor level when rear yards abut rear yards; however, in case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting upon a street shall be not less than thirty (30) feet.
- (f) Provided, however, that when any front, rear or side yard abuts a major thoroughfare of one hundred twenty (120) feet or more as indicated on the Future Transportation Map of the City of Livonia, the minimum setback shall be seventy-five (75) feet.
- (g) Buildings shall not exceed four (4) stories in height, except that the maximum height of buildings to be erected or used on any parcel or parcels of land designated Zone I, Zone II, or Zone III shall be as follows:

Zone	Maximum Height of Building
I	6 stories
II	8 stories
III	12 stories
IV	20 stories

- (h) Thirty-five (35) feet and two and a half (2-½) stories, except that the maximum height of a building to be erected or used on any parcel or parcels of land designated Zone I, Zone II, and Zone III shall be as follows:

Zone	Maximum Height of Building
I	4 stories
II	6 stories
III	9 stories

- (i) The following setbacks apply in the NM3 District for building heights greater than 2 stories:

Type of Building		Front Yard	Rear Yard	Side Yard	Interior Yard
Required setback lines for principal buildings and accessory buildings	Perimeter 3-story building:	75 feet	50 feet	50 feet	50 feet
	Perimeter for each story more than three (3), the following additional setback is required	5 feet	10 feet	10 feet	Interior for each story of a principal building in excess of three (3), the distance between buildings shall be increased by ten (10) feet.

- (j) In C-1 Districts no commercial building shall hereafter be erected having a first-floor area of less than six hundred (600) square feet or as otherwise approved by the City Council.
- (k) In no case shall a business lot be less than four thousand (4,000) square feet in area.
- (l) No commercial or business building shall hereafter be erected having a first-floor area of less than four hundred (400) square feet or as otherwise approved by the City Council.
- (m) When a building is hereafter erected or altered in any ML District, front, rear, and side yards shall be maintained as follows:
- i) Parcels Less Than One (1) Acre in Area. The front yard shall have a depth of at least fifty (50) feet, the rear yard shall have a depth of at least twenty (20) feet, and there shall be two (2) side yards, each having a width of not less than twelve (12) feet and the combined width of both side yards shall not be less than forty (40) feet; provided, however, that a side yard abutting a street shall not be less than thirty (30) feet.
 - ii) Parcels Less Than Ten (10) Acres in Area. Where such building is situated on a lot having an area in excess of one (1) acre and not more than ten (10) acres, the front and rear yards shall be at least fifty (50) feet each in depth, the interior side yards shall not be less than thirty (30) feet each, and a side yard abutting a street shall not be less than thirty (30) feet.
 - iii) Parcels More Than Ten (10) Acres in Area. The front yard shall have a depth of at least one hundred (100) feet, the rear yard shall be at least fifty (50) feet in depth, interior side yards shall not be less than thirty (30) feet each, and a side yard abutting a street shall not be less than fifty (50) feet.
 - iv) Provided, however, that notwithstanding the foregoing, where any such parcel or lot abuts a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more, as shown on the Future Transportation Map, then the required yards abutting major thoroughfares shall be provided with a depth of no less than one hundred (100) feet; except, however, in the case of properties abutting Eight Mile Road (Baseline Road) and the I-96 (Schoolcraft) Freeway eastbound service drive, in which case the said minimum setback shall be fifty (50) feet; further, the yard requirements set forth in this section shall not apply to property lines adjacent to any railroad right-of-way.
- (n) When a building is hereafter erected or altered in any M-1 District, front, rear, and side yards shall be maintained as follows:

- i) Parcels Less Than One (1) Acre in Area. The front yard shall have a depth of at least fifty (50) feet, the rear yard shall have a depth of at least twenty (20) feet, the interior side yards shall be not less than twenty (20) feet each, and a side yard abutting a street shall be not less than twenty-five (25) feet.
- ii) Parcels Less Than Ten (10) Acres in Area. Where such building is situated on a lot having an area in excess of one (1) acre and not more than ten (10) acres, the front and rear yards shall be at least fifty (50) feet each in depth, the interior side yards shall be not less than twenty (20) feet each, and a side yard abutting a street shall be not less than twenty-five (25) feet.
- iii) Parcels More Than Ten (10) Acres in Area. Where such building is situated on a lot having an area in excess of ten (10) acres, the front yard shall have a depth of at least one hundred (100) feet, the rear yard shall be at least fifty (50) feet in depth, the interior side yards shall not be less than twenty (20) feet each, and a side yard abutting a street shall be not less than fifty (50) feet.

Provided, however, that notwithstanding the foregoing, where any such parcel or lot abuts a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more, as shown on the Future Transportation Map, then the required yards abutting major thoroughfares shall be provided with a depth of no less than one hundred (100) feet; except, however, in the case of properties abutting Eight Mile Road (Baseline Road) and the I-96 (Schoolcraft) Freeway eastbound service drive, in which case the said minimum setback shall be fifty (50) feet; further, the yard requirements set forth in this section shall not apply to property lines adjacent to any railroad right-of-way.

- (o) When a building is hereafter erected or altered in any M-2 District, front, rear, and side yards shall be maintained as follows:
 - i) Parcels more than twenty (20) acres in area, front, rear, and side yards shall have a depth of at least two hundred (200) feet each.
 - ii) Parcels twenty (20) acres or less in area. Front, rear, and side yards shall be the same as required in an M-1 District;
 - iii) Provided, however, that notwithstanding the foregoing provisions of this section, the following additional requirements shall apply:
 - Where any such parcel or lot abuts a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more, as shown on the Future Transportation Map, then, and in such event, the required yard abutting a major thoroughfare shall have a setback of no less than one hundred (100) feet; except, however, in the case of properties abutting the I-96 (Schoolcraft) Freeway eastbound service drive, in which case the said minimum setback shall be fifty (50) feet;
 - Where any such parcel abuts on the boundary of any district zoned other than M-2, M-1, or PL, any yard of such parcel abutting on such boundary shall not be less than two hundred (200) feet;
 - The yard requirements set forth in this section shall not apply to property lines adjacent to any railroad right-of-way.

- (p) No part of the minimum required front yard, side yard or rear yard shall be used for either the storage, placement or display of merchandise or equipment and no part of any parcel of land located in a C-1, C-2, C-3, or C-4 District shall be used for outdoor storage of merchandise or equipment, except as specifically permitted by other provisions of this ordinance. The foregoing prohibition of storage, placement or display of equipment within the required minimum front yard shall include the parking or storage of merchants' delivery vehicles except when loading or unloading merchandise or equipment. Side yards are not required along interior lot lines if all walls abutting or facing such lot lines are of fireproof construction and wholly without windows or other openings; but if the side wall is not of fireproof construction, or if of fireproof construction but containing windows or other openings (other than emergency exits or vents). For one (1) story buildings, the side/rear yard setback shall be five (5) feet; provided, however, that when a side/rear lot line coincides with a side/rear lot line in a residential district each commercial building shall provide a side/rear yard of not less than twenty (20) feet.

- (q) In C-3 Districts no rear yard is required except for a lot running through to the street in the rear in which case a rear yard shall be provided which shall comply with the front yards on that street.
- (r) A covered but unenclosed front porch will not be considered nonconforming by virtue of its incidental encroachment on the front yard setback.
- (s) The maximum usable floor area as a percentage of lot area shall be limited to 35%, except in cases where City Council determines that it is in the best interests of the community to allow for a greater percentage, the maximum shall be 45%.

Article III.

Supplemental Zoning District Standards

Section 3.01 Special Area Development Control.

- (1) **Requirement.** No building shall be erected, expanded, or externally altered on property in the following designated areas except upon review and submission of findings by the City Planning Commission and approval by the City Council.
- A) The area described as being within the vicinity of the Civic Center being that area located in Sections 15, 16, 21, and 22, bounded on the north by Roycroft Avenue, on the east by Hubbard Road, on the south by Lyndon Avenue (excepting therefrom all property in Kimberly Oaks Subdivision and Taylor Gardens Subdivision), on the west by the east property line of the Parkview Memorial Cemetery, and that portion of Stamford Road that is north of Five Mile Road and south of Roycroft Avenue.
 - B) The area described as being within the vicinity of the Wonderland Village being the area located in the Southwest $\frac{1}{4}$ of Section 25; the Northwest $\frac{1}{4}$ of Section 36; the Northeast $\frac{1}{4}$ of Section 35; and the Southeast $\frac{1}{4}$ of Section 26 (excepting therefrom all property located in Single-Family Residential Zoning Districts).
 - C) The area described as being within the vicinity of the Livonia Marketplace being the area located in the Southwest $\frac{1}{4}$ of Section 1; The Northwest $\frac{1}{4}$ of Section 12; the Northeast $\frac{1}{4}$ of Section 11; and the Southeast $\frac{1}{4}$ of Section 2 (excepting therefrom all property located in Single-Family Residential Zoning Districts).
 - D) The area described as being within the vicinity of the I-275 Freeway being the area described as the Southwest $\frac{1}{4}$ of Section 5; all of Section 6; all of Section 7; the west $\frac{1}{2}$ of Section 8; the Northwest $\frac{1}{4}$ of Section 17; and the North $\frac{1}{2}$ of Section 18 (excepting therefrom all property located in Single-Family Residential and Public Lands Zoning Districts).
 - E) The area described as being within the vicinity of the Seven Mile Road-Farmington Road Intersection being the area located in the West $\frac{1}{2}$ of Section 3; the East $\frac{1}{2}$ of Section 4; the Northeast $\frac{1}{4}$ of Section 9; and the N.W. $\frac{1}{4}$ of Section 10 (excepting therefrom all property located in Single-Family Residential Zoning Districts).
 - F) The area described as being within the vicinity of the Plymouth Road-Farmington Road Intersection being the area located in the Southwest $\frac{1}{4}$ of Section 27; the Southeast $\frac{1}{4}$ of Section 28; the Northeast $\frac{1}{4}$ of Section 33; and the Northwest $\frac{1}{4}$ of Section 34 (excepting therefrom all property located in Single Family Residential and Public Lands Zoning Districts).

- G) The area described as being within the vicinity of Middlebelt Road-Schoolcraft-1-96 Service Drive being the area located in the Southeast ¼ of Section 23; the Southwest ¼ of Section 24; the Northwest ¼ of Section 25; and the Northeast ¼ of Section 26 (excepting therefrom all property located in Single-Family Residential and Public Lands Zoning Districts)
- (2) **Standards.** A determination made by the City Planning Commission and City Council hereunder shall be subject to compliance with, and the application of, the standards prescribed in [Section 11.13](#), [Section 11.13\(6\)](#) of this Ordinance. A petition for site plan approval shall also comply with the requirements prescribed in [Section 11.13](#), [Section 11.13\(12\)](#) of this Ordinance.
- (3) **Appeal to City Council.** In the event any applicant or petitioner is aggrieved by the determination of the City Planning Commission in relation to site plan approval, they may file an appeal with the City Council in accordance with the provisions set forth in [Section 11.13](#), [Section 11.13\(10\)](#) of this Ordinance.
- (4) **Limitation.** Whenever the City Planning Commission and City Council shall approve a site plan, such approval shall continue and be valid only in accordance with the provisions set forth in [Section 11.13](#), [Section 11.13\(13\)](#) of this Ordinance.
- (5) **Implementation.** An approved site plan shall be immediately transmitted to the Inspection Department, and all non-building improvements such as, but not limited to, landscaping, parking lots, parking spaces, walkways, screen walls, and exterior lighting required by such site plan shall be completed prior to the issuance of a Certificate of Occupancy; provided, however, that a temporary Certificate of Occupancy may be issued in the event that such completion is impractical or impossible, provided that a performance bond in the form of a cash bond or irrevocable bank letter of credit covering the estimated total cost of such improvements or parts thereof is deposited with the Inspection Department prior to the issuance of such temporary Certificate of Occupancy; provided further, however, that in no event shall a final Certificate of Occupancy be issued until all improvements have been completed. All improvements, when completed, shall, thereafter, be maintained with materials equal to or greater than the quality of the materials originally installed.

Section 3.02 Special Waiver Use Standards for Planned Developments, including Planned Residential Developments and Planned General Developments.

- (1) **Statement of Intent.** The intent of this Article is to provide, in the case of Planned Residential Developments and Planned General Developments, an added degree of flexibility in the placement, bulk, and interrelationship of the buildings and uses within the Planned Development, and the implementation of new design concepts so as to encourage a more efficient use of land and of public services through the use of a unified planning approach, while at the same time maintaining the over-all intensity of land use, density of population, and amounts of light, air, access, and required open space as specified in this Ordinance for the zoning district in which the Planned Development is to be located.

A Planned Development shall be deemed to be a Planned Residential Development when such development is limited to dwelling units in detached, attached or multi-storied structures, or any combination thereof. A Planned Development shall be deemed to be a Planned General Development when it contains commercial and/or office structures and uses exclusively or when it includes residential structures or dwelling units in a unified plan with commercial and/or office structures and uses.

The City Council does hereby determine that the several district regulations pertaining to intensity of land use, density of population, and required open space are the minimum requirements for the promotion and protection of the public health, safety, and welfare.

(2) Authority to Grant Waiver for Planned Residential Development or Planned General Development.

Subject to the foregoing statement of intent, the Planning Commission may grant a waiver authorizing a Planned Residential Development or a Planned General Development but only after notice and hearing in the manner provided for other waivers and subject to all other provisions of this Article, and the City Planning Commission and City Council may, in the case of Planned Developments, allow for modification of the provisions of this Ordinance. Such modifications shall be considered only with respect to the following guidelines:

- A) Modification in lot sizes may be granted irrespective of the minimum requirements imposed under the Zoning District within which such development is located.
- B) Modification of yard requirements may be granted irrespective of the minimum requirements imposed under the Zoning District within which a Planned Development is located when it is determined that such modification will result in a more efficient use of the land and will not be injurious to surrounding land and to the public.
- C) Uses not permitted in the Zoning District within which the Planned Development is located may be permitted when such uses are primarily designed and intended to service residents of any Planned Residential Development or Planned General Development or when such uses relate to an overall concept in the case of a non-residentially conceived Planned General Development. In the case of a Planned General Development located on any parcel of land zoned N1, N2, RUF, NM1, or NM2 and which involves development of one or more non-residential uses, such approval shall require a two-thirds (2/3) majority vote of City Council.

(3) Application for Waiver for Planned Residential Development and/or Planned General Development. The owner or owners of any tract of land may submit to the City Planning Commission an application for a waiver to use and develop the entire tract in a manner not consistent with regular or conventional street and lot patterns or general site development concepts. The application shall be made and filed in triplicate with the City Planning Commission and shall either contain or be accompanied by the following:

- A) A legal description of the property under consideration.
- B) The existing zoning classification of the property.
- C) A fully dimensional map of the land showing topographic information at a contour interval of not less than two (2) feet.
- D) A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking areas, driveways, buffer strips, distances between buildings and between buildings and lot lines, setback lines, all open spaces to be dedicated for parks, recreation, light and air, etc., and showing the location and design of all lots to be subdivided and the dimensions of all lot lines.
- E) A vicinity map showing the location of the site in relation to surrounding properties, streets, parks, schools, school sites, etc.
- F) Architectural sketches, at an appropriate scale, showing building heights, elevations, and an indication of the design and distribution of signs to be erected.
- G) A declaration of private restrictions to be imposed upon the property after it is subdivided and developed to ensure that the development conforms in every detail to the approved site plan.
- H) The location and the pavement and right of way width of all abutting roads and streets and driveway locations on abutting public streets.
- I) A statement on intended phases of the project.
- J) Description of soil erosion and sedimentation control measures.
- K) Location of clusters of trees on site and all existing trees eight (8) inches or greater in diameter.

- L) Location of existing wetlands.
- M) The location of all rubbish receptacles and the location, height, and type of fences and walls to screen receptacles.
- N) Location and dimension of required easements for public right-of way, utilities, access, and shared access.
- O) Location of any proposed stormwater detention or retention facilities.
- P) Traffic and pedestrian circulation patterns both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any pedestrian sidewalks, malls, and open areas for parks and recreation either required or otherwise deemed necessary by the City Council. A concrete sidewalk of sufficient width as determined by the City Council shall be provided within the public right of way one (1) foot from the subject site's property line where the subject site borders a public right of way.
- Q) The location, height, and area of all signs.
- R) Information and plans for the storage, loading, disposal, and transfer of any hazardous/toxic waste (gas, oil, transmission fluid, lubricants, solvents, etc.). If any underground tank is used, the location, size, construction and use of the tank shall be specified on the site plan.
- S) Any other information as required by the City Council or Director of Planning which will assist in evaluation of the proposed use.

(4) Action by Planning Commission. After a study of the application for a ~~planned project~~Planned Development, the Planning Commission shall send a resolution recommending approval or denial to the City Council for the final determination based upon the following standards:

- A) The proposed use or uses shall be of such location, size, and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
- B) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this standard, the Commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the Commission shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation, or other external effects, from any source whatsoever which relates to the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.
- C) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- D) The standards of density and required open space in the proposed project are at least equal to those required by this Ordinance in the zoning district in which the proposed project is to be located.
- E) In any Planned Development wherein a shopping center is an integral part, the following specific standards shall be made a part of the site plan as it relates to the front, side, and rear yards of said shopping center:
 - i) Along freeways, major thoroughfares or secondary thoroughfares, except in areas described in ii), hereinbelow, the nearest fifteen (15) feet within the required yard area to the right-of-way line shall be maintained in landscaping and no parking or parking access aisles shall be permitted in such landscaped areas.

- ii) Where residential districts adjoin the shopping center without an intervening street, the nearest twenty-five (25) feet to the property line within the required yard area of the shopping center shall be maintained in landscaping and no parking or vehicular access shall be permitted in such landscaped area.
- iii) Where lots in residential areas front on minor streets at the boundary of a shopping center, the nearest twenty-five (25) feet to the right-of-way within the required yard of the shopping center shall be maintained in landscaping and no parking or parking access aisles shall be permitted in such area.
- iv) All other yards within the shopping center, except those abutting a business or industrial district shall maintain no less than a fifteen (15) foot landscaped strip along the property lines which strip shall not be used for parking or parking access aisles.

The Commission may require such changes or modification in the site plan as are needed to achieve conformity to the standards as herein specified. Upon the finding by the Commission that all the standards as herein specified have been met, it may approve the project and the requested minor modifications to the provisions of this ordinance, if any, and recommend approval of the same to the City Council. It shall also, where it deems appropriate and necessary, recommend to the City Council those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards. The Commission and Council may, in their determination whether to approve a proposed Planned Residential Development or Planned General Development, consider the impacts of the proposed project on existing developed land bordering the site as well as the future impacts of any development or redevelopment on the adjoining lands. Upon such review and determination and in furtherance of its objective to provide for the orderly development of land within the city, the Council may require that the streets be arranged in such a manner to provide for the future continuation or appropriate projection of existing streets in the surrounding areas. Streets shall be laid out to prevent the creation of double frontage lots.

(5) Conditions Upon which Waiver is Granted. Any waiver granted to authorize such a planned project shall in every case be subject to the following express conditions:

- A) Immediately after waiver approval by the City Planning Commission the applicant shall submit the proposal to the City Council and obtain its concurrence in the waiver; until the approval of the City Council is obtained, the City Planning Commission's approval shall not be effective; if the City Council rejects, then the action of the City Planning Commission shall be deemed null and void.
- B) The applicant shall thereafter submit proposed and final plats for the Planned Residential Development or Planned General Development for approval as in the case of other subdivision plats to the extent required by law; provided, however, that if the planned project is designed as site condominiums, the applicant shall thereafter submit the Master Deed for approval in accordance with the provisions set forth in [Section 5.27](#) of this Ordinance prior to any bonds being established by City Council pursuant to [Section 5.27](#) of this Ordinance.
- C) Such plats or Master Deed shall be in strict conformity with the approved waiver, the conditions attached thereto, the site plan submitted with the waiver, and the provisions of this Article.
- D) Where appropriate, a development agreement shall be submitted to the City in recordable form sufficient to assure the use and development of the planned project in accordance with the waiver, site plan, and the provisions of this Article.
- E) The development agreement shall incorporate the approved site plan together with the resolutions of the City Planning Commission and City Council approving such waiver use. Said approved site plan shall be filed with the Department of Inspection and all building and land uses shall thereafter be in accordance with the site plan.

- F) When open space and/or park land is/are provided as a part of a Planned Residential Development or a Planned General Development, the applicant shall provide an appropriate document which sets forth the function of the open space and/or park land, and such provisions for the ownership and maintenance of such lands as are reasonably necessary to ensure its continuity, care, conservation, maintenance, and to ensure that remedial measures will be available to the City of Livonia if such open space and/or park land is permitted to deteriorate or is not maintained in a condition that is consistent with the best interests of the Planned Development or of the City of Livonia.
- G) No structure designed or intended to be used in part or in whole, for commercial purposes shall be constructed prior to the construction of not less than thirty (30) percent of the dwelling units, if any, proposed for the development.
- H) Except as may otherwise be expressly authorized by council resolution, all internal private roads within a Planned Residential Development or a Planned General Development shall be designed and constructed in accordance with the minimum standards set forth by the City of Livonia Engineering Division consisting of asphalt pavement with monolithic valley swales, twenty-eight (28) feet wide, with a six (6) inch thick asphalt base, and one and one-half (1-1/2) inch thick wearing course.

(6) Public Improvements within Planned Development. The applicant for a waiver to authorize a Planned Residential Development or a Planned General Development may apply to the City Council for a modification of the nature and extent of public improvements required to be installed with respect to new residential subdivisions. The City Council may in its discretion relieve the applicant from installing public improvements as would otherwise be required to the extent that it determines such improvements to be unnecessary with the Planned Development. In the event of such a determination, the City Council shall incorporate the same in its resolution granting the waiver for the Planned Development. In granting such relief, as in granting the waiver use, the City Council may attach thereto such condition(s) regarding the character of the proposed development as it may deem reasonable. Compliance with such conditions shall be a prerequisite to the issuance of a Certificate of Compliance or Occupancy and the violation of any such condition shall be deemed a violation of this Ordinance.

Section 3.03 Single-Family Clustering.

The intent of this section is to encourage development alternatives in any N1 and N2 district which will preserve open space while at the same time provide detached or attached single-family dwellings; encourage improved design alternatives to provide more efficient use of land and public services; provide single-family development for difficult sites; and encourage reasonable alternatives to multiple family residential development commonly referred to as apartments or townhouses.

- A) The Planning Commission may recommend and the City Council may grant a waiver authorizing a single-family cluster project pursuant to [Section 3.02](#), [Section 3.02\(2\)](#) of this Ordinance; provided, however, that in addition to requirements set forth in [Section 3.02](#), [Section 3.02\(3\)](#), the application for a waiver shall include documentation substantiating that the land area to be developed contains one or more of the following characteristics:
 - i) Contains natural assets, such as, but not limited to, natural stands of large trees, natural habitat for wildlife, natural streams and watercourses, or unusual topographic features, a substantial portion of which would be preserved using single-family clustering.
 - ii) Has a substantial portion of its perimeter adjacent to major office, commercial, industrial, institutional, or high-rise residential development or is otherwise located to act as a transitional use between conventional single-family residential areas and uses which are or are likely to be incompatible.

- iii) Contains a flood plain which results in a substantial portion of the total land area being unbuildable as confirmed by current Flood Plain Information Report prepared by the Corps of Engineers, United States Army, a copy of which is on file with the Engineering Division.
 - iv) Contains poor soil conditions which result in a substantial portion of the total area being unbuildable using conventional construction methods as confirmed by soil test borings furnished by the applicant.
 - v) Is a small parcel which has frontage on a major thoroughfare with an existing or planned right-of-way width of one hundred twenty (120) feet or more as indicated on the Future Transportation Map and contains acute angles or is of shallow depth as measured from the thoroughfare to make conventional subdivision development physically impractical.
 - vi) Contains other unique physical or geographical constraints as determined by the Planning Commission and City Council to make conventional subdivision development impractical.
- B) In addition to requirements contained in other sections of this Ordinance regarding "Planned Residential Developments" or "Planned General Developments," the following standards shall govern single-family cluster development:
- i) In a planned development that qualifies as a single-family cluster project, yard requirements may be modified pursuant to [Section 3.02 Section 3.02\(2\)](#) of this Ordinance; provided, however, that the following additional rules shall apply:
 - a) Attaching of single-family dwelling units, provided the number of dwelling units attached shall not exceed four (4).
 - b) Minimum yard requirements shall provide that the minimum spacing between groups of attached buildings or between unattached buildings shall be ten (10) feet in an N1 district, and sixteen (16) feet in an N2 district; provided, however, that where a rear yard of one building or group of attached buildings abuts a rear yard or a side yard of another building or group of attached buildings, the distance between such buildings shall be the sum of the two abutting yards as required by [Section 2.02](#) of this Ordinance.
 - c) Front yards abutting a private street shall be as required by [Section 2.02](#) of this Ordinance; a side yard abutting a private street shall be a minimum of fifteen (15) feet and a side yard abutting a public street shall be as required by [Section 2.02](#) of this Ordinance; provided, however, that all buildings and parking areas shall be set back at least forty (40) feet from any major thoroughfare with an existing or proposed right-of-way width of one hundred twenty (120) feet, or more, as indicated on the Future Transportation Map .
 - ii) In a planned development when a single-family cluster project is proposed, the maximum number of units which may be developed shall be the number of acres of land on the proposed site, less any current or planned future rights-of-way of abutting public roads and areas designated by the Federal Emergency Management Agency (FEMA) as Special Flood Hazard Areas inundated by the 100-year flood or by the Michigan Department of Environmental Quality as protected wetlands, times the following numbers of units per acre for each zoning district:

N1 Districts	4.0 dwelling units per acre
N2 Districts	3.0 dwelling units per acre
 - iii) Whenever a proposed single-family cluster project abuts an existing single-family residential district, such district shall be buffered by means of one (1) or more of the following methods as a part of the development of the single-family cluster project:

- a) Locate detached single-family dwellings on conventional lots immediately abutting the existing single-family residential district subject to requirements contained in [Section 1.02](#) of this Ordinance and the Subdivision Rules and Regulations of the City of Livonia.
 - b) Provide open space or recreation space immediately abutting said existing single-family residential district.
 - c) Provide significant topographic features, landscaping, or a combination thereof immediately abutting said existing single-family residential district.
 - d) A major thoroughfare located between the cluster development and a single-family residential district.
- iv) The application shall include a fully dimensional and illustrated landscape treatment of the project, including the labeling of all materials as to type and size when installed, and shall also indicate the location, type, and size of all existing trees having at least a three (3) inch caliper measured one (1) foot above the ground and shall designate for non-removal all such trees so located so as not to substantially interfere with proposed street and structure locations.

Section 3.04 Form-Based Development Option in Commercial Districts.

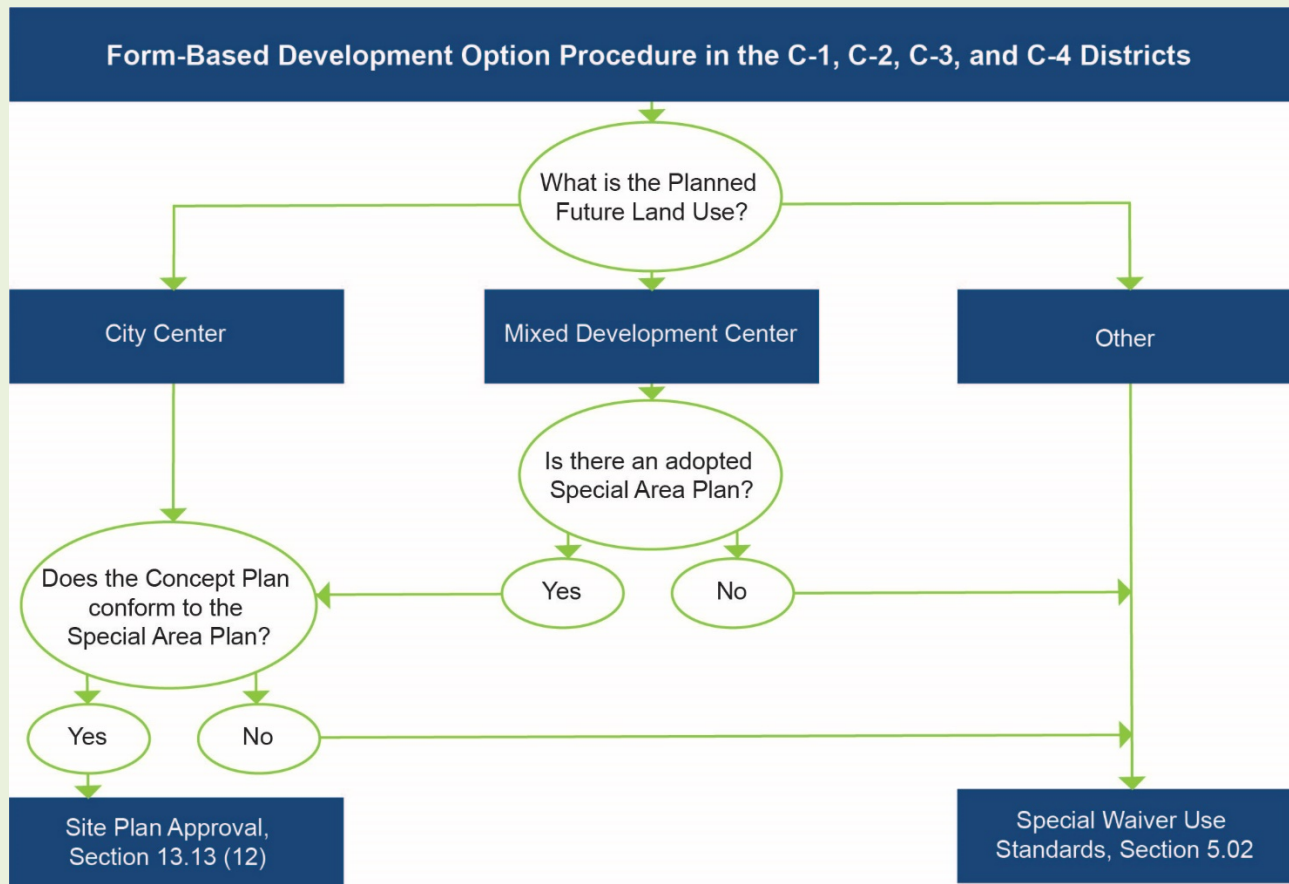
- (1) **Statement of Purpose.** The purpose of the form-based development option is to create clear and simple regulations on the design of new development or redevelopment in Livonia's Commercial Districts of C-1, C-2, C-3, and C-4.

The regulations of this Section require development to have a physical form that enhances the goals and objectives of the City's Future Land Use Plan. Specifically, these regulations encourage a pedestrian friendly and walkable character; permit a mixture of land uses; encourage streets that serve the needs of pedestrians, bicycles, and motorized vehicle traffic equitably; encourage places for informal social activity and recreation; and encourage building frontages that define the public space of streets. With proper physical form, a building can accommodate a wide range of uses without generating undue impact on neighboring properties.

It is further the purpose of the Form-Based Development Option to:

- A) Create walkable business area(s) that maintain the traditional physical form and help to implement the City's development objectives as described in the City's Future Land Use Plan.
- B) Create unique, walkable mixed-use developments including residential, retail, entertainment, office, and other compatible uses.
- C) Promote the orderly development, redevelopment, and continued maintenance of the City's commercial districts.
- D) Encourage shared parking areas throughout the City rather than requiring each individual property owner to provide physical parking space on their property.
- E) Create quantitative and qualitative building design guidelines that ensure new development is compatible with the City's Future Land Use Plan.
- F) Ensure buildings create a solid street wall that helps to define streets as public spaces.
- G) Ensure that permitted uses complement each other in terms of character and location, and to ensure that uses in the C-1, C-2, C-3, and C-4 districts do not have an adverse impact on the overall economic and social vitality of the district, street capacity, public utilities or services, or the overall image and function of the district.
- H) Prevent automobile-oriented development from impacting access to commercial uses by walking, biking, or transit.
- I) Encourage harmonious residential infill and adaptive reuse of noteworthy buildings to provide a mix of housing types, unit sizes, and compatible uses within walking distance of Livonia neighborhoods.
- J) Encourage accessible housing options throughout the City.

- (2) **Form-Based Development Option Procedures.** When using the Form-Based Development Option, conformance with the adopted Livonia Future Land Use Plan is required and one of the following application procedures must be followed:
- A) Areas designated on the Future Land Use Plan as City Center.
 - i) A concept plan shall first be submitted. The City Planning and Economic Development Director, or designee, shall conduct a preliminary development meeting to review the concept plan and determine its conformance with the adopted Special Area Plan.
 - ii) Conforming plans may submit for Site Plan approval, per [Section 13.13 \(12\)](#).
 - iii) Non-conforming plans shall follow the procedure outlined in [5.04 \(2\) C](#).
 - B) Areas designated on the Future Land Use Plan as Mixed Development Center
 - i) Developments within an area having an adopted Special Area Plan, may follow the procedure outlined in [5.04 \(2\) A](#).
 - ii) Developments not within an area having an adopted Special Area Plan, shall follow the procedure outlined in [5.04 \(2\) C](#).
 - C) Areas in the C-1, C-2, C-3, and C-4 districts not within an area having an adopted Special Area Plan, or not in conformance with an adopted Special Area Plan.
 - i) Developments in the C-1, C-2, C-3, and C-4 districts may use the Form Based Development Option subject to a review following the procedures of [Section 5.02](#), Special Waiver Use Standards for Planned Residential Developments and Planned General Developments.



- (3) **Expansion of existing development in the C-1, C-2, C-3, and C-4 districts with the Form-Based Development Option.** All sites in the C-1, C-2, C-3, and C-4 districts are eligible to use the Form-Based Development Option. When using the Form-Based Development Option to expand or redevelop an existing site or structure the following standards shall apply:

A) **Expansions of developed sites.**

- i) Less than 15 percent of existing condition. Any development activity on a developed site that would increase the floor area of an existing building or group of buildings located on the same parcel or the area of existing site improvements by less than 15% need not comply with the requirements of this Section. However, any new building area or site improvements should result in the site being more compliant and shall not result in the site being less compliant with the requirement of this Section.
- ii) More than 15 percent of existing condition. Whenever a building or site improvement expansion of greater than 15 percent of the existing condition is proposed, the activity shall comply with the requirements of this Section.
- iii) Expansions measured cumulatively. For the purposes of determining compliance with this section, expansions shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this Ordinance.

B) **Redevelopment.** Redevelopment of existing buildings shall comply with the Architectural Standards for Adaptive Reuse, [Section 5.04 \(5\)](#).

- i) Whenever 50 percent or less of the existing building will be demolished or replaced, the development activity need not comply with the requirements of this Section. However, any site layout or building design changes that may occur as a result of the development activity should result in the site being more compliant with the requirements of this Section.
- ii) Whenever more than 50 percent of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements of this Section.

(4) **Modification of form-based development option requirements.**

- A) **Purpose and limitations.** Upon review and submission of findings by the City Planning Commission and approval by the City Council for an activity in the C-1, C-2, C-3, and C-4 districts, the Planning Commission or Council may modify certain dimensional requirements contained in this Section. Regulations that may be altered through the modification process are described in the various sections of this Section, along with the specific parameters by which the regulation may be altered.

Modifications, as described in this section, are separate and distinct from variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application of the requirements of this Section would not further the public purpose, and a relaxed or altered dimensional standard will still meet the intent and purpose of the C-1, C-2, C-3, and C-4 districts.

Whenever a regulation may be altered through the modification process, specific bounds are listed within which the modifications must be maintained. If an alteration to a dimensional requirement is requested that is greater than that listed in this Section, the applicant must obtain a variance following the procedures and review standards [Section 11.14](#) Board of Appeals.

- B) **Application and review procedures.** The applicant shall clearly identify all requested modifications on the application and site plan. The reviewing authority shall evaluate the requested modifications and approve, approve with conditions, or deny the modification request. In evaluating a modification request, the reviewing authority shall take into account the following considerations:

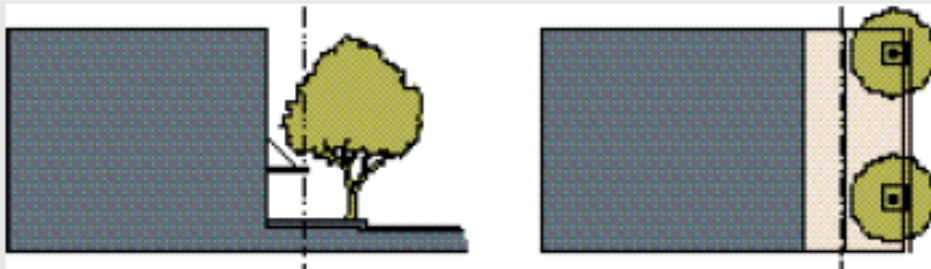
- i) Approval of the modification will not result in development that is incompatible with or will negatively impact existing or potential future development in the vicinity of the property to be developed.
- ii) The requested modification is consistent with the intent and purpose of this Section.

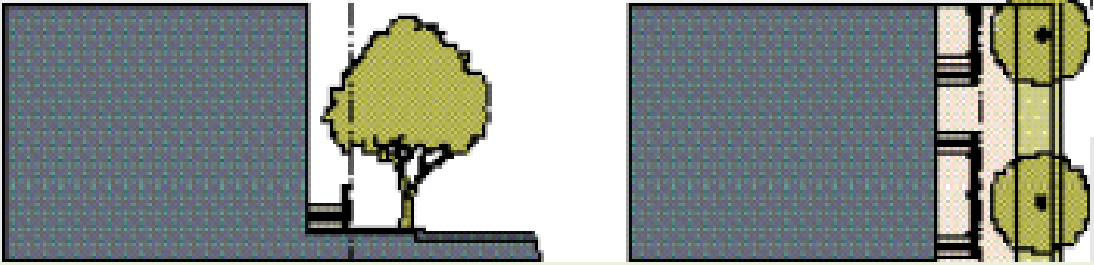
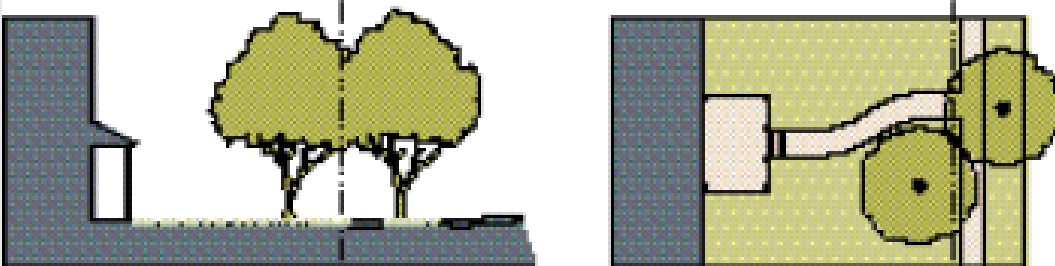
- iii) The modification will result in a superior development when compared with what could be achieved through the strict application of the requirements of this Section.
- iv) A lesser modification will not accomplish the same purpose as the requested modification.
- v) The modification will not negatively impact the potential of adjacent parcels to develop according to the requirements of this Section.

(5) Architectural Standards for Adaptive Reuse.

- A) **Frontage Requirements.** Buildings in the C-1, C-2, C-3, and C-4 districts shall comply with the following requirements, in addition to any applicable requirements of [Section 4.02](#), Schedule of Regulations. The requirements of this Section and [Section 4.02](#) are intended to be complimentary; however, in any instance where there is an apparent conflict, the provisions of this Section shall control.
 - i) **Private frontage.** The private frontage is the area between the right-of-way and the principal building façade. Buildings must contain architectural elements consistent with one of the following four private frontages. Each frontage is designed to be consistent with some or all of the uses permitted in the C-1, C-2, C-3, and C-4 districts.

Note that the following table includes specific dimensional requirements for each of the frontages. Unless otherwise noted, the dimensional requirements are in addition to any other dimensional requirement of this Section.

FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
Shopfront.		
A frontage where the building façade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential uses on the first floor.	C-1 C-2 C-3 C-4	The building shall be set back a maximum of 15 feet from the front lot line.
		
Courtyard		
A frontage where a portion of the building façade is close to the front lot line with a portion set back. The courtyard may accommodate tree plantings or a vehicle drop-off area. This frontage is suitable for any building use.	C-1 C-2 C-3 C-4	The building shall be set back a maximum of 5 feet from the front lot line. The courtyard area shall be considered part of the front building façade for the purposes of determining compliance with the setback and frontage requirements.
		

FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
Stoop		
A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential use.	C-1 C-2 C-3 C-4	The building shall be set back a minimum of 7 feet from the front lot line. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line.
		
Lawn		
A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use.	C-1 C-2 C-3 C-4	The building shall be set back a minimum of 10 feet from the front lot line. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line.
		

- B) **Minimum height.** The minimum building height in the C-1, C-2, C-3, and C-4 districts is 20 feet. All buildings shall have the appearance of being at least 2-story buildings.

- C) **Base, Middle, and Cap.** All buildings shall incorporate a base, middle, and cap, as is applicable.
- i) **Base.** The base shall include an entryway with transparent windows and a horizontal molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two (2) inches and a height of at least four (4) inches. If a one-story building is proposed, the molding or reveal is not required.
 - ii) **Middle.** The middle may include buildings and/or balconies that are located between the reveal and the cap area.
 - iii) **Cap.** The cap includes the area from the top floor to the roof of the building and shall include a cornice or roof overhang.
- D) **Alignment.** Window sills, moldings, and cornices shall align with those of adjacent buildings. The bottom and top line defining the edge of the windows (the "window sill alignment") shall not vary more than two feet from the alignment of surrounding buildings. If the adjoining buildings have window sill alignments that vary by more than two feet from one another, the proposed building shall align with one of the adjoining buildings. This requirement may be modified, per [Section 5.04 \(4\)](#).
- E) **Building materials.** Buildings in the C-1, C-2, C-3, and C-4 districts shall comply with the following building material requirements:
- i) **Primary building materials.** Durable natural building materials such as brick, stone, exposed logs or timber, and other similar materials are preferred primary building materials in the C-1, C-2, C-3, and C-4 districts. Concrete block or similar masonry units (including CMU or split-face blocks) are prohibited as a primary building material unless covered with a veneer of natural building materials. Synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material. Primary building materials shall be used on a minimum of 70 percent of the façade area of the building (excluding doors and windows).
 - ii) **Accent building materials.** Accent materials may be used on up to 30% of the façade area of the building (excluding doors and windows). Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as accent building materials on up to ten percent of the total wall area of any façade, but may not be used on the ground floor façade.
 - iii) **Modification.** This requirement may be modified, per [Section 5.04 \(4\)](#).
- F) **Ground floor design.**
- i) **Building entrance(s).** All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary or subordinate entrance may be provided to a parking lot.
 - ii) **Entryway alignment.**

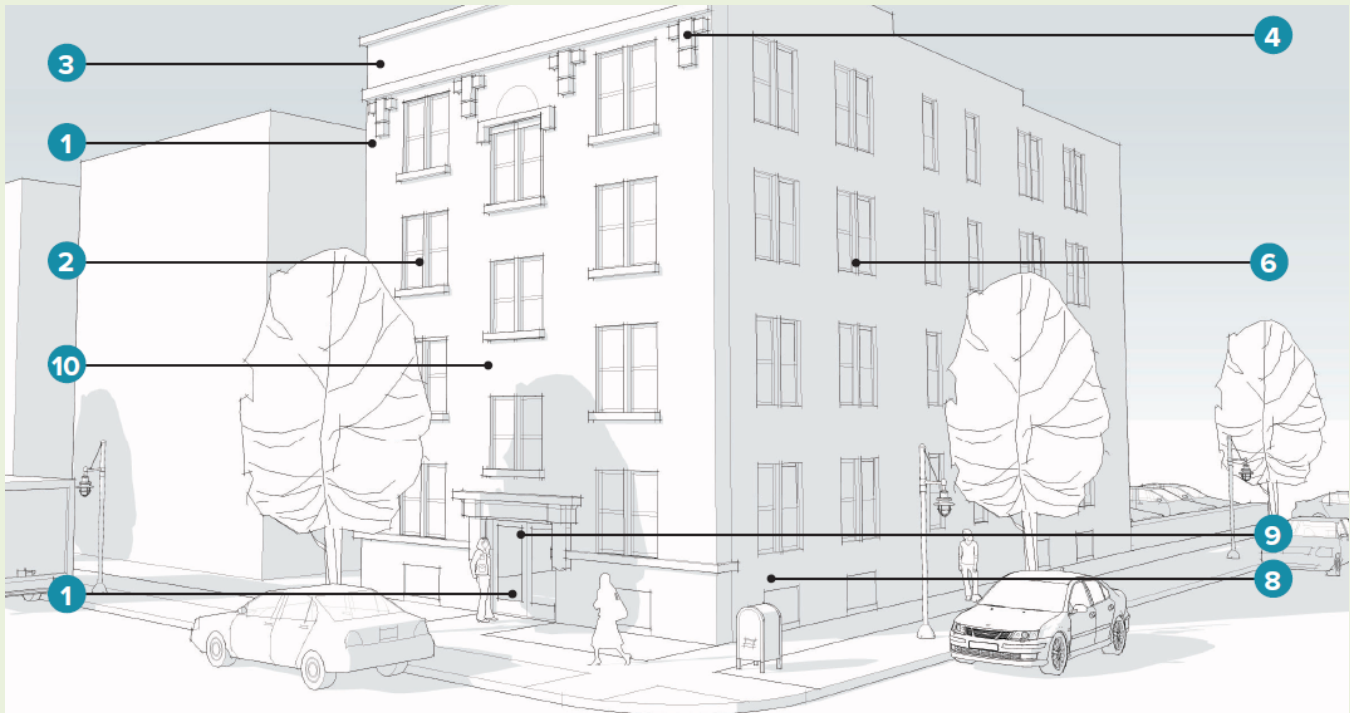
- a) Nonresidential uses. For all buildings in the C-1, C-2, C-3, and C-4 districts and buildings with nonresidential uses on the first floor, the ground floor of the principal entrance shall align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances to a building for the purposes of this section. It is not the intent of this section to preclude the use of below or above grade entryways, provided that such entryways are secondary, not principal entrances.
 - b) Residential and live/work uses. For first-floor residential and live/work uses in the C-1, C-2, C-3, and C-4 districts, the ground floor of the building (and consequently the principal entrance as well) may be raised up to 36 inches above the elevation of the adjacent sidewalk. This is intended to create greater privacy for first floor residential uses by elevating windows above the view of passing pedestrians.
- G) Windows and entryways. The following requirements apply to façades of buildings facing a public street or public space such as a plaza or square.
 - i) Windows. Windows above the ground floor shall have a height to width ratio of at least 2:1.
 - ii) Ground floor façade transparency.
 - a) All buildings with first floor nonresidential uses shall maintain transparency for at least 70 percent of the first-floor façade area between two and eight feet above grade level. Doors and windows provide transparency.
 - b) All windows shall use transparent, non-reflective glass.
 - c) Areas of solid wall shall not exceed a length of 20 feet.
- H) Recessed entrances encouraged. Doors are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.
- I) Encroachments. The following building elements may encroach into a public right-of-way or setback
 - i) Balconies. Balconies on upper stories may encroach up to 6 feet into any required setback area and up to 4 feet into any right-of-way area.
 - ii) Stoops. Unenclosed and uncovered front stoops may encroach up to 5 feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.
 - iii) Awnings.
 - a) Ground-story awnings may encroach up to six feet from the face of the building into the setback or right-of-way area.
 - b) Awnings shall have a minimum of eight (8) feet of clear space between the sidewalk and the bottom of the awning or any support structure and shall not exceed a height of 12 feet to the highest point of the canopy.
 - c) If the awning encroachment of six (6) feet would interfere with the placement of street lighting or street trees, the awning projection shall be reduced to resolve the conflict.
 - d) Awnings shall be constructed out of fabric and may not be internally illuminated. Metal or other materials may be used for awnings if a modification is approved per Section 5.04 D.
 - iv) *Bay windows*. Bay windows on the ground story may encroach up to three (3) feet into any setback area, but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to three (3) feet into any setback or right-of-way area.
 - v) *Eaves*. Roof eaves may encroach up to three (3) feet into any setback or right-of-way area.
- J) Service areas. All service areas, including utility access, above ground equipment and dumpsters shall be located in side or rear yards and shall be screened from view from any street.

- K) Mechanical and utility equipment. Mechanical equipment, electrical and gas meter and service components, and similar utility devices (whether ground level, wall mounted, or roof mounted) shall be screened from view from the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

(6) Building Type Standards for New Construction.

When using the Form-Based Development Option for new construction in the C-1, C-2, C-3, and C-4 districts, buildings must conform to architectural and dimensional standards of the following building types.

- A) **Apartments.** A medium sized building that contains five (5) to ten (10) dwelling units either side-by-side or stacked between two floors. There can be one shared entry or individual entries facing the street.

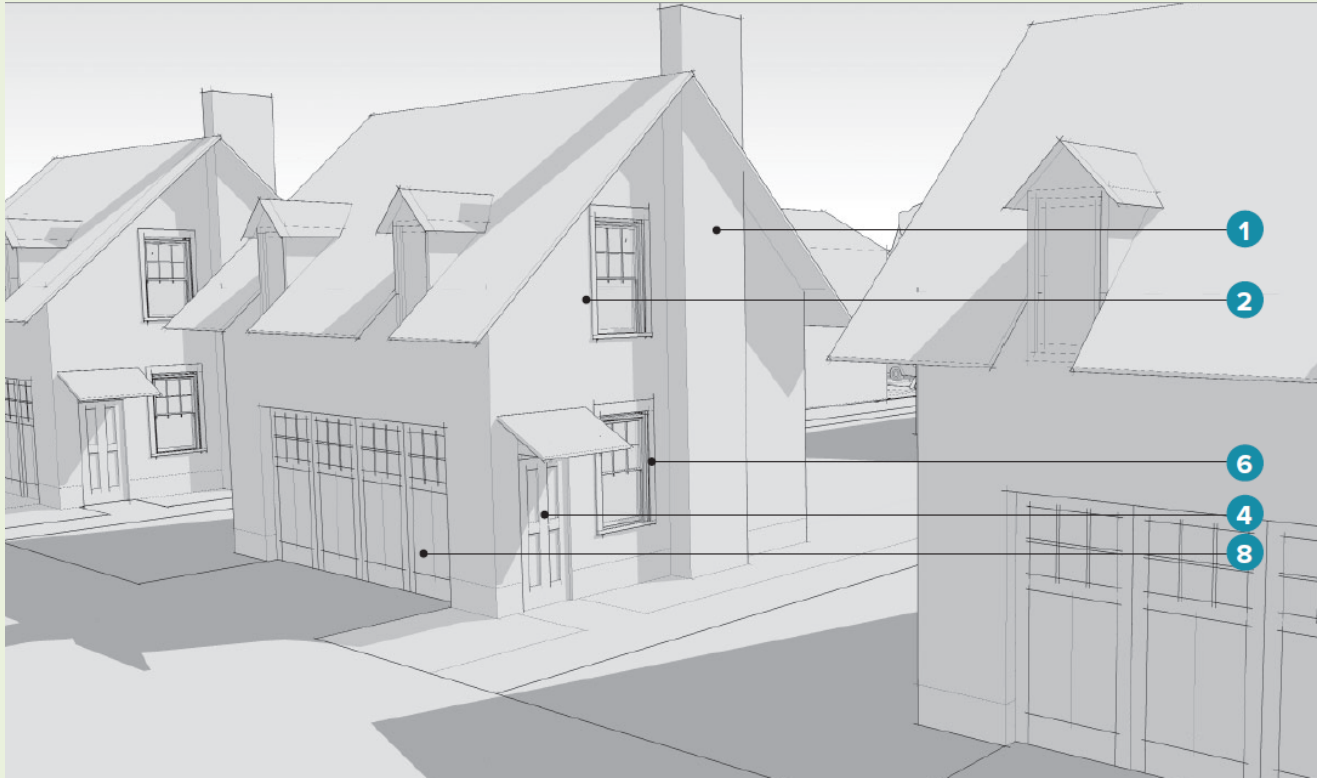


ILLUSTRATED DESIGN STANDARDS: APARTMENTS

1. Traditional building façade treatments (including masonry reliefs and/or motifs) and main entrances located along street of building address.
2. Opaque façade through which window and door openings appear to have been “punched” as through paper in a ring binder.
3. Building cornice (at top of building) of substantial height and decoration.
4. Minimum one horizontal molding or accent material projection dividing the façade into layers.
5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes.
6. Window groupings encouraged, with groups of up to 3 allowable.
7. Main entrances at grade for accessibility, working in conjunction with interior lobby or vestibule and elevator(s).
8. Ground Floor Units (finished floor) 36” to 42” above grade.
9. Main entrance articulation.
10. Prominent sills and/or heads required for windows located along façades (discouraged along other exterior walls).
11. No building entrances from side parking lots allowable. Otherwise, sides and backs of buildings not regulated by this code, except at corners (as shown here).
12. Building façade treatments optional along intersecting streets.
13. Towers, sculptures, and other characteristic forms and/or focal points encouraged (not illustrated).
14. Floor to floor heights limited to 10’-6”.
15. Feature excepted on Art Deco style buildings.

Permitted Materials: Apartments							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X			X	Portland Cement Stucco
Accents		X	X	X	X	X	Limestone
Window and Door Heads	Soldier Course	X	X	X	X		Limestone
Window Sills	Soldier Course	X	X	X	X	X	Limestone
Columns	X	X	X	X	X		Limestone

- B) **Carriage House/Accessory Dwelling Unit.** Also considered an accessory structure, a carriage house is a small building located in the rear of a ~~residential lot~~ **principal dwelling unit** and can contain a small dwelling unit or similar use. They are often above a garage but can also be at ground level.



ILLUSTRATED DESIGN STANDARDS: CARRIAGE HOUSE / ACCESSORY DWELLING UNIT

1. Small, traditionally-styled residential garage form containing one (1) residential unit, indoor parking, or one (1) residential unit above indoor parking. Ground floor finish floor 24"-36" above grade (if not above parking).
2. Opaque façade through which window and door openings appear to have been "punched" as through paper in a ring binder (garage doors excepted).
3. Window groupings encouraged, with groups of up to 3 allowable.
4. Residential entrance articulation and indoor stairway (stairway if more than one story).
5. Floor to floor heights limited to 10'-6".
6. Window screens to be made of wood or, if non-masonry structure, windows to have 3 ½" ht. painted wood aprons added beneath sills to width of cased openings.
7. Must be concealed behind a primary building type. Not to be located in view of frontage corresponding to street of primary building address. Garage door openings, garage doors, garage door Window panes, and garage door panels must all be square or rectangular. Door panels and Window panes must be oriented vertically.

Permitted Materials: Carriage House / Accessory Dwelling Unit							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X			X	Portland Cement Stucco / Cement Board*
Accents		X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		Cedar
Window Sills*	Soldier Course	X	X	X	X		Cedar
Columns	X	X	X	X	X		Wood

*Cement Siding and Wood Trim Installed Smooth-Side Out. Visible Wood-Grain Embossing or Rough-Sawn Surfaces Prohibited

- C) **Duplex/Triplex Stacked, or Adjacent.** A small or medium sized building with two dwelling units stacked one on ground level and one above, each with a separate door facing the street.



ILLUSTRATED DESIGN STANDARDS: DUPLEX / TRIPLEX STACKED, OR ADJACENT

1. Traditionally-styled single-family house form containing two (2) residential units with two (2) main entrances at the front, and alternate or service entrances along the sides and/or back. Finished floor located 24" to 30" above grade.
2. Residential units exist above one another within building enclosure.
3. Opaque exterior walls through which window and door openings appear to have been "punched" as through paper in a ring binder.
4. Pattern of solids and voids generated by the vertical and horizontal alignment of Windows and doors in variously repeating sizes.
5. Window groupings encouraged, with groups of up to 3 allowable.
6. Building overhangs commensurate with style of architecture.
7. Ground floor 24" to 30" above grade.
8. Min. 6'-6" deep front porch maximum 30" above grade with optional decorative rail 28"– 36" above porch floor.
9. Stacked duplex and triplexes entrances may have separate doors or share a vestibule. Adjacent duplex and triplexes entrances shall have individual main entrance articulation.
10. Window screens to be made of wood or, if non-masonry structure, windows to have 3 ½" ht. painted wood aprons added beneath sills to width of cased openings.
11. Floor to floor heights limited to 10'-6".

Permitted Materials: Duplex / Triplex Stacked, or Adjacent								
	Duplex Type	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Wall	Stacked	X		X			X	Portland Cement Stucco / Cement Board *
	Adjacent							
Accents	Stacked	X	X	X	X	X		
	Adjacent							
Window and Door Trim*	Stacked	Soldier Course	X	X	X	X		Cedar
	Adjacent							
Window Sills*	Stacked	Soldier Course	X	X	X	X		Cedar
	Adjacent							
Columns	Stacked	X	X	X	X	X		Wood
	Adjacent							

*Cement Siding and Wood Trim Installed Smooth-Side Out. Visible Wood-Grain Embossing or Rough-Sawn Surfaces Prohibited.

- D) **Fourplex/Four-Family Dwelling Unit.** A medium sized building that contains four dwelling units split up two (2) on the ground floor and two (2) above, with a shared door facing the street.



ILLUSTRATED DESIGN STANDARDS: FOURPLEX / FOUR-FAMILY DWELLING UNIT

1. Traditional building façade treatments (including masonry reliefs and/or motifs) and main entrances located along street of building address.
2. Opaque exterior walls through which window and door openings appear to have been “punched” as through paper in a ring binder.
3. Building cornice must have the most prominent shadow line.
4. Minimum one (1) additional horizontal molding or accent material projection dividing the building into layers or creating water table expression on ground floor level.
5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes.
6. Window groupings encouraged, with groups of up to 3 allowable.
7. Main entrances at grade for accessibility, working in conjunction with interior lobby or vestibule and lift or ramp servicing first floor units.
8. Ground-floor units finish floor-elevation 36” to 42” above grade.
9. Main entrance articulation.
10. Prominent sills and/or heads required for Windows located along façades.
11. No building entrances from side parking lots allowable. Otherwise, sides and backs of buildings not regulated by this code, except at corners (as shown here).
12. Building façade treatments optional along intersecting streets.
13. Floor to floor heights limited to 10’-6”.

Permitted Materials: Fourplex / Four-Family Dwelling Unit							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X			X	Portland Cement Stucco
Accents	x	X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		Cedar
Window Sills	Soldier Course	X	X	X	X		Cedar
Columns	X	X	X	X	X		Wood

- E) **Live/Work Unit.** A small to medium sized building that contains a ground floor office, service, or retail space with a dwelling unit above or behind it. The building can be attached or detached, and both the living and working space are owned or rented by one (1) user.



ILLUSTRATED DESIGN STANDARDS: LIVE / WORK UNIT

1. Ground floor elevated 30" to 42" above average grade at front of building with interior lift for accessibility (Type A). Main level may be accessible at grade with plate glass storefront (Type B) or if building is setback from right-of-way line minimum 7'-0" (Type C).
2. Traditional building façade treatments (as well as main business entrances) to be located along streets of corresponding building addresses and corresponding to right-of-way lines. Side entrances subordinate and allowable at right-of-way lines along intersecting streets only. Side entrances along parking lots prohibited. Rear entrances also subordinate. Storefront main entrance at corner may substitute for that listed above (see Mixed-Use Building).
3. Main business entrance doors must remain unlocked during business hours.
4. Open, plate-glass shopfronts (Type B) encouraged at ground-floor level along street of building address, with façade supported above by columns and beams and extending for a distance of 12' to 14' around building corners at intersecting streets.
5. Plate glass material beginning 15" to 18" above finished grade (top of sidewalk) and extending to underside of beam, with alternate leaded or stained-glass transoms minimum 8'-0" above finish grade.
6. Sign band and/or secondary cornice to be integral with any shopfronts and located above plate glass shopfronts or transoms (Type B).
7. At-grade doorways to be recessed (see numerical parameters below).
8. Opaque exterior walls, through which all window openings appear to have been "punched" (such as through paper in a ring binder), with such windows recessed into the façade, reinforcing this intended effect (except at shopfronts, which are to have plate glass column to column).
9. Building cornice (at top of building) casting tallest horizontal shadow upon building façade. Must be the most prominent shadow line (aside from those cast individually by awnings above shopfronts).
10. Phasing of site development to be coordinated with individual units (each 16' to 25' in width), any first unit developed front to back for a minimum distance of 25' before development of any adjacent unit is to begin. Adjacent and subsequent units to be developed front to back in a similar manner. 8 units per building maximum.

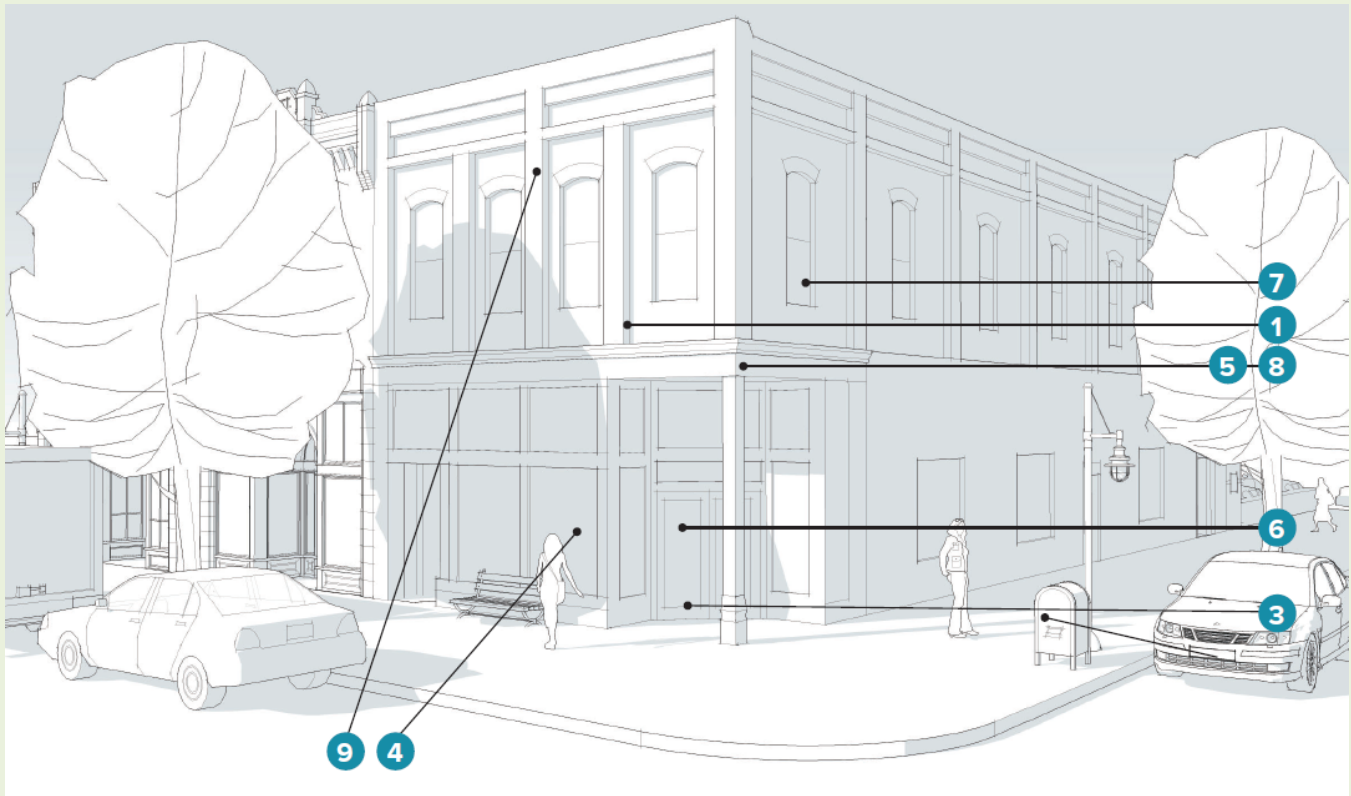
ILLUSTRATED DESIGN STANDARDS: LIVE / WORK UNIT

11. Pattern of solids and voids, coordinated within structural bays, generated by the vertical and horizontal alignment of rectangular windows and doors in repeating sizes. Full and segmented arches allowable atop rectangular windows in these locations (shopfronts excepted).
12. Arched building tops prohibited.
13. Window groupings allowable.
14. Open-ended, canvas, sloped awnings above shopfront windows. (Type B).
15. Decorative sills and/or headers required on windows located along exterior walls (shopfronts excepted).
16. Sides and backs of buildings not regulated by this code, except along intersecting streets (as shown here).
17. Floor to floor heights limited to 15'.
18. Flat roof required.

Permitted Materials: Live / Work Unit

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Wall	X		X				Portland Cement Stucco
Accents	X	X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		
Window Sills	Soldier Course	X	X	X	X	X	
Columns	X	X		X	X	X	Steel

- F) **Mixed-Use Building.** A small to medium sized building that contains ground floor commercial space with dwelling units above. Any number of dwelling units can be incorporated based on the desired level of density. Typically, there is one (1) shared door for residential access facing the street.



ILLUSTRATED DESIGN STANDARDS: MIXED-USE BUILDING

1. Traditional building façade treatments (including masonry reliefs and/or motifs), as well as main business entrances, to be located along streets of corresponding building addresses and at right-of-way lines. Side entrances subordinate and allowable at right-of-way lines along intersecting streets only. Side entrances along parking lots prohibited. Rear entrances also subordinate. Main entrance at corner may substitute for that listed above.
2. Main entrance doors must remain unlocked during business hours.
3. Main level accessible at grade.
4. Open, plate-glass shopfronts (curtain walls), located at ground-floor level along street of building address, with façade supported above by columns and beams and extending for a distance of one structural bay around building corners at intersecting streets. Plate glass material beginning 15" to 18" above finish grade (top of sidewalk) and extending to underside of beam, with alternate leaded or stained-glass transoms minimum 8'-0" above finish grade.
5. Sign band and/or secondary cornice integral with shopfronts and above plate glass and/or transoms. Such cornice may be used to satisfy the one horizontal molding or accent material band projection requirement.
6. Recessed doorways located within shopfronts (see numerical parameters below).
7. Opaque exterior walls above ground floor, through which window openings appear to have been "punched" (such as through paper in a ring binder), with such windows recessed into the façade, reinforcing this intended effect.
8. Minimum one additional horizontal molding or accent material band projection, casting a secondary horizontal shadow line, dividing the façade into layers. This feature is excepted on Art Deco-style buildings.
9. Vertical façade projections (corresponding to structural columns) casting vertical shadows on façade and articulating regular structural bays, each 20' to 30' in width.

ILLUSTRATED DESIGN STANDARDS: MIXED-USE BUILDING

10. Phasing of site development to be coordinated with structural bays, any first bay developed front to back for a minimum distance of 20' before development of any adjacent bay is to begin. Adjacent and subsequent bays to be developed front to back in a similar manner.
11. Pattern of solids and voids above ground floor, coordinated within structural bays, generated by the vertical and horizontal alignment of rectangular windows and doors in repeating sizes. Full and segmented arches allowable atop rectangular windows in these locations.
12. Radii of arches on segmented-arch windows must equal widths of corresponding windows.
13. Arched building tops prohibited.
14. Window groupings allowable above ground floor, corresponding to structural bays.
15. Open-ended, canvas, sloped awnings above shopfront windows.
16. Decorative sills and/or headers required on upper-floor windows located along façades.
17. Sides and backs of buildings not regulated by this code, except at corners (as illustrated here).
18. Building façade treatments optional along intersecting streets.
19. Towers, sculptures, and other characteristic forms and/or focal points encouraged (not illustrated).
20. Characteristic forms echoed or repeated within structural bays.
21. Floor to floor heights limited to 15'.

Permitted Materials: Mixed-Use Building

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Wall	X		X				Portland Cement Stucco
Accents	X	X	X	X	X		
Window and Door Heads	Soldier Course	X	X	X	X		Cedar
Window Sills	Soldier Course	X	X	X	X	X	Cedar
Columns	X	X		X	X	X	Wood

*Cement Siding and Wood Trim Installed Smooth-Side Out. Visible Wood-Grain Embossing Or Rough-Sawn Surfaces Prohibited

- G) **Townhome, Rowhouse.** A small to medium sized building that contains side-by-side attached single-family dwelling units. Typically, two (2) to eight (8) units make up a building, all with individual entrances facing the street.



ILLUSTRATED DESIGN STANDARDS: TOWNHOME / ROWHOUSE

1. Residential units existing side-by side within building enclosure with each unit extending from foundation to roof.
2. Parking at rear or within building at ground floor with parking entrance at rear of building.
3. Side parking lots prohibited.
4. Opaque exterior walls through which window and door openings appear to have been "punched" as through paper in a ring binder.
5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in variously repeating sizes.
6. Window groupings encouraged, with groups of up to 3 allowable.
7. Ground floor (finished floor) 24" to 30" above grade.
8. Min. 6'-6" deep required front porch maximum 30" above grade with decorative rail 28" – 36" above porch floor (porches may be individual or shared and continuous across front of building).
9. Individual main entrance articulation. Porch may be shared (entrances may have separate doors or share a vestibule).
10. Window screens to be made of wood or, if non-masonry structure, Windows to have 3 ½" ht. painted wood aprons added beneath sills to width of cased openings.
11. Floor to floor heights limited to 10'-6".

Permitted Materials: Townhome / Rowhouse							
	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Wall	X		X			X	Portland Cement Stucco Cement Board (a)
Accents	X	X	X	X	X		Painted Wood
Window and Door Heads (a)	(b)	X	X	X	X		Cedar
Window Sills (a)	(b)	X	X	X	X		Cedar
Columns	X	X		X	X		Wood

- a) Cement siding and wood trim shall be installed with the smooth side facing outward. Visible woodgrain embossing or rough-sawn surfaces are prohibited.
- b) Soldier course.

- H) **Schedule of Regulations by Building Types:** When using the Form-Based Development Option, the following dimensional standards by building type shall apply to new construction in the C-1, C-2, C-3, and, C-4 districts. When in conflict with [Section 4.02](#), these regulations shall prevail.

SCHEDULE OF REGULATIONS BY BUILDING TYPE				
Building Type	Front Setback (j)	Side Setback (adjacent to private lot)	Side Setback (adjacent to ROW line)	Rear Setback
Adjacent / Stacked Duplex & Triplex	≥ 20' (a)	10'	7' to 12'	10'
Fourplex	10' (b)	7'	4' to 7'	0'
Rowhouse	20' (c)	7'	4' to 6'	10' (d)
Small Apartment Building	≤ 10' (e)	7'	≤ 7'	0'
Residential Accessory Dwelling Unit / Garage	≥ 10' (f)	≥ 3'	≥ 3'	10' (d)
Live-Work Building	0' (g)	0'	0'	0'
Mixed-Use Building	0' (h)	0'	0'	0'

a) Setback shall match mean setback of existing residential buildings along block frontage, ≥ 20'. If mean existing setback is < 20', then setback of new building shall default to 20'. Porches may encroach ≤ 12' into required front setbacks.

b) Setback shall match that of an adjacent residential building on the principal frontage, ≤ 35'. If adjacent building(s) are set back > 35', then setback of new building shall default to 10'.

c) Setback shall match that of an adjacent residential building on the principal frontage, ≤ 35'. If adjacent building(s) are set back > 35', then setback of new building shall default to 20'. Porches or porticos may encroach ≤ 9' into required front setbacks.

d) Rear setback is 4' from alley easements.

e) Setback shall match that of an adjacent residential building on the principal frontage, ≤ 35'. If adjacent building(s) are set back > 35', then setback of new building shall default to a distance ≤ 10'. Porches or porticos may encroach ≤ 9' into required front setbacks. Entrance canopies on Large Apartment Buildings may extend into right of way over sidewalk.

f) From main building on parcel.

g) See Building Type Regulations.

h) Required build-to line.

- I) **Modifications from Building Design Standards for New Construction.** The City Council may modify the above requirements finding all of the following standards have been met:
- The architectural design of the proposed structure is consistent with the character of the surrounding area.
 - The architectural design otherwise meets the building design standards for adaptive reuse in the C-1, C-2, C-3, and C-4 districts.
 - The project brings the site more into compliance with the Building Design Standards for New Construction and purpose of the C-1, C-2, C-3, and C-4 districts.

Article IV.

Standards Applicable to Specific Uses

Section 4.01 Adult Entertainment.

Adult Businesses provided that:

- (1) **Districts Permitted.** The following standards apply in the C-3 District as a waiver use.
- (2) **Location.** No adult business shall be located within one thousand (1,000) feet of any property which is either occupied or approved for an adult business or within five hundred (500) feet of any property which is either occupied or zoned for residential use as measured from any point on the property which is so occupied or zoned.
- (3) **Access.** The parcel of land on which the adult business is located shall have direct access to a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more as designated on the Future Transportation Map of the City of Livonia.

Section 4.02 Adult Foster Care.

Residential homes for mentally or physically handicapped persons (as defined in *Error! Reference source not found., Error! Reference source not found.* of this Ordinance) for more than six (6) persons, provided that:

- (1) **Districts Permitted.** The following standards apply in the RUF District as a waiver use.
- (2) **Lot Size.** Residential homes for mentally or physically handicapped persons shall be located on a lot or parcel of no less than one-half (½) acre in area.
- (3) **Maximum Capacity.** Such residential home shall house no more than sixteen (16) mentally or physically handicapped persons plus such persons as may be required to provide supervision. There shall be no more than two (2) occupants per bedroom.
- (4) **Outdoor Recreation.** An outdoor recreation area shall be provided equal to five hundred (500) square feet per bedroom, and such recreation area shall be designed and oriented to fulfill the needs of all residents.

Section 4.03 Alcohol Sales (Specially Designated Merchant [SDM] and Specially Designated Distributor [SDD]).

S.D.D. and S.D.M. licenses provided, however, that S.D.D. licenses which were approved and in use at locations prior to March 7, 1977, and S.D.M. licenses which were approved and in use at locations prior to April 11, 1983, may continue to be used to the extent and in the manner previously established at such locations without waiver use approval, provided further that:

- (1) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **Location.**
 - A) Such proposed S.D.D. licensed establishment shall be located at least one thousand (1,000) feet distant from any existing S.D.D. licensed establishment, as measured from the nearest point on the building proposed to be licensed to the building in which the existing licensed establishment is located; and further provided that such S.D.M. licensed establishment shall be located at least five hundred (500) feet distant from any existing S.D.M. licensed establishment, as measured from the nearest point on the building proposed to be licensed to the building in which the existing licensed establishment is located; provided, however, that the foregoing one thousand (1,000) foot and five hundred (500) foot limitations may be waived by action of the City Council.
 - B) Such proposed S.D.D. or S.D.M. licensed establishment shall be located at least four hundred (400) feet distant from any church or school building, either public or parochial, as measured from the nearest point on the building proposed to be licensed to the existing church or school building.
- (3) **Access.** Access to such S.D.D. or S.D.M. licensed establishment shall be from a public street having a right-of-way width of at least one hundred twenty (120) feet, as indicated on the Future Transportation Map of the City of Livonia.
- (4) **Locked Display Case.** All S.D.D. licensees who sell alcoholic liquor other than beer and wine in their original package for consumption off the premises and whose total gross receipts derived from the sale of all alcoholic beverages do not exceed 35% of the total gross receipts of all sales, both alcoholic and non-alcoholic, shall display such alcoholic liquor behind a counter or in a locked display case in such a manner with no direct public access for a qualified employee at least eighteen (18) years of age to distribute to the customer.

Section 4.04 Apartments.

- (1) **Districts Permitted.** The following standards apply in the NM2 District as a permitted use.
- (2) **Studio.** A dwelling unit containing a minimum net floor area of at least three hundred (300) square feet per unit, consisting of not more than one (1) room, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one (1) room unit.
- (3) **One (1) Bedroom Unit.** A dwelling unit containing a minimum net floor area of at least four hundred fifty (450) square feet per unit, consisting of not more than three (3) rooms, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
- (4) **Two (2) Bedroom Unit.** A dwelling unit containing a minimum net floor area of at least seven hundred fifty (750) square feet per unit, consisting of not more than four (4) rooms, in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered as a four (4) room unit.

- (5) **Three (3) or More Bedroom Unit.** A dwelling unit wherein for each room in addition to the four (4) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of three hundred (300) square feet to the minimum net floor area of seven hundred fifty (750) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered as a five (5) room unit and for each increase in a bedroom over three (3) there shall be an increase in the room count by one (1) over the five (5).

Section 4.05 Automobile Sales and Rental and Mobile Home Sales.

New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities (including repair and service facilities only when owned and operated in conjunction therewith by the same proprietor and located on the same property), provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Minimum Lot Size and Lot Width.** Automobile sales and rental and mobile home sales shall be located on a parcel of land containing no less than one-half (½) acre and having a width of at least one hundred (100) feet at the front lot line.
- (3) **Parking Setback.** No vehicles shall be parked within twenty (20) feet from the front lot line or at the side lot line adjacent to the street.
- (4) **Lighting.** All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from the adjacent or neighboring residential property.
- (5) **Number of Vehicles.** The total number of vehicles proposed to be displayed or stored shall be subject to recommendation by the Planning Commission and approval by the City Council.
- (6) **Access.** Automobile sales and rental and mobile home sales shall have direct access to a major thoroughfare having an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Future Transportation Map.
- (7) **Outdoor Storage.** Outdoor storage of disabled, damaged, or unlicensed vehicles is prohibited.

Section 4.06 Automobile Repair (Up to One (1) Ton GVWR).

Automobile and light truck (one (1) ton gross vehicle weight) repair such as motor and electrical tune-up; replacement of shock absorbers, brakes, mufflers, exhaust and tailpipes; transmissions; and other similar repairs subject to the following:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Repair Work.** All repair work must be carried out within an enclosed building.
- (3) **Light Truck Repair.** Automobile and light truck repair shall not permit such repairs as bumping, painting, spraying or rustproofing.
- (4) **Number of Vehicles.** The total number of vehicles proposed to be stored shall be subject to recommendation by the Planning Commission and approved by the City Council.

- (5) **Access.** Automobile Repair shops shall have direct access to a major thoroughfare having an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Future Transportation Map.
- (6) **Outdoor Storage.** Outdoor storage of disabled, damaged, or unlicensed vehicles is prohibited.

Section 4.07 Auto-Wash Establishments.

Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps, provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Enclosure.** All washing facilities (except steaming) are to be enclosed within a building.
- (3) **Side Yard Setback.** The building is situated no closer than thirty-five (35) feet from one side property line.
- (4) **Parking Lot Layout.** The building and off-street parking (waiting) areas shall be so located and arranged so that motor vehicles shall not park upon or overhang any public sidewalk, street, or right-of-way.
- (5) **Location.** Auto-wash Establishments shall not be located nearer than one hundred fifty (150) feet as measured from any point on the property to any point on the property of any church, public or parochial school, or playground.
- (6) **Minimum Lot Size and Lot Width.** Auto-wash establishments shall be located on a parcel of land containing at least eight thousand (8,000) square feet and having a width of at least one hundred (100) feet at the front property line.
- (7) **Screening.** Where such a use adjoins any property located in any residential district or is separated from such property by a public alley, a protective wall shall be erected and maintained as provided in [Article VIII](#) of this Ordinance.
- (8) **Lighting.** All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from any adjacent or neighboring residential property.
- (9) **Access.** Ingress and egress shall be available from a public street having a right-of-way width of at least one hundred twenty (120) feet or more as indicated on the Future Transportation Map.

Section 4.08 Bed and Breakfast Establishments.

Bed and breakfast establishments provided that:

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, and NM1 Districts as a waiver use and in the C-1, C-2, C-3, and C-4 as a permitted use.
- (2) **Minimum Lot Size and Lot Width.** Bed and Breakfast Establishments shall be located on a lot or parcel of no less than one-half (½) acre in area or in a residential structure containing no less than two thousand (2,000) square feet of living space.

- (3) **Parking Setbacks.** Off-street parking shall be provided in the rear or side yard, behind the front building setback line. For parcels abutting an exterior side street, parking shall not be closer to the street than the principal structure.
- (4) **Site Features.** Such parking lot shall be improved with a minimum of four (4) inches of concrete or plant mixed asphalt. Natural screening by use of plant material or other screening by use of fencing shall be utilized to screen parking areas from adjoining residential properties.
- (5) **Access.** Bed and breakfast establishments shall have direct access to a public street having an existing or planned width of at least eighty-six (86) feet or more as designated on the Future Transportation Map.
- (6) **Ownership.** Such establishments shall be run by persons who own and occupy the premises for residential purposes.
- (7) **Bedrooms.** Not more than six (6) bedrooms in the bed and breakfast establishment shall be used for bed and breakfast sleeping rooms. No more than four (4) occupants per room shall be allowed. There shall be no cooking facilities for use by the occupants of the bed and breakfast sleeping rooms.
- (8) **Accessory Structures.** No accessory buildings shall be used for bed and breakfast sleeping rooms unless they were originally constructed to accommodate housing use. No garage shall be used for bed and breakfast sleeping rooms.
- (9) **Signs.** One (1) sign identifying the bed and breakfast establishment shall be permitted if such sign complies with the requirements of Section 9.08 Section 9.08(1) of this Ordinance.
- (10) **Maximum Stay.** Guest occupancy shall be no longer than fourteen (14) consecutive days.
- (11) **Restrooms.** Lavatory and bathing facilities shall be available for all persons utilizing the bed and breakfast establishment.
- (12) **Safety.** The dwelling to be used as a bed and breakfast establishment shall have at least two (2) usable exits. A fire escape plan shall be developed and graphically displayed in each guest room. A smoke detector in proper working order shall be placed in every sleeping room and a fire extinguisher in proper working order shall be placed on every floor. The site shall be reviewed by the Fire Marshall pursuant to the standards contained in the Fire Prevention Code as to the necessity for fire lanes.
- (13) **Compliance.** All bed and breakfast establishments shall be required to obtain a business license under Chapter 5.42 of the Livonia Code of Ordinances and shall not conduct operations until such license has been obtained pursuant to that chapter. Such establishments shall comply with all applicable local, county, state, and federal ordinances, laws, rules, regulations, and codes. All bed and breakfast operations shall submit to annual inspections by the Building and Fire Departments. Renewal of a business license shall be contingent upon compliance with applicable codes, as verified by such inspectors.

Section 4.09 Brewer, Micro Brewer, Brewpub, and Distilleries.

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the P-L, C-3, M-L, M-1, and M-2 District as a permitted use.
- (2) **Location.**

- A) Brewers, micro brewers, brewpubs, and distilleries shall not be located within one thousand (1,000) feet of any other such licensed establishment as measured from the actual premises being used or proposed for use of the respective properties; provided, however, that with respect to those licensed establishments which are utilized primarily as restaurants or for dining facilities, the foregoing one thousand (1,000) foot requirement may be waived by the City Council.
 - B) Such proposed licensed establishment shall be located at least four-hundred (400) feet distant from any church or school building, either public or parochial, as measured from the nearest point on the building proposed to be licensed to the existing church or school building.
- (3) **Compliance.** Brewers, micro brewers, brewpubs, and distilleries shall comply in every respect with the Michigan Liquor Control Act.
- (4) In M-L, M-1, and M-2 Districts, waiver use approval shall be required for on-site consumption except from a hospitality room located on the premises for sampling by consumers as provided in the Michigan Liquor Control Act which provisions are made a part hereof and incorporated herein by reference, and further provided, no Brewer, Micro Brewer, Brewpub, or Distillery shall be located less than 250 feet from the nearest point on the boundary of a residential district.

Section 4.10 Caregiver Grow Facilities

- (1) Such use shall not be located within four hundred (400) feet of any residential district, place of worship, municipal or private park, public or private school or daycare facility, or public or private indoor recreational ~~uses facility or athletic training school~~ permitted pursuant to ~~Section 4.32~~Section 16.11(f), as measured from the nearest point on the building within which the caregiver grow facility is operating and the property line of any of the uses.
- (2) Such use shall be limited to buildings in which there are no other uses other than caregiver grow facilities.
- (3) Such proposed Caregiver Grow Facility shall be located at least one thousand (1,000) feet distant from any existing Caregiver Grow Facility as measured from the nearest point on the building proposed to be occupied to the building in which the existing Caregiver Grow Facility is located.

Section 4.11 Child Care, Family Home.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, and RUF Districts as a waiver use.
- (2) **Compliance.** The owner or occupant of said residence is a licensee in good standing with the State of Michigan pursuant to PA 1973, No. 116, MCL 722.111, et seq, as amended. All health and safety requirements established by the State of Michigan shall be met.
- (3) **Ownership.** The owner or occupant of said residence has registered with the City Clerk. The facility must be the principal residence of the provider.
- (4) **Drop-off/ Pickup Area.** A drop-off/pickup area shall be provided where the residence is located on a major thoroughfare as defined in this Ordinance in order to prevent vehicles from backing onto the roadway.
- (5) **Operating Hours.** There shall be no dropping off or picking up of children between the hours of 10:00 p.m. and 6:00 a.m.

- (6) **Exterior Alterations.** No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except for those necessary to comply with the State of Michigan licensing rules applicable to family day care homes.
- (7) **Outdoor Recreation.** Family day care homes shall provide and maintain an outdoor play space as required by the State of Michigan.
- (8) **Noise.** Use will comply with all noise standards and other provisions contained in [Section 6.01](#).
- (9) **Signs.** No sign shall be used on the premises.
- (10) **Safety.** All family day care homes shall be registered with the 911 dispatch center and the City of Livonia Public Safety Department.
- (11) **Location.** No new family day care home shall operate within one thousand (1,000) feet from any existing registered family day care home or group day care home, as measured from the nearest property line of the proposed use to the nearest property line of the existing registered use.

Section 4.12 Child Care, Group Home.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, and RUF Districts as a conditional use.
- (2) **Compliance.** The owner or occupant of said residence currently operating as a group day care home is a licensee and has continuously remained a licensee in good standing with the State of Michigan pursuant to 1973 PA 116, as amended, since prior to November 14, 1999.
- (3) **Previously Existing Group Homes.** Group day care homes not licensed and operating prior to November 14, 1999 in residential zones shall meet all of the following:
 - A) The owner or occupant of said residence shall be a licensee and continuously remain a licensee in good standing with the State of Michigan pursuant to 1973 PA 116, as amended.
 - B) The group day care home shall not operate within a distance of one thousand (1,000) feet from any existing registered family day care home or group day care home, as measured from the nearest property line of the proposed use to the nearest property line of the existing registered use.
 - C) The owner or operator has registered with the City Clerk.
 - D) The facility is the principal residence of the provider.
 - E) Group day care homes shall not result in traffic congestion or hazardous traffic conditions.
 - F) A drop-off/pickup area shall be provided if the residence is located on a major thoroughfare as defined in this Ordinance in order to prevent vehicles from backing onto the roadway.
 - G) The use shall not involve an increase in on-street parking by more than two (2) additional vehicles at a time.
 - H) All health and safety requirements of the State of Michigan shall be met.
 - I) There shall be no dropping off or picking up of children between the hours of 10:00 p.m. and 6:00 a.m.
 - J) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
 - K) Group day care homes shall provide and maintain an outdoor play space meeting the minimum requirements of the State of Michigan.

- L) The residence shall have appropriate fencing which shall encompass the entire outdoor play space, unless same is prohibited by recorded private homeowner's restrictions/bylaws, or, in the alternative, relief from this requirement may be sought upon appeal to the Board of Appeals.
- M) The use shall comply with all noise standards and other provisions contained in [Section 5.28](#) of this Ordinance.
- N) No sign shall be used on the premises.
- O) All group day care homes shall be registered with the 911 dispatch center and the City of Livonia Public Safety Department.

Section 4.13 Day Care Nurseries.

- (1) **Districts Permitted.** The following standards apply in the NM2 and C-1 Districts as a waiver use and in the C-2, C-3, and C-4 Districts as a permitted use.
- (2) **General Requirements.** Day care nurseries if situated on a parcel of land at least ten thousand (10,000) square feet in area and abutting a street or thoroughfare which has an existing or planned width of eighty-six (86) feet or more as indicated on the Future Transportation Map , and further provided that there is provided and maintained a minimum of five thousand (5,000) square feet of outdoor play area; and further provided that buildings erected on the premises are in harmony with the adjacent buildings in the area; and further provided that appropriate fencing of at least five (5) feet in height encompass the entire outdoor play area. Any use permitted herein shall not be permitted in the interior of any residential block.

Section 4.14 Dance Halls and Ballrooms.

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Residential Setback.** Dance halls and ballrooms, provided that such use shall not be located within three hundred (300) feet of any residential district or property used for church purposes as measured from any point on the property to be so used.

Section 4.15 ~~Dwelling, Accessory Unit~~Reserved.

~~Separate dwellings for the use of domestic employees of the owners, lessee, or occupants of the principal dwelling on a lot shall be considered accessory buildings, but if containing a complete housekeeping unit or units, shall conform to all the height and yard requirements for dwellings in the district in which they are located.~~

Section 4.16 Dwelling, Condominium.

- (1) **Districts Permitted.** The following standards apply in the NM1, NM2, and NM3 Districts as a permitted use.
- (2) **Minimum Size.** The minimum size of condominium dwellings within the City, unless otherwise established and shown on the Zoning Map, shall be as follows:

One Bedroom unit	800 sq. feet
Two Bedroom unit	1000 sq. feet
Three Bedroom unit	1200 sq. feet

~~(3) **Minimum Size within Zones.** Notwithstanding the foregoing provisions, Zones "A", "B", and "C" as shown on the Zoning Map of the City of Livonia, are hereby established and shall determine the minimum size of condominium dwellings within said zones. The following regulations are hereby established for such zones and no building used as a condominium dwelling shall be constructed except in accordance with the following schedule of regulations which establish the minimum size of condominium dwellings within said respective zones. The purpose and intent of establishing the following additional regulations is to protect, stabilize and conserve property values in residential areas. Numbers contained in the schedule refer to the minimum required usable floor area in square foot dimensions:~~

Dwelling Design	Minimum Required Usable Floor Area (sq. ft.)		
	Zone A	Zone B	Zone C
One (1) Bedroom Unit	1,000	1,200	1,400
Two (2) Bedroom Unit	1,200	1,400	1,600
Three (3) Bedroom Unit	1,400	1,600	1,800

Section 4.17 Dwelling, Mobile Homes and Modular Homes.

The placement of a mobile home or a modular home, as defined in *Error! Reference source not found., Error! Reference source not found.* of this Ordinance, on any lot or parcel in N-1, N-2, N-3, and NM1 districts shall comply with all the requirements and standards contained in such districts relating to one-family dwellings including, but not limited to, lot size, building setback and land coverage limitations and, in addition, shall comply with the requirements and standards set forth in *Section 4.19* of this Ordinance relating to one-family dwelling size; provided, however, that said mobile home or modular home shall comply with the following additional standards:

- (1) **Structure Width.** Every mobile home or modular home shall have a minimum width across any main section of twenty (20) feet.
- (2) **Attachment to Permanent Foundation.** Every mobile home or modular home shall be attached to a permanent foundation co-extensive with the perimeter of the building, which foundation shall be approved by the Inspection Department.
- (3) **Public Utilities.** Every mobile home or modular home shall be connected to a public sanitary sewer, storm sewer, and water system.
- (4) **Visual Appearance.** Such mobile home, when in place, shall not have exposed wheels, towing mechanisms, undercarriage, or chassis. The mobile home or modular home shall contain no additions or rooms or other areas which are not constructed with similar materials and which are not similar in appearance and which shall have similar quality of workmanship as the original structure, including the above described foundation and permanent attachment to the principal structure.

- (5) **Site Features.** Every mobile home and modular home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, containing permanently attached steps connected to said exterior door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (6) **Compliance.** Every mobile home or modular home shall comply with all pertinent City building and fire codes as well as, in the case of mobile homes, state and federal standards for mobile home construction. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in any ordinance of the City of Livonia pertaining to such parks.

Section 4.18 Dwelling, Multi-Family and Apartments.

- (1) **Districts Permitted.** The following standards apply in the NM2 District as a permitted use.
- (2) **Common Recreation Area.** In the case of multiple family projects comprising two (2) or more acres, there shall be provided a common recreation area equal to at least twenty-five (25) square feet per dwelling unit in the development with a minimum of twelve hundred (1,200) square feet. Such recreation area shall be designated and oriented to fit the needs of all tenants and may contain facilities such as but not limited to community buildings, swimming pools, tennis courts, and putting greens.

Section 4.19 Dwelling, Single-Family.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, NM1, and NM2 Districts as a permitted use.
- (2) **Requirements in Multifamily Zones.** In NM1 and NM2 Districts, one-family dwellings shall be subject to all of the regulations that apply in the N1 Neighborhood District, including the regulations pertaining to lot size and yard requirements.
- (2)(3) **Minimum Size.** The minimum size of one-family dwellings within the City, unless otherwise established and shown on the Zoning Map, shall be as follows:

Dwelling Design		Minimum Size Required (sq. ft.)
One (1) Story Plan		1,000
One and One-half (1-1/2) Story Plan	Ground Floor	800
	Aggregate	1,100
Two (2) Story Plan	Ground Floor	624
	Aggregate	1,200

- ~~(3) **Minimum Size Within Zones.** Notwithstanding the foregoing provisions, Zones "A," "B," and "C" as shown on the Zoning Map of the City of Livonia, are hereby established and shall determine the minimum size of one-family dwellings within said zones. The following regulations are hereby established for such zones and no building used as a one-family dwelling shall be constructed except in accordance with the following schedule of regulations which establish the minimum size of one-family dwellings within said respective zones. The purpose and intent of establishing the following additional regulations is to protect, stabilize, and conserve property values in residential areas that are substantially developed by providing a means to ensure that such areas will continue to develop in a manner consistent with the trend and character of the already-existing building and development. Numbers contained in the schedule refer to the minimum required usable floor area in square foot dimensions:~~

Dwelling Design		Minimum Required Usable Floor Area (sq. ft.)		
		Zone A	Zone B	Zone C
One (1)-Story Plan		1,150	1,300	1,500
One and One-half (1-1/2) Story Plan	Ground Floor	850	900	950
	Aggregate	1,260	1,400	1,650
Two (2)-Story Plan	Ground Floor	690	780	900
	Aggregate	1,380	1,560	1,800

Section 4.20 Dwelling, Two-Family.

- (1) **Districts Permitted.** The following standards apply in the NM1 and NM2 Districts as a permitted use.
- ~~(2) **Requirements in Multifamily Zones.** In NM1 and NM2 Districts, two-family dwellings shall be subject to all of the regulations that apply in the N2 Neighborhood District, including the regulations pertaining to lot size and yard requirements.~~
- ~~(2)(3) **Minimum Size of Two-Family Dwellings.** The minimum size of two-family dwellings is hereby fixed as follows:~~
 Each living unit shall have not less than eight hundred (800) square feet of usable floor area, all on one floor, which shall not include common hall space or utility room space; provided, however, that where a living unit occupies more than one (1) floor, the aggregate usable floor area for the entire unit shall not be less than one thousand (1,000) square feet.

Section 4.21 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 4.22 Establishments Having Liquor Licenses Such as Class C, Tavern, and Club.

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the C-3 and P-L Districts as a permitted use.
- (2) **Location.**

- A) Establishments having liquor licenses such as Class C, tavern, club, and small distiller shall not be located within one thousand (1,000) feet of any other such licensed establishment as measured from the actual premises being used or proposed for use of the respective properties; provided, however, that with respect to those licensed establishments which are utilized primarily as restaurants or for dining facilities, the foregoing one thousand (1,000) foot requirement may be waived by the City Council.
 - B) Such proposed licensed establishment shall be located at least four-hundred (400) feet distant from any church or school building, either public or parochial, as measured from the nearest point on the building proposed to be licensed to the existing church or school building.
- (3) **Compliance.** Establishments having liquor licenses such as Class C, tavern, club, and small distiller shall comply in every respect with the Michigan Liquor Control Act.

Section 4.23 Facilities for the Detention, Incarceration, Commitment, and/or Rehabilitation of Adults or Minor Children and Psychiatric Hospitals.

Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals provided that:

- (1) **Districts Permitted.** The following standards apply in the P-L District as a waiver use.
- (2) **Minimum Lot Size.** Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be located on a parcel of land consisting of at least twenty-five (25) acres in area.
- (3) **Access.** Access to the site shall be directly from a major thoroughfare having an existing right-of-way width of one hundred twenty (120) feet or more.
- (4) **Fencing.** Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be completely enclosed with security fencing at least eight (8) feet in height; provided, however, that such fence shall be located no closer than twenty (20) feet from any side or rear lot line and no closer than eighty (80) feet from the front property line. In addition, perimeter fencing not to exceed four (4) feet in height may be provided in the front yard forward of the building; provided, however, that in all cases the fencing shall be exclusive of the minimum front yard setback requirement.
- (5) **Surveillance.** Such use shall have twenty-four (24) hour supervision and surveillance on site by experienced professional personnel in sufficient numbers as to ensure the security of the institution and surrounding properties as well as the safety of the general public.
- (6) **Location.**
 - A) Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be separated from any school, playground, park, or church by a distance of at least one thousand (1,000) feet as measured from any point on the respective property lines.
 - B) Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be located no closer than five hundred (500) feet from the intersection of two (2) major thoroughfares.

- C) Facilities for the detention, incarceration, commitment, and/or rehabilitation of adults or minor children and psychiatric hospitals shall be separated from any residential zoning district by a distance of at least five hundred (500) feet as measured from any point on the subject property to any point on the residential district line; provided, however, that the foregoing five hundred (500) foot restriction may be waived by the City Council.
- (7) **Setbacks.** The minimum distance of any main or accessory building from boundary property lines shall be at least one hundred (100) feet for front, rear and side yards.
- (8) **Off-street Parking.** Off-street parking shall comply with standards as set forth in [Section 7.03](#) of this Ordinance and shall be provided in an amount equal to one (1) space for each employee, including administrators, plus visitor parking spaces equal to fifty (50) percent of the number of individuals being served by the facility.

Section 4.24 Garages, Repair Shops, Rustproofing and Similar Highway Services.

Garages, repair shops, rustproofing, and similar highway services, provided that:

- (1) **Districts Permitted.** The following standards apply in the M-1 District as a waiver use and in the M-2 District as a permitted use.
- (2) **Required Fencing.** Except for the front yard setback, the lot area shall be enclosed with a fence of a type approved by the City Council which shall be located and maintained on the boundaries of such lot area, with only such openings therein as may be necessary for ingress and egress; provided, however, that in the case of a corner lot such fence shall be located on the side yard setback line abutting a public or private thoroughfare.

Section 4.25 Gardening and Tree Nurseries.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Sale of Nursery Stock.** The sale of nursery stock and greenhouse product is permitted in the RUF, C-2, C-3, and C-4 Districts but prohibited in the N1 and N2 District.

Section 4.26 Gasoline Service Station.

In order to regulate and control the problems of noise, odor, light, fumes, dust, danger of fire and explosion, and traffic congestion which is likely to result from the unrestricted and unregulated construction and operation of gasoline service stations, and to avoid, if possible, and control the adverse effects which these factors and other characteristics incident to the gasoline service station may have upon adjacent and surrounding land and uses, the following special requirements and regulations governing the erection of gasoline service stations are hereby established:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Minimum Lot Area and Lot Width.** Gasoline service stations shall always be located on a plot of ground with frontage along a commercial street of not less than one hundred fifty (150) feet and which shall have a minimum area of not less than twenty-two thousand five hundred (22,500) square feet.

- (3) **Setbacks.** Gasoline service stations shall provide a setback (area between the adjacent road right-of-way line(s) and the building line) of sixty (60) feet from any road with a right-of-way width of one hundred twenty (120) feet or more and/or any freeway service drive as designated on the Future Transportation Map and at least one side yard of not less than twenty (20) feet. The area within the setback and side yards shall not be used for vehicular storage or for any other service facilities.
- (4) **Maximum Height.** Gasoline service stations including any part of the façade, shall not exceed thirty-five (35) feet in height; provided, however, that canopies shall not exceed eighteen (18) feet in height.
- (5) **Access.** Gasoline service stations when located on a corner lot shall provide vehicular entrances or exits (curb cuts) no less than a minimum of twenty-five (25) feet from the intersection of the property lines parallel to the two (2) streets pavement. All curb openings whether on a corner lot or not shall not exceed thirty-five (35) feet in width at the curb. There shall always be a minimum of thirty (30) feet measured along the property line between any series of driveways. On corner lots, no driveway from a side street shall be less than fifteen (15) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
- (6) **Enclosure.** All lubrication equipment, motor vehicle equipment, hydraulic hoists, and pits shall be enclosed entirely within the building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- (7) **Screening.** Where a gasoline service station use adjoins any property located in any residential district or is separated from such property by a public alley, a protective wall shall be erected and maintained as provided in *Article VIII* of this Ordinance.
- (8) **Lighting.** All exterior lighting on the property, including illuminated signs, shall be erected and hooded, shielded and recessed so as to be deflected away from any adjacent or neighboring residential property.
- (9) **Outdoor Storage.** Outdoor storage of disabled, abandoned, junked, wrecked, and/or unlicensed vehicles is prohibited. Outdoor storage of rubbish and junked equipment or parts is prohibited unless such rubbish, junked equipment, or parts are stored adjacent and to the rear of the principal building and are enclosed by a masonry wall. When such a wall is provided, rubbish, junked equipment, or parts shall not be stored at a height exceeding the height of the wall; provided, further, that such rubbish and junked equipment or parts shall be removed from the property at least once every week.
- (10) **Parking.**
 - A) No part of any parcel of land used for gasoline service station purposes shall be utilized for outdoor storage, placement, or display of merchandise; provided, however, that the foregoing prohibition shall not apply to the display, on a pump island only, of oil or oil-based products including, by way of example, but not limitation, motor oil, transmission oil, oil and gasoline additives, windshield solvent, and windshield wipers.
 - B) No more than one (1) tow truck may be parked in the front or side yard abutting a street.
 - C) Outside parking or storage of recreational equipment, or commercial vehicles or automobiles which are not used in the operation of the business is prohibited; provided, however, that such prohibition shall not apply to any equipment or vehicle which is temporarily on the premises for repair or service and which is stored or parked in a designated parking space; and provided, further, that no such equipment or vehicle shall be parked within one hundred (100) feet of the intersection of the property lines of two (2) intersecting public streets.
- (11) **Free Air.** Free air shall be provided at all times station is open for business. The free air shall be dispensed at the point of service without having to enter the station or the performance of any extra action in order to obtain the air without charge.

- (12) **Compliance.** Gasoline service stations must meet all the requirements of the Police and Fire Departments. The petitioner shall receive written approval by the Police and Fire Departments before the City Council can validly consider this use within a multi-story structure.
- (13) **Signs.** Gasoline service stations only may display the following type, size, and number of signs which are deemed customary and necessary to their respective business:
- A) One (1) ground sign per development site not to exceed a maximum area of forty (40) square feet at a maximum height above grade not to exceed twelve (12) feet and a minimum setback of five (5) feet from any right-of-way line.
 - B) Wall signs and all window signage, including those signs attached to the service buildings or to the canopy fascia, shall not in sum total exceed two (2) square feet in area for each one (1) lineal foot of building frontage with a maximum total area of one hundred (100) square feet.
 - C) Customary lettering or other insignia on a gasoline pump consisting of the brand of gasoline sold, lead warning information, and any other data not exceeding a total of three (3) square feet on each pump.

Section 4.27 Heliports.

No land, water, or building in the City of Livonia shall be used as a location for landing, take-off, storage, servicing, or fueling of any helicopter until the following standards have been adhered to:

- (1) **Districts Permitted.** The following standards apply in P-L as a permitted use and in the C-4, ML, M-1, and M-2 as a waiver use.
- (2) **Compliance.** The proposed heliport shall be constructed, operated, and maintained in accordance with the published rules and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission, and the National Fire Protection Association governing the use of heliports.
- (3) **Required Application.** Each application for a heliport shall include:
- A) A copy of the Federal Aviation Administration Form #7480, "Notice of Landing Area Approval".
 - B) A copy of a letter of "No Objection" from the FAA.
 - C) A copy of an approved State of Michigan Aeronautics Commission application for licensing.
 - D) An aerial photograph of a scale no less than one (1) inch equals four hundred (400) feet indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half (½) mile of the proposed heliport site.
 - E) A statement of property ownership or authorization of owner for property proposed to be used as a heliport.
 - F) A description of the purpose for which the heliport is being established and a schedule of proposed activities including:
 - i) Number of monthly operations.
 - ii) Hours of operation.
 - iii) Support activities such as storage, maintenance, and refueling.
 - G) A site plan which shall contain the following information:
 - i) The location, nature, and height of proposed security fences, berms, landscaping, and other security and noise attenuation structures.

- ii) The location and type of firefighting equipment and materials.
- iii) The location and type of fuel storage facilities.
- iv) The location of all existing and proposed buildings.
- v) The location of all helicopter landing and take-off areas; parking areas; and the method of surface preparation or stabilization.
- H) A certificate of structural compliance attested to by registered professional engineer or architect shall be furnished with each application for a roof-top or other elevated heliport.
- I) An environmental report showing the expected noise levels and possible odors, fumes, and dust that may be caused by the operations of the heliport.
- J) Approval of the City of Livonia Department of Public Safety, Division of Fire, for the installation and location of firefighting equipment and materials; and the installation and location and method of use for refueling equipment and procedures.
- K) Approval of the City of Livonia Department of Public Safety, Division of Police, as to the location of a temporary heliport and the effect of the proposed operation on the safety and well-being of the public.

Section 4.28 Home Occupations.

Home occupations, except where specifically prohibited, shall be permitted where incidental to residential use and meeting all the following criteria:

- (1) **Districts Permitted.** The following standards apply in the in the N1, N2, RUF, NM1, NM2, and NM3 Districts as a permitted use.
- (2) **Usable Floor Area.** The activity is conducted entirely within a completely enclosed dwelling unit and entails neither the use of more than 20% of the usable floor area of that dwelling unit nor any garage (detached or attached) or other building or structure accessory to the principal building.
- (3) **Nuisances.** The activity does not generate any noise, vibrations, smoke, dust, heat, glare, or interference with radio or television reception in the area that would exceed that normally produced by a dwelling unit in a residential district.
- (4) **Advertisement.** The activity does not entail any advertising, display, or other indications of a home occupation, business, professional, trade, or occupational use of the property, except as permitted by [Section 9.08](#) of this Ordinance.
- (5) **Outdoor Storage.** There is no outdoor display or storage of materials, goods, supplies, or equipment.
- (6) **Deliveries.** There are no deliveries from commercial suppliers by any vehicle that exceeds Class 5 in the Federal Highway Administration classification system, and all deliveries are made between 9:00 a.m. and 5:00 p.m. on weekdays, provided further that such deliveries shall not restrict traffic circulation or occur so frequently as to interfere with the quiet character of the residential neighborhood.
- (7) **Operating Hours.** No clients, patrons, salespersons, or other commercial invitees visit the premises except between the hours of 8:00 a.m. and 9:00 p.m., and no more than ten (10) vehicles visit the premises during that period, with no more than two (2) vehicles visiting at one time; provided further, that massage establishments, as defined in [Error! Reference source not found., Error! Reference source not found.](#) of this Ordinance, shall be strictly prohibited in all N1 districts, as permitted or waiver uses.

- (8) **Prohibited Use.** The activity does not entail large-scale manufacturing or assembly; warehousing or distribution; or sales or rentals of any article or service except such as is produced by such occupation.
- (9) **External Alterations.** The activity does not require any internal or external alteration, construction feature, equipment, or machinery which is not customary in residential areas.
- (10) **Employment.** The activity does not entail employment of more than one person other than members of the resident family.
- (11) **Safety.** If chemical and/or toxic-based materials will be utilized in connection with said home occupation, the owner or occupant of the property shall register same with the Building Official, the Fire Department and the Livonia Emergency Planning Committee prior to use of the residence for said home occupation in order to ensure compliance with all local, state, and federal environmental regulations.

Section 4.29 Hospitals.

Hospitals are subject to the following regulations:

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the C-3 and P-L District as a permitted use.
- (2) **Minimum Lot Size.** All such hospitals shall be developed on sites consisting of at least five (5) acres in area. Provided that there is a minimum of fifteen hundred (1,500) square feet of lot area per bed.
- (3) **Access.** Ingress and egress shall be available from public street having an existing or planned right-of-way width of at least eighty-six (86) feet as shown on the Future Transportation Map. All ingress to and egress from the off-street parking areas for guests, employees, staff, as well as any other users of the facility, shall be directly from a major thoroughfare.
- (4) **Setbacks.** The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased twenty (20) feet.
- (5) **Screening.** Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence not less than six (6) feet in height.

Section 4.30 Hotels.

- (1) **Districts Permitted.** The following standards apply in the C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Number of Dwelling Units.** Any building containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units and, with the exception of the unit occupied by the management staff, used only for the accommodation of transients.
- (3) **Signs.** Hotels having a minimum of two hundred (200) feet of property bordering on I-275 or I-96 right-of-ways may display additional wall signs on the basis of one (1) square foot of sign area in sum total for each one (1) lineal foot of building frontage facing I-275 or I-96. Wall signs exceeding thirty (30) square feet of sign area each shall consist exclusively of individually fabricated letters or symbols attached individually and flatly to the building.

Section 4.31 Housing for the Elderly.

- (1) **Districts Permitted.** The following standards apply in the NM3 and P-L Districts as a permitted use.
- (2) **General Standards.** A building or group of buildings which provides housing, and as to which at least eighty percent (80%) of the occupied units are rented to at least one (1) person who is fifty-five (55) years of age or older, and which otherwise meets the requirements of 42 USC 3607(b)(2). This may include any of the following: independent elderly housing, senior assisted living facilities, congregate elderly housing, and nursing homes; but shall not include hospitals, hotels, motels, tourist homes, rooming homes, condominiums, or site condominiums.

Section 4.32 Indoor Recreational Uses.

- (1) **Districts Permitted.** The following standards apply in the M-1 District as a waiver use and in the C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Nature of Use.** Due to the nature of the use or its unique characteristics (e.g., requirement for higher ceilings), indoor recreational uses may be better suited or compatible in an industrial setting, including, but not limited to, gymnastics training facilities, martial arts and cheerleading schools, soccer facilities, tennis courts, racquetball and handball courts, baseball and softball practice areas, and archery ranges, provided that all parking and ingress/egress to the facility shall be designed so as not to interfere with industrial traffic in the area. In an M-1 District, such uses shall not include health and fitness clubs, swimming pools, bowling alleys, or billiard parlors and poolrooms.
 - A) **Skating Rinks.** Skating Rinks, ice or roller are permitted by right in the C-2 and C-3 and prohibited in the M-1 District, provided that such use shall not be located within five hundred (500) feet of any Class C licensed establishment as measured from any point on the respective properties.
 - B) **Theaters.** Enclosed theaters (not including drive-in theaters) are permitted by right in the C-2 and C-3 Districts and prohibited in the M-1 District. Such use must be carried on in a building properly designed and suitable for theater use and when such building is located on a parcel of land five (5) acres or more in size; provided further, that the parcel of land on which the theater building is located shall have direct access by means of at least two (2) separate entrances and exits to a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more as designated on the Future Transportation Map of the City of Livonia.

Section 4.33 Internet-based Exotic Vehicle Sales

- (1) **Districts Permitted.** The following standards apply in the M-1 and M-2 Districts as a permitted use.
- (2) **Parking and Storage of All Vehicles.** No vehicles or parts thereof are displayed or stored outdoors, and that none of the vehicles stored or offered for sale within building(s) are visible from the surrounding streets or public places.
- (3) **No Advertising.** The site offers no advertising of vehicle sales/storage which is visible from the surrounding streets or public places
- (4) **No Repair Services.** There is no repair or reconditioning of vehicles on the premises.
- (5) **Operating Hours.** Hours of operation do not include any time on Saturday, Sunday, or holidays, nor after 6:00 p.m. on weekdays, except by appointment.

- (6) **Inspections.** All facilities for Internet-based Exotic Vehicle Sales shall be subject to annual inspection by the Department of Inspection.

Section 4.34 Keeping of Animals (Fowl, Rabbits, Horses, Cows, etc.).

- (1) **Districts Permitted.** The following standards apply in the RUF Districts as a permitted use.
- (2) **Minimum Lot Size.** Fowl and rabbits may be raised and kept for the owner's consumption only on one-half (½) acre or more; two (2) horses may be kept for the owner's use only on one (1) acre or more; two (2) horses and one (1) cow or three (3) horses may be kept for the owner's use only on two (2) acres or more. The raising of livestock shall conform to the Generally Accepted Agricultural and Management Practices (GAAMP) for the Care of Farm Animals.
- (3) **Fowl and Rabbits Raised for Sale.** Fowl and rabbits may be raised for sale on parcels five (5) acres or more in size if such animals are properly housed, maintained, and fenced so as not to become a nuisance or detrimental to public health, safety, or welfare.

Section 4.35 Kennels.

- (1) **Districts Permitted.** The following standards apply in the RUF District as a waiver use.
- (2) **Minimum Lot Size.** Dog kennels may be operated on parcels five (5) acres or more in size if such animals are properly housed, maintained, and fenced so as not to become a nuisance or detrimental to public health, safety, or welfare.

Section 4.36 Local and Suburban Passenger Terminals; Trucking Transportation Terminals Including Maintenance and Service Facilities.

- (1) **Districts Permitted.** The following standards apply in the M-1 and M-2 Districts as a ~~permitted-waiver~~ use.
- (2) **Parking and Storage of All Vehicles.** Parking and storage of all vehicles, equipment, and material must be enclosed wholly within a building.

Section 4.37 Massage Establishments.

Massage establishments (as defined in *Error! Reference source not found., Error! Reference source not found.* of this Ordinance), provided that:

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, and C-4 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **Compliance.** Such facilities shall conform to the requirements, restrictions, and prohibitions contained within Mich. Admin. Code R 338.701 through R 338.727 inclusive, as amended, the provisions of which are made a part hereof and incorporated herein by reference.

- (3) **Separation Requirements.** No massage establishment shall be located within four hundred (400) feet of any property which is either occupied or approved for a massage establishment. No massage establishment shall be located within four hundred (400) feet of a preexisting school, place of worship, state-licensed day care facility, public library, playground, or public park, as measured from any point on the property to any point on the property of any school, place of worship, state-licensed day care facility, public library, playground, or public park.
- (4) **Operating Hours.** Daily hours of operation of any massage establishment shall be limited to the period of time from 8:00 a.m. to 10:00 p.m.

Section 4.38 Motels.

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 and C-4 Districts as a permitted use.
- (2) **Setbacks.** No building shall be any closer than twenty-five (25) feet to any side lot line and no closer than seventy-five (75) feet to the front lot line.
- (3) **Separation.** Separate buildings shall not be less than ten (10) feet apart.
- (4) **Signs.** Motels having a minimum of two hundred (200) feet of property bordering on I-275 or I-96 right-of-way may display additional wall signs on the basis of one (1) square foot of sign area in sum total for each one (1) lineal foot of building frontage facing I-275 or I-96. Wall signs exceeding thirty (30) square feet of sign area each shall consist exclusively of individually fabricated letters or symbols attached individually and flatly to the building.

Section 4.39 Nature Preserves

- (1) **Districts Permitted.** The following uses and standards apply in the NP District as a permitted use.
 - A) **Outdoor Recreational Uses,** such as:
 - i) Nature trails, including the construction of new trails and any improvements necessary to meet barrier-free design standards, where feasible, provided such improvements are consistent with the City of Livonia Five-Year Parks and Recreation Master Plan and the City's nonmotorized transportation plan.
 - ii) Appropriate forest management practices as determined by the Parks and Recreation Commission, including:
 - a) The removal of invasive plant or animal species deemed to be harmful or damaging to the health of existing or desired native plant or animal species, or to the economy, environment, or human health.
 - b) Introduction, reintroduction or promotion of native plant and animal species
 - iii) Hiking.
 - iv) Educational laboratories.
 - v) Day camping (overnight camping not permitted).
 - B) **Accessory Uses,** necessary or incidental to the principal uses listed above in A).

Section 4.40 Nursing Homes and Convalescent Homes.

- (1) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 and C-4 Districts as a permitted use.
- (2) **Minimum Lot Size.** Provided nursing homes and convalescent homes are located on a parcel of land comprising at least one (1) acre plus five hundred (500) square feet of land per bed.

Section 4.41 Oil and Gas Wells and Storage.

No oil well or natural gas well shall be drilled, established, or maintained in the City of Livonia, nor may any drilling rig or similar equipment be erected or constructed for the purpose of drilling, establishing or maintaining an oil or gas well without recommendation of the City Planning Commission and approval of the City Council.

Section 4.42 Open Air Business Uses Sales, Display, and/or Rental of Utility Trailers and Recreational Equipment.

- (1) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **General Standards.** Open air sales, display, and/or rental of utility trailers and recreational equipment subject to the following:
 - A) **Minimum Lot Size.** A minimum lot area of eight thousand (8,000) square feet shall be required.
 - B) **Minimum Building Size and Maximum Building Height.** A building of not less than four hundred (400) square feet in area and not more than fifteen (15) feet in height shall be required to be located on said lot.
 - C) **Lighting.** Adequate lighting facilities shall be provided and so arranged as to reflect light toward the trailer rental area and away from streets and residential uses adjacent to the area. During the hours when the open-air display area is closed to business, lighting shall be provided at a level of not less than one (1) watt per each square yard of display area and with a maximum of not more than one and one-half (1 1/2) watts per each square yard of display area; provided, however, that such lighting shall be hooded or shielded so as to be deflected from adjacent residential property.
 - D) **Enclosure.** The display area shall be enclosed with either a six (6) foot cyclone fence or a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such display area, with only such openings therein as may be necessary for ingress and egress.
 - E) **Display Area Setback.** No utility trailers or recreational equipment shall be parked or displayed within twenty (20) feet from the front or side lot line abutting a public street.
- (3) **Certain additional open-air business uses as herein specified:**
 - A) **Operating Season.** Retail sales and/or display of plant materials not grown on site and sales of lawn furniture, playground equipment, and other home garden supplies, providing such use is temporary and carried on between April 1 and November 1.
 - B) **Location.** Open-air Businesses shall not be located within two hundred (200) feet of any intersection of two (2) or more major thoroughfares as indicated on the Future Transportation Map.

- C) **Enclosure.** Except for sales and/or display taking place on a pedestrian walkway, the sales and/or display area shall be enclosed with a fence of a type as recommended by the Planning Commission and approved by the City Council, which fence shall be located and maintained on the boundaries of such sales and display area.
- D) **Pedestrian Access.** Such retail sales and/or display taking place on any walkway providing pedestrian access to the adjacent building shall be limited to bedding plants (flowers and vegetables) and potted shrubs; provided, however, that such uses shall be conducted in a manner that will insure that the walkway is sufficiently free of obstructions at all times so as to provide safe and direct pedestrian access to and from the building.

Section 4.43 Open-Air Sales of Christmas Trees by Churches, Public and Parochial Schools and Other Bona Fide Charitable Organizations.

- (1) **Districts Permitted.** The following standards apply in the C-1, C-2, C-3, and C-4 Districts as a permitted use.
- (2) **General Standards.** Open-air sales of Christmas trees shall be permitted upon approval of a special annual commercial license by the Department of Inspection to churches, public and parochial schools, and other bona fide charitable organizations. The Department of Inspection shall determine that there is safe and suitable ingress and egress to the premises; adequate off-street parking is provided; and shall contact the Fire Department to determine that all fire rules and regulations have been complied with.

Section 4.44 Outdoor Storage of Recreational Equipment.

Outdoor storage of Recreational Equipment provided that:

- (1) **Districts Permitted.** The following standards apply in the M-1 District as a waiver use and in the M-2 District as a permitted use.
- (2) **Compliance.** A site plan, as defined by **Error! Reference source not found. Error! Reference source not found.** of this Ordinance, has been submitted therefor and has been reviewed and recommended by the Planning Commission and approved by the City Council.
- (3) **Outdoor Storage.** There shall be no recreational equipment parked or stored within the front yard or side yard abutting a public or private street as would be required therefor by Section 2.02.
- (4) **Enclosure.** The storage area shall be enclosed with either a six (6) foot cyclone fence or a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such storage area with only such openings therein as may be necessary for ingress or egress.
- (5) **Lighting.** Adequate lighting facilities shall be provided and so arranged as to reflect light toward the storage area and away from streets and residential uses adjacent to the area.

Section 4.45 Pawnshops.

Pawn shops, provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Outdoor Storage.** There shall be no outdoor sales, storage, or display of merchandise.
- (3) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.
- (4) **Compliance.** The business shall be properly licensed and bonded pursuant to Chapter 5.63 of the Livonia Code of Ordinances.
- (5) **Separation.** There is not a similar use within one thousand (1,000) feet measured from property lines.

Section 4.46 Payday Lenders.

Any business licensed pursuant to the Deferred Presentment Service Transactions Act, MCL 487,2121, et. seq., provided that:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.
- (3) **Separation.** There is not a similar use within one thousand three hundred and twenty (1,320) feet measured from property lines.

Section 4.47 Personal Service Establishments.

Personal Service Establishments within the NM2 and NM3 Districts must be developed in conjunction with the development of a planned residential community.

Section 4.48 Privately Owned and Operated Recreational Uses.

Privately owned and operated recreational uses subject to the following special requirements:

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, and NM1 Districts as a waiver use.
- (2) **Minimum Lot Size.** The use shall be erected and located on a satisfactory site that is at least four (4) acres in area.
- (3) **Setbacks.** Front, side, and rear yards shall each be at least twenty (20) feet wide. A swimming pool shall not be constructed within fifty (50) feet of any existing public street right-of-way as measured from the edge of the water. The pool shall not be constructed within three hundred (300) feet of any existing residence as measured from the edge of the water.
- (4) **Access.** A parking and traffic plan showing the planned provision for parking and ingress and egress for pedestrian and motor vehicle traffic approved by the Police and Fire Departments shall be filed with the Inspection Department as a condition precedent to the issuance of the permit.

- (5) **Landscape Plan.** A landscaping plan and time schedule approved by the Parks and Recreation Department shall be filed with the Inspection Department as a condition precedent to the issuance of the permit.
- (6) **Maximum Building and Lighting Height.** Buildings erected on the premises in connection with privately owned and operated recreational uses shall in no case exceed one (1) story in height except where, as a result of the peculiar topography of the premises, a lower level can be constructed entirely below the grade of the public street abutting or adjacent to such premises, in which case the same shall be permitted, and lighting facilities erected on the premises shall not exceed twenty (20) feet in height.
- (7) **Compliance.** Provided further, that privately owned and operated recreational uses comply with all other applicable rules, regulations, and ordinances of the City of Livonia. In order that the City Council might properly determine whether or not the requirements provided herein have and can be complied with, there shall be filed with the City Council a certified copy of the Articles of Incorporation and By-Laws of the private swimming pool club or organization; a plot plan drawn to scale showing the location of the premises on which the private swimming pool and related recreational facilities are to be situated, showing also the dimensions and area of such proposed area; the location of all residences and other buildings, structures, and public streets within one thousand (1,000) feet of such premises as measured from each of the property lines of the property site; and a separate development plan of the proposed site showing the size and location of all facilities to be situated thereon, and the size and location of all front, rear, and side yards and the length, width, and location of all driveways and parking facilities to be located on the proposed site. For the purpose of this Ordinance, the term "neighborhood," "community," or "club" pool shall mean that the pool is owned and operated by a private swimming club or similar organization for the sole and exclusive use of its members of such club, their families, and guests.

Section 4.49 Raising of Fur Bearing Animals.

- (1) **Districts Permitted.** The following standards apply in the RUF District as a waiver use.
- (2) **Minimum Lot Size.** The raising of fur bearing animals shall be conducted on a farm of five (5) acres or more.
- (3) **Setbacks.** The pens or cages must be located at least one hundred (100) feet from any front, side, or rear property line.
- (4) **Conformance.** The raising of livestock shall conform to the Generally Accepted Agricultural and Management Practices (GAAMP) for the Care of Farm Animals.

Section 4.50 Religious Institutions.

- (1) **Districts Permitted.** The following standards apply in the N1, N2, RUF, and NM1 Districts as a waiver use, and in the C-1, C-2, C-3, and C-4 Districts as a permitted use.
- (2) **Minimum Lot Size.** In N1, N2, RUF, and NM1 Districts, Religious Institutions must be located on a parcel of land at least two (2) acres in area.
- (3) **Signs.** Religious institutions shall be permitted the following:
 - A) One (1) identification ground sign not to exceed thirty (30) square feet of sign area or to exceed six (6) feet in height and shall have a minimum setback of ten (10) feet from any right-of-way line.

- B) One (1) freestanding bulletin board or identification ground sign not to exceed twenty (20) square feet of sign area and not to exceed five (5) feet in height and shall have a minimum setback of ten (10) feet from any right-of-way line.
- C) One (1) wall sign not to exceed twenty (20) square feet of sign area. Such sign shall consist of individual letters attached individually and flatly to the building.

Section 4.51 Restaurants.

- (1) Limited service and carry-out restaurants with or without outdoor dining areas subject to the following:
 - A) **Districts Permitted.** The following standards apply in the C-1, C-2, C-3, and C-4 Districts as a permitted use.
 - B) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.
 - C) **Drive-Up Window Facilities.** Drive-up window facilities are prohibited.
 - D) **Outdoor Dining.** Outdoor dining areas with seating for no more than six (6) persons when conducted in conjunction with a carry-out restaurant or twelve (12) persons when conducted in conjunction with a Limited Service Restaurant (as defined in *Error! Reference source not found. Error! Reference source not found.* of this Ordinance) operating pursuant to a valid waiver use approval, provided that:
 - i) The outdoor dining is conducted in accordance with a site plan illustrating the seating arrangement and capacity which has been approved by the Planning Department and Inspection Department.
 - ii) That outdoor dining shall be restricted to sidewalk or patio areas adjoining the building.
 - iii) That the outdoor dining shall be conducted in a manner that will ensure that sufficient clear space for pedestrian and handicapped circulation is provided, and that safe and direct access to and from the building is maintained.
 - iv) If deemed necessary for public safety in instances where outdoor dining areas or drive aisles, decorative fencing (or other measures, such as bollards) shall be installed to demarcate and protect the outdoor seating areas.
 - v) That trash receptacles shall be provided for the outdoor seating area and shall be emptied regularly as needed.
 - vi) That the sound levels of any outdoor speakers shall be kept to a reasonable minimum so as to not become objectionable.
 - vii) That all lighting equipment installed for the outdoor seating area shall be shielded or so arranged as to minimize stray light trespassing across property lines and glaring into adjacent roadway.
- (2) Full-service restaurants with or without outdoor dining areas subject to the following:
 - A) **Districts Permitted.** The following standards apply in the C-1 and C-2 Districts as a waiver use and in the C-3 and C-4 Districts as a permitted use.
 - B) **Floor Area.** At least one-half (½) of a restaurant's usable main floor area shall be devoted to a dining or eating and/or drinking area.
 - C) **Access.** Ingress and egress be available from a public street by means of at least two (2) separate driveways at least forty (40) feet apart from one another.
 - D) **Lighting.** Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.

- (3) Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks subject to the following:
- A) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
 - B) **Access.** Ingress and egress shall be available from a public street having a right-of-way width of at least one hundred twenty (120) feet or more as indicated on the Future Transportation Map by means of at least two (2) separate driveways located at least thirty (30) feet apart from one another.
 - C) **Lighting.** Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.
 - D) **Setback.** No drive-in restaurant shall be located nearer than two hundred (200) feet as measured from any point on the property to any point on the property of a religious institution.
 - E) **Drive-Up Window Facilities.** Drive-up window facilities shall comply with the following minimum standards:
 - i) A restaurant with a drive-up window shall provide a separate customer ordering station.
 - ii) The traffic lane serving the drive-up window shall be at least ten (10) feet wide.
 - iii) The turning radius on any curve in the drive-up window traffic lane shall be no less than fifteen (15) feet.
 - iv) A by-pass lane or other suitable means of access to a public street shall be provided for vehicles that do not use the drive-up window.
 - v) Parking spaces located beyond drive-up windows shall be designated for use of drive-up window patrons.
 - vi) Ingress and egress shall be available from a public street by means of at least two (2) separate driveways at least forty (40) feet apart from one another.
 - vii) Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.

Section 4.52 Retail Sales.

- (1) Buildings (single or multi-unit) for the purpose of retail sales and which contain a gross floor area of thirty thousand (30,000) square feet or more provided that:
- A) **Districts Permitted.** The following standards apply in the C-1 ~~and~~, C-2 and C-4 Districts as a waiver use and in the C-3 District as a permitted use.
 - B) **Setbacks.** The front yard shall be at least one hundred (100) feet; the rear yard shall be at least twenty-five (25) feet; the interior side yard(s) shall be at least twenty (20) feet; and a side or rear yard abutting a street shall be at least sixty (60) feet; provided, however, that when Retail Sales abuts a residential district, the required side and rear yards which abut such residential district shall be at least sixty (60) feet.
 - C) **Outdoor Storage.** There shall be no outdoor sales, storage, or display of merchandise.
 - D) **Restaurants as an accessory use.** Restaurant uses as defined in *Error! Reference source not found., Error! Reference source not found.* of this Ordinance shall be permitted as an accessory use to a single unit building only; provided, however, that the number of customer seats in the restaurant shall not exceed thirty (30). In the event that such building of thirty thousand (30,000) square feet or more was previously granted waiver use approval without providing for an accessory restaurant use, any restaurant use may not be added thereafter without first obtaining waiver use approval in accordance with the provision of this Ordinance.

- E) **Single Unit.** In the event that such building of thirty thousand (30,000) square feet or more is intended to be a single unit, the application for waiver use shall include a statement that the building as proposed will be attractive to other commercial tenants in the event the initial occupant ceases its occupancy of the building, including a description of the features of the building which will make it attractive to prospective replacement tenants. Such statement shall be revised, prior to final approval, to reflect any design changes recommended by City Council which affect the attractiveness of the proposed building to subsequent would-be occupants.
- (2) A workshop incidental to retail sales is permitted for servicing, repairing, or workshop activities. Up to 50% of the usable floor area can be used as a showroom in the commercial zoning districts. Up to 10% of the usable floor area can be used as a showroom in the industrial zoning districts. Such uses are detailed below:
- A) Air conditioning sales, service, and repair shops;
 - B) Apparel alteration and repair shops;
 - C) Electrical and lighting fixture sales, service, and repair shops;
 - D) Furniture reupholstery and refinishing establishments;
 - E) Lawnmower sales, service, and repair shops;
 - F) Locksmith shops;
 - G) Office equipment sales, service, and repair establishments;
 - H) Plumbing and heating sales, service, and repair shops;
 - I) Radio and television sales, service, and repair shops;
 - J) Sign painting shops (no outside storage);
 - K) Taxidermy shops;
 - L) Motorcycle sales, service, and repair establishments; however, facilities for outdoor testing, display, or storage of merchandise are expressly prohibited.
- (3) Retail sales of new furniture when such use is accessory to a furniture warehouse establishment and located within a warehouse structure, and located in an M-1 District, such waiver use being expressly prohibited in an M-2 District, and provided that:
- A) **Minimum Lot Size.** The warehouse structure in any such case shall be located on a parcel of land containing four (4) acres or more.
 - B) **Floor Area.** Such retail sales use and display areas combined shall not exceed thirty-five (35) percent of the entire floor area of the structure or such lesser percent as approved.
 - C) **Outdoor Storage.** No outside storage, sales, or display of merchandise or promotional activity shall be permitted.
 - D) **Sales.** All sales of merchandise shall be conducted wholly within the retail sales portion of the structure.
 - E) **Off-Street Parking.** Off-street parking facilities shall be provided as hereinafter specified in [Section 7.04](#) of this Ordinance, except that no parking of automobiles or other motor vehicles shall be permitted in the front yard setbacks and in the case of double frontage lots, the rear yard setbacks or side yard setbacks if such yard abuts a public or private street.

Section 4.53 Second-Hand Stores.

The following standards shall apply to second-hand stores and rummage shops (not including antique stores as defined in **Error! Reference source not found.** of this Ordinance):

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3 District as a permitted use.
- (2) **Outdoor Storage.** There shall be no outdoor sales, storage, or display of merchandise.
- (3) **Access.** Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Future Transportation Map.

Section 4.54 Self-Storage, Indoor Climate Controlled.

Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis, subject to the following:

- (1) **Districts Permitted.** The following standards apply in the C-2 District as a waiver use and in the C-3, ML, M-1, and M-2 Districts as a permitted use.
- (2) **Minimum Lot Size.** The minimum size of the site shall be not less than three (3) acres.
- (3) **Maximum Number.** Only one (1) climate-controlled building used in whole or in part for the purpose of providing storage on a self-service basis shall be permitted on the premises.
- (4) **Outdoor Storage.** There shall be no outdoor storage and no storage of flammable, explosive, radioactive, hazardous, toxic, or volatile substances within the self-storage buildings or upon the premises.
- (5) **Access.** Customer access to the self-storage units shall only be from the interior of a fully-enclosed, climate-controlled building.
- (6) **Overhead Doors.** Overhead doors to allow vehicles to enter or exit the building may be allowed provided they are controlled by means of electronic access devices or by an employee of the facility.
- (7) **Operating Hours.** The facility shall not be open for customer access to the storage units earlier than 7 a.m. nor later than 9 p.m.
- (8) **Building Façades.** Exterior building wall façades shall consist of maintenance-free materials, and the design and architectural appearance of the building shall be compatible to and in harmony with the surrounding commercial buildings in the area.
- (9) **Use of Self-Storage Facility.** Except as provided herein, the use of the self-storage facility shall be limited to the storage of personal and business items only, and no unit designed or intended for storage purposes shall be used for operating a business or recreational activity including, but not limited to, repairs, manufacturing, assembly, personal service, hobby, retail, or office.
- (10) **Security Manager.** A security manager shall be permitted to reside within the confines of the same building used in whole or in part for self-storage and such residence shall be considered an accessory use as provided in **Error! Reference source not found. Error! Reference source not found..**

- (11) **Accessory Uses.** Office, retail, and other uses otherwise permitted under this Article may be allowed only where such use or uses are designed and provided as an integral part of the development, including, but not limited to, access, parking, lighting, and signage.

Section 4.55 Small Cell Wireless Facilities.

- (1) **Districts Permitted.** The following standards apply in all zoning districts as a permitted use.
- (2) **Compliance.** Per the provisions of the Small Wireless Communications Facilities Deployment Act, Public Act 365 of 2018, MCL 460.1301, et seq. ("Act 365"), the activities set forth in Code of Ordinances Section 12.06.050(D) are exempt from zoning review, except that replacement small cell wireless facilities shall require a permit if they exceed in size or weight the size or weight of the small cell wireless facility being replaced. Subsections (3) to (5) below apply to zoning reviews for the following activities that are subject to zoning review and approval, that are not a permitted use under Code of Ordinances Section 12.06.040(E), and that take place within or outside the public right-of-way:
- A) The modification of existing or installation of new small cell wireless facilities.
 - B) The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.
- (3) **Application.** Applications for zoning approval shall be filed with the City Engineer, or his or her designee ("Engineer"), and the processing of an application for a zoning approval is subject to all of the following requirements:
- A) Within 30 days after receiving an application under this section, the Engineer shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the 30-day period.
 - B) The running of the time period tolled under subdivision (A) resumes when the applicant makes a supplemental submission in response to the authority's notice of incompleteness. If a supplemental submission is inadequate, the Engineer shall notify the applicant not later than 10 days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in subdivision (2)(A) above. Second or subsequent notices of incompleteness may not specify missing documents or information that was/were not delineated in the original notice of incompleteness.
 - C) The application shall be processed on a nondiscriminatory basis.
 - D) The Engineer shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Engineer. If the Engineer fails to comply with this subdivision, the application is considered to be approved subject to the condition that the applicant provide the City not less than 15 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.
 - E) The Engineer shall not deny an application unless all of the following apply:
 - i) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - ii) There is a reasonable basis for the denial.

- iii) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

(4) Zoning Approval. Review of an application for a zoning approval is subject to all of the following requirements:

- A) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures. The Engineer may consider the height of such structures in its zoning review but shall not discriminate between the applicant and other communications service providers.
- B) The Engineer shall not evaluate or require an applicant to submit information about an applicant's business decisions with respect to any of the following:
 - i) The need for a wireless support structure or small cell wireless facilities.
 - ii) The applicant's service, customer demand for the service, or the quality of service.
- C) Any requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping, shall be reasonable.
- D) Any spacing, setback, or fall zone requirement shall be substantially similar to a spacing, setback, or fall zone requirement imposed on other types of commercial structures of a similar height.

(5) Fees. Application fees for zoning approval hereunder shall be:

- A) \$1,000.00 for a new wireless support structure or modification of an existing wireless support structure.
- B) \$500.00 for a new small cell wireless facility or modification of an existing small cell wireless facility.

Fees hereunder shall be adjusted as necessary to assure that such fees are the highest amounts permitted under Act 365, so long as such fees do not exceed the costs imposed on the City in connection with the permit application and zoning review.

(6) Construction Commencement. Within 1 year after a zoning approval is granted, a wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Engineer and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void, and the wireless provider may reapply for a zoning approval. However, the wireless provider may voluntarily request that the zoning approval be terminated.

(7) Moratorium. The City shall not institute a moratorium on either of the following:

- A) Filing, receiving, or processing applications for zoning approval.
- B) Issuing approvals for installations that are not a permitted use.

(8) Failure to Meet Requirements. The Engineer may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

(9) Administration. The Mayor or his/her designee may provide forms and policies for administering this Section and Chapter 06 of Title 12 of the Code of Ordinances.

- (10) **Written Appeal.** Pursuant to MCL 460.1327, a person seeking to reverse a determination made under this Section or Chapter 06 of Title 12 of the Code of Ordinances may submit a written appeal to the Mayor, identifying the reason(s) for reversing the determination. Within 10 business days of receiving the written appeal, the Mayor shall render his/her decision whether to uphold, reverse, or uphold in part/reverse in part the determination under appeal.

Section 4.56 Temporary Uses and Sidewalk and Tent Sales.

- (1) **Sidewalk and Tent Sales.** Sidewalk and tent sales are permitted accessory uses for retail establishments in C-1 and C-2 Districts, provided that:
- A) The retail establishment submits a site plan to the Building Official and obtains a permit from the Building Official and complies with all permit conditions.
 - B) No portion of any sale shall take place in a public right-of-way or the front or side yard required by this Ordinance for the retail establishment, except in cases where the building setback renders compliance with the yard requirement infeasible, in which case the sale shall be conducted at a setback which is, in the judgment of the Building Official, as near to a conforming setback as is feasible.
 - C) The retail establishment does not conduct more than two sidewalk and/or tent sales in any calendar year per address or tenant.
 - D) No such sale exceeds two (2) weeks in duration.
 - E) The principal use is located on the same premises; and
 - F) The premises upon which the sidewalk or tent sale is proposed is otherwise code compliant. If the Building Official has concerns or questions regarding safe access or the possibility of pedestrian and vehicular traffic conflicts that could occur in connection with the subject use, the Building Official will obtain a recommendation from the Traffic Bureau of the Police Department prior to issuance of a permit.
- (2) **Temporary Buildings Incidental to the Construction of Residential Dwellings.** The following standard applies in the N1, N2, and RUF Districts as a permitted use. Temporary buildings or structures for uses incidental to the construction of residential dwellings and improvements shall be removed immediately upon completion or abandonment of the construction work.
- (3) **Carnivals.** The following standard applies in the RUF, C-2, and C-4 Districts as a waiver use and in the P-L and C-3 Districts as a permitted use. Carnivals may be allowed for periods not normally to exceed two (2) weeks; however, they may request an optional time extension of up to two (2) weeks from the Planning Director.

Section 4.57 Ambulance Services, Local and Suburban Bus Terminals and Taxicab Terminals ~~Terminals, Ambulances Services, Bus, and Taxicab.~~

- (1) **Districts Permitted.** The following standards apply in the C-2, M-1, and M-2 Districts as a waiver use and in the C-3 District as a permitted use.
- (2) **General Standards.** Ambulance services, local and suburban bus terminals, and taxicab terminals when exterior design, appearance, and location of any proposed building, structure, or premises and the location and design of any proposed parking facility or loading and unloading area to be used for above uses is consistent with the spirit, intent, and purpose of this Ordinance.

Section 4.58 Steel Fabricators, Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, Special Trade Contractors, and Vehicle Tow Yards.

(1) **Districts Permitted.** ~~Except in the case of vehicle tow yards, the following standards apply in the M-1 and M-2 Districts as a waiver use, and in the M-2 District as a permitted use. For vehicle tow yards, the following standards apply in the M-1 and M-2 Districts as a waiver use.~~

(2) **Classification.** Steel fabricators; truck terminals; truck and trailer rental facilities where vehicles, trailers, equipment, and material are not wholly enclosed within a building; vehicle tow yards; and special trade contractor classified as:

- A) Bridge builders.
- B) Concrete contractors.
- C) Dredging contractors.
- D) Excavating contractors.
- E) Fence contractors.
- F) Foundation contractors.
- G) Grading contractors.
- H) Oil well contractors.
- I) Paving contractors.
- J) Pile driving contractors.
- K) Sewer excavators.
- L) Steel erectors.
- M) Underground contractors.
- N) Wrecking contractors.
- O) Septic tank installers and cleaners.
- P) Landscape contractors.

Provided that:

- i) Except for the front yard setback, the lot area shall be enclosed with a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such lot area, with only such openings therein as may be necessary for ingress and egress; provided, however, that in the case of a corner lot such fence shall be located on the side yard setback line abutting a public or private thoroughfare.
- ii) Landscaping of the front yard and, in the case of a corner lot, also the side yard abutting a public or private thoroughfare, shall be required.
- iii) The outside stacking or stockpiling of materials shall not exceed eight (8) feet in height above ground level.

- iv) Notwithstanding any other provisions of this Ordinance, wherever the outside storage of equipment and/or material occurs on the site of an approved waiver use and is immediately adjacent to or abutting any residentially zoned property, there shall be provided a greenbelt which shall be at least twenty (20) feet in width, which shall consist of at least two (2) rows of appropriate live plant materials, so placed as to provide continuous screening over and above that which is provided by the protective wall, as is required by other provisions of this Ordinance and shall thereafter be permanently maintained; and further provided, that such greenbelt shall attain a minimum height of at least eight (8) feet after one full growing season.

Section 4.59 Veterinary Clinics, Animal Clinics, and Animal Hospitals.

Veterinary clinics, animal clinics, and animal hospitals, provided that such uses or clinics are hereby defined to mean the professional use of a building, by a licensed veterinarian for rendering professional services to household pets, and provided that:

- (1) **Districts Permitted.** The following standards apply in the RUF, C-1 and C-2 Districts as a waiver use and in the C-3 Districts as a permitted use.
- (2) **Specified Use.** Any building designed, constructed, or modified for veterinary clinics, animal clinics, and animal hospitals shall be used for the sole purpose of providing necessary medical care for sick or diseased household pets and shall not be constructed or used as a boarding establishment for household pets.
- (3) **Attendant.** A full-time duly qualified attendant or veterinarian shall be stationed in charge of such premises whenever any animals eligible for treatment at such establishment, as herein defined, are kept on the premises.
- (4) **Enclosure.** In no case shall such establishments have open or outdoor runways, kennels, or pens.
- (5) **Disposal of Rubbish.** In no case shall there be, in connection with the operation of such establishment, the disposal of rubbish and litter in such a manner as to be obnoxious or offensive. In no case shall there be any harboring of vermin or decaying matter on the premises, and effective provision shall be made to confine all noise, confusion, and odor, if any, to the premises.
- (6) **Soundproof.** The building housing veterinary clinics, animal clinics, and animal hospitals and the ventilating system used in connection therewith shall be so constructed as to be soundproof and soundproofing shall be installed to the extent necessary to ensure the elimination of all noise from the area used for the treatment and temporary keeping of such sick and diseased household pets.

Section 4.60 Wireless Communication Facilities.

- (1) **Purpose and intent.** It is the general purpose and intent of the City of Livonia to carry out the will of the United States Congress by authorizing communications facilities needed to operate wireless communications systems. However, it is the further purpose and intent of the City of Livonia to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large.
- (2) **Compliance. Wireless communication facilities, provided that:**
 - A) Wireless Communication Facilities shall meet the requirements of [Section 5.18](#) of the Zoning Ordinance.

- B) At least fifteen (15) days prior to the public hearing required by *Section 11.13, Section 11.13(2)* of the Zoning Ordinance with respect to such use, the City shall erect four foot by four foot (4' x 4') sign(s) at one (1) or more prominent locations around the premises leased or purchased for such wireless communication facility, in location(s) determined by the Building Official to be likely to give notice of the referenced proceedings to all interested parties. Such sign shall state the fact that a wireless communication facility has been proposed for a location near the sign, and name and address of the real party requesting the waiver use approval, and the telephone number at City Hall where interested persons can call for further information.
- C) Notice of the hearing shall be provided as required by law for public hearings concerning zoning matters, except that, due to the public nature of the property involved, the area in which notices are mailed will be expanded to include properties within six hundred (600) feet of the property which is the subject of the application or petition, as measured from the boundaries of the site leased or purchased for the purpose of erecting the wireless communication facility.

(3) Definitions. The following definitions shall apply in the interpretation of this section:

- A) “*Collocate*” means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.
- B) “*Equipment compound*” means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- C) “*Wireless communications equipment*” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- D) “*Wireless communications support structure*” means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
- E) “*Planning Official*” shall mean the Director of Planning.
- F) “*Building Official*” shall mean the Chief Building Official.
- G) “*Backhaul network*” shall mean the lines that connect a wireless communications provider's wireless communications facilities to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

(4) Authorization. Except for paragraph A) below, no wireless communications equipment or support structures may be erected in the City of Livonia except upon application to the City for approval thereof, as set forth in paragraph (6) below; compliance with all other requirements of this section; and conformance of said equipment or support structure to one of the categories set forth in subparagraphs B) or D) below:

- A) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all the following requirements are met:
 - i) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - ii) The existing wireless communications support structure or existing equipment compound is in compliance with this zoning ordinance or was approved by the Planning Commission and City Council.
 - iii) The proposed collocation will not do any of the following:

- a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c) Increase the area of the existing equipment compound to greater than 2,500 square feet.
- iv) *The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Official, Building Official, Planning Commission, or City Council.*
- B) Wireless communications equipment that meets the requirements of subparagraph A)i) and A)ii) but does not meet the requirements of subparagraph A)iii) or A)iv) is a permitted use of property if it receives waiver use or special waiver use approval under paragraphs E) or F).
- C) Wireless communications equipment that meets the requirements of paragraph A) shall be required to comply with the requirements set forth in paragraph (5)A)i)a) through (5)A)i)c); paragraph (5)A)iii); paragraph (5)A)v)e) through (5)A)v)f); and paragraph (5)A)v)i) through (5)A)v)j).
- D) Other circumstances creating permitted use treatment. Subject to the standards and conditions set forth in subparagraph (5)A) below, wireless communications equipment or support structures shall be permitted uses in the following circumstances, and in the following zoning districts and zones, after approval by both the Planning Official and Building Official:
 - i) An existing structure which will have wireless communications equipment attached to it within a non-residential zoning district where the existing structure is not proposed to be materially altered or materially changed in appearance.
 - ii) An existing structure which will have wireless communications equipment attached to it and which structure consists of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - iii) A wireless communications support structure established within a right-of-way having an existing width of more than 204 feet (expressways), subject to collocation requirements as outlined in paragraph (8) below.
 - iv) A wireless communications support structure established in any M-1, M-2, or commercially zoned district within Sections 25 - 30 and that portion of Section 19 bounded by Schoolcraft Road, Eckles Road, and the I-96 expressway, M-1, ML, and commercial zones which are contiguous with Eight Mile Road, and that zone which is west of the I-275/96 expressway, north of Six Mile Road, east of the western City boundary, and south of Eight Mile Road.
- E) Waiver Uses.
 - i) Subject to the standards and conditions set forth below in Sections (5)A) and (5)B) and in *Section 11.13, Section 11.13(6)* of this Zoning Ordinance, wireless communications equipment and support structures may be authorized as waiver uses in C-1, C-2, C-3, C-4, PO, and OS zoning districts if not included in Paragraph A) or D) above upon a recommendation by the City Planning Commission and approval of the City Council.
 - ii) Subject to the standards and conditions set forth below and in *Section 11.13, Section 11.13(6)* of this Zoning Ordinance, wireless communications equipment may be authorized as waiver uses in NM3 zoning districts upon a recommendation by the City Planning Commission and approval by the City Council.

- iii) Subject to the standards and conditions set forth below in Sections (5)A) and (5)B) and in *Section 11.13, Section 11.13(6)* of this Zoning Ordinance, wireless communications support structures may be authorized as a waiver use in any public land zone upon a recommendation of the City Planning Commission, approval of the Livonia City Council, and approval of the governing body which owns the land. Failure to receive approval from either the Livonia City Council or the governing body which owns the land shall result in a denial of the petition or application. In no case shall the wireless communications support structure in a public land zone be within 300 feet of a residence.

- F) **Special Waiver Uses.** If it is demonstrated by an applicant that wireless communications equipment or a wireless communications support structure may not reasonably be established as a permitted use under paragraph A) or D) above, and is required to be established outside of a zoning district identified in paragraphs D) and E) above, in order to operate a wireless communications service, then wireless communications equipment or a wireless equipment support structure may be permitted elsewhere in the City as a special waiver use subject to the criteria and standards of *Section 11.13, Section 11.13(3)* of this Ordinance and paragraphs (5)A) and (5)B) below.

(5) General Regulations.

- A) **Standards and Conditions.** Applications for wireless communications equipment or support structures, if required, shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the wireless communications equipment or support structure is approved, and is other than a permitted use, it shall be constructed and maintained with any additional conditions imposed by the findings of the Planning Commission and approved by the City Council in its discretion; provided, however, that waiver use or special waiver use approval of wireless communications equipment may be made expressly conditional only on the wireless communications equipment's meeting the requirements of City ordinances and of federal and state laws before the wireless communications equipment begins operation.

- i) Wireless communications equipment or support structures shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

- a) **Annual Certification of Wireless Communications Equipment and Support Structures.**

Every operator and all collocators on all wireless communications equipment and wireless communications support structures shall no later than November 1st of each year certify to the Inspection Department by sworn statement of an authorized corporate officer that each of the facilities it operates in the City:

- i. are authorized to operate under a wireless license granted by the FCC;
- ii. are subject to the FCC's radiofrequency exposure rules; and
- iii. are operated in accordance with the FCC's radiofrequency rules.

Temporary remedial measures shall be promptly taken to bring equipment not certified to be compliant until permanent remedial measures have been made and compliance has been certified to the Inspection Department. Permanent remedial measures shall be made within thirty (30) days after the equipment was first deemed to be not in compliance with the FCC's radiofrequency rules. A late fee of One Hundred Dollars (\$100.00) shall be imposed on any operator or collocator that has not provided this certification within ten (10) days of November 1st of each year.

- b) **Penalty.** Any person, persons, firm or corporation, or any others acting on behalf of said person, persons, firm, or corporation, violating or failing to comply with any of the provisions of a) above shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding five (5) days, or by both such fine and imprisonment at the discretion of the Court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
- c) **Address and Change of Address.** Each annual submission shall include the address of the facility assigned by the City and all pertinent information including the name, address, and telephone number of each operator and collocator. The operator and collocator of a cell tower or collocation equipment is hereby obligated to notify the Inspection Department in writing of any change of contact information or ownership within ten (10) days of any change. There shall be no charge for notification of the change of contact information or ownership if the notification is accomplished within the ten (10) day period. A late fee of one hundred dollars (\$100.00) shall be imposed for failure to notify the Inspection Department of a change in contact information or ownership within the ten (10) day period. It is the responsibility of the owner and/or operator to verify that the city has received said notification.
 - ii) Wireless communications equipment and support structures shall be located and designed to be harmonious with the surrounding areas, and if it is a new wireless communications support structure, shall be located no less than 1/2 mile from existing wireless communications support structures. The distance requirements shall not apply to applicants who have demonstrated that collocation is not feasible pursuant to paragraph (8)C)i) below.
 - iii) Wireless communications equipment and support structures shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - iv) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - v) The following additional standards shall be met:

- a) The maximum height of the new or modified wireless communications support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communications by the applicant (and by other entities to collocate on the structure), but in no event shall the wireless communications support structure exceed 150 feet in height in all districts except in any M-1, M-2, or commercially zoned district within sections 25-30 and that portion of Section 19 bounded by Schoolcraft Road, Eckles Road, and the I-96 expressway, in which case the maximum height shall not exceed 250 feet. These height limitations shall not apply to those collocations which are a permitted use as set forth in paragraph (4)A) above. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- b) The setback of the new or proposed wireless communications support structure from any residential district or residential use shall be at least the height of the highest point of the structure plus 25 feet. The setback of the new or proposed wireless communications support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure unless the structure is placed within the right-of-way itself.
- c) Where the proposed new or modified wireless communication support structure abuts a parcel of land which is used for other than residential purposes, 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.
- d) There shall be unobstructed access to the wireless communications support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall 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.
- e) The division of property (lot splits or subdividing) for the purpose of locating wireless communications equipment or a wireless communications support structure is prohibited unless all zoning requirements and conditions are met.
- f) Where wireless communications equipment is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- g) Where the proposed wireless communications support structure is not a permitted use under section (4)D)i) above, the Planning Commission and City Council shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communications support structure in a neat and orderly condition.
- h) Before installing wireless communications support structures, 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 confirming 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. All applicants shall apply for and receive a permit from the Building Official prior to commencement of construction.

- i) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved for the proposed wireless communications equipment or support structure. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
 - j) The application, if required, or the operator of wireless communications equipment if same is a permitted use, shall provide a description of security to be posted at the time of receiving a building permit for, or the installation of, the wireless communications equipment or a support structure to ensure removal of the wireless communications equipment or support structure when it has been abandoned or is no longer needed, as provided in paragraph (8) below. In this regard, the security shall, at the election of the applicant or the operator, be in the form of:
 - i. Cash calculated at \$100.00 per vertical foot for wireless communications support structures.
 - ii. Surety bond calculated at \$100.00 per vertical foot for wireless communications support structures.
 - iii. Letter of credit calculated at \$100.00 per vertical foot for wireless communications support structures.
 - iv. An agreement in a form approved by the attorney for the City of Livonia and recordable at the office of the Register of Deeds for all wireless communications equipment or support structures, establishing a promise of the applicant and owner of the property to remove the equipment or support structure in a timely manner 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's fees incurred by the City of Livonia in securing removal and that any removal costs incurred by the City of Livonia will become a lien on the owner's property and enforceable against said landowner in a court of law of appropriate jurisdiction.
- B) Standards and Conditions Applicable to Waiver Uses and Special Waiver Uses. Applications for wireless communications equipment or support structures which may be approved as waiver uses and special waiver uses under subparagraphs (4)E) or (4)F) above shall be reviewed by the City Planning Commission with a submission of findings to City Council for its review and decision, and if approved, constructed and maintained in accordance with the standards and conditions in subparagraph A), and in accordance with the following standards:
- i) The applicant shall demonstrate the need for the proposed wireless communications equipment or support structure to be located as proposed based upon the presence of one or more of the following factors:
 - a) Proximity to an interstate or major thoroughfare.
 - b) Areas of population concentration.
 - c) Concentration of commercial, industrial, and/or other business centers.
 - d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - e) Topography of the proposed wireless communications equipment or support structure location in relation to other wireless communications equipment or support structures with which the proposed facility is to operate.
 - f) Other specifically identified reason(s) creating need for the wireless communications equipment or support structure.
 - ii) The proposal shall be reviewed in conformity with the collocation requirements of this section.

(6) Application Requirements for Wireless Communications Equipment or Support Structures Requiring Approval.

- A) A site plan prepared in accordance with [Section 11.13](#), [Section 11.13\(3\)](#) of this zoning ordinance shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- B) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- C) The application shall include a signed certification by a State of Michigan licensed professional engineer regarding the manner in which the proposed wireless communications support 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 equipment.
- D) 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 wireless communications equipment or support structure when it has been abandoned or is no longer needed, as provided in paragraph [\(9\)](#) below. In this regard, the security shall, at the election of the applicant, be in the form of:
 - i) Cash calculated at one hundred dollars (\$100.00) per vertical foot for wireless communications support structures.
 - ii) Surety bond calculated at one hundred dollars (\$100.00) per vertical foot for wireless communications support structures.
 - iii) Letter of credit calculated at one hundred dollars (\$100.00) per vertical foot for wireless communications support structures.
 - iv) An agreement in a form approved by the attorney for the City of Livonia and recordable at the office of the Register of Deeds for all wireless communications equipment and support structures, establishing a promise of the applicant and owner of the property to remove the equipment and support structures in a timely manner 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's fees incurred by the City of Livonia in securing removal and that any removal costs incurred by the City of Livonia will become a lien on the owner's property and enforceable against said landowner in a court of law of appropriate jurisdiction.
- E) The application shall include a map showing existing and known proposed wireless communications equipment and support structures within the City of Livonia, and further showing existing and known proposed wireless communications equipment and support structures within areas surrounding the borders of the City of Livonia in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed wireless communications equipment and support structures. If and to the extent the information in question is on file with the City of Livonia, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy MCL 15.243(1)(g). This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated to bring it to the attention of the City of Livonia.

- F) The application shall include the name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- G) The application shall include identification of the entities providing the backhaul network for the wireless communications equipment and support structure described in the application and other facilities owned or operated by the applicant in the municipality, including any lessees or users of the facilities.

(7) Time Periods for Approvals.

- A) After an application for a waiver use or special waiver use approval is filed with the Planning Commission, the Planning Official shall determine whether the application is administratively complete. Unless the Planning Official proceeds as provided under subparagraph B) below, the application shall be administratively complete when the Planning Official makes that determination or 14 business days after the Planning Commission receives the application, whichever is first.
- B) If, before the expiration of the 14-day period under subparagraph A) above, the Planning Official notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subparagraph A) is tolled until the applicant submits to the Planning Official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- C) The Planning Commission and City Council shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Planning Commission and City Council fail to timely approve or deny the application, the application shall be considered approved and the Planning Commission and City Council shall be considered to have made any determination required for approval.
- D) If the wireless communications equipment does not meet the requirements of paragraph (4)A) or for a wireless communications support structure, subparagraphs A) through C) above apply to the waiver use and special waiver use approval process, except that the period for approval or denial under subparagraph C) above is 90 days.

(8) Collocation.

- A) **Statement of Policy:** It is the policy of the City of Livonia to minimize the overall number of newly established locations for wireless communications equipment and wireless communications support structures within the City of Livonia and encourage the use of existing structures for attached wireless communications purposes, consistent with the statement of purpose and intent set forth in paragraph (1) of this section above. In light of the dramatic increase in the number of wireless communications equipment and support structures reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the City of Livonia that all users should collocate on wireless communications support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in paragraph (1) of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent, and purpose of the City of Livonia. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the City of Livonia.
- B) **Feasibility of collocation:** Collocation shall be deemed to be "feasible" for purposes of this section where all the following are met:

- i) The wireless communications provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- ii) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a support structure, can provide structural support.
- iii) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- iv) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City of Livonia taking into consideration the several standards contained in paragraph (5) of this section, above.

C) Requirements for Collocation:

- i) A special land use permit for the construction and use of a new wireless communications support structure shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- ii) All new and modified wireless communications support structures shall be designed and constructed to accommodate collocation for a minimum of three (3) total users. The Planning Official and Building Official may reduce the number of required users if they are convinced that a total of three (3) users will be unfeasible.
- iii) The policy of the City of Livonia is for collocation. Thus, if a party who owns or otherwise controls a wireless communications support structure within the City of Livonia shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation, such structure shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- iv) If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communications support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City of Livonia, and consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communications support structure within the City of Livonia for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communications services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communications services.

- D) Incentive.** Review of an application for collocation (where required under this section) and review of an application for a permit for use of a facility permitted under paragraph (4)D)i) above shall be expedited by the City of Livonia.

(9) Removal.

- A) A condition of the installation of any wireless communications equipment or a wireless communications support structure shall be adequate provision for removal of all or part of the wireless communications equipment and support structure by users and owners upon the occurrence of one or more of the following events:
 - i) When the equipment or support structure has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the support structure or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

- ii) Six (6) months after new technology is available at reasonable cost as determined by the Livonia City Council, which determination shall be rebuttable by the support structure owner, which permits the operation of the communications system without the requirement of a support structure.
 - B) The situations in which removal of wireless communications equipment or a wireless communications support structure is required, as set forth in paragraph A) above, may be applied and limited to portions of wireless communications equipment or a wireless communications support structure.
 - C) Upon the occurrence of one or more of the events requiring removal specified in paragraph A) above, the property owner or persons who had used the equipment or support structure shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Official and Building Official.
 - D) If the required removal of wireless communications equipment or a wireless communications support structure 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 to the equipment or support structure owner and property owner, the City of Livonia may remove or secure the removal of the equipment or support structure or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications equipment or support structure.
- (10) **Application Fees.** All applicants for wireless communications equipment (except where approval is not required pursuant to paragraph (4)A) above) and for a wireless communications support structure shall pay an application fee of \$500.00 before a permit may be issued.
- (11) **Signs on Towers/Antennas/Wireless Communications Support Structures.** No signs shall be displayed on any cellular tower antennas or wireless communications support structure or equipment without a submission of findings of the City Planning Commission and approval of the City Council.
- (12) **Franchise Fee.**
- A) If a wireless communications equipment provider installs land-based equipment such as coaxial, wire, or fiber optic cables to transmit information or electric impulses to or from wireless communications equipment or support structures, such provider shall apply to the City of Livonia for a permit or franchise as required by law prior to installing said land-based equipment. The provider shall submit all information in its possession to the City of Livonia regarding any entity installing, providing, or using a backhaul network, and such entity shall also apply for a permit or franchise as required by law.
 - B) Owners and/or operators of wireless communications equipment and support structures shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the City of Livonia have been obtained and shall file a copy of all required franchises with the Planning Official.

Article V.

General Provisions

Section 5.01 Applicability.

The provisions of this Article shall apply to all districts within the City of Livonia, except where otherwise expressly stated in this Ordinance.

Section 5.02 Scope.

No building or land, or part thereof, shall be used, altered, constructed or reconstructed except in conformity with the provisions of this Ordinance and the regulations hereby established which apply to the district in which it is located. No building shall be erected or altered to exceed in height the limit herein established for the district in which such building is located; no building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the provisions of this Ordinance and the regulations hereby established for the district in which it is located.

Section 5.03 Buildings Under Construction.

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted.

Section 5.04 Building and Easement Grades.

- (1) **Surface Water.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A building grade line (sometimes referred to as the finish grade or finish grade line) shall mean the elevation of the ground adjoining the building on all four sides. A first-floor elevation shall mean the height which the first floor extends above the building grade. A sloping earth grade beginning at a sidewalk level shall be maintained and established from the center of the front lot line to the finish grade line at the front of the building and from the rear wall of the building to the rear lot line, subject to approval of the Building Official and City Engineer. The height of the finish grade line of any dwelling shall not be less than twelve (12) inches nor more than eighteen (18) inches above the average front sidewalk elevation; the first-floor elevation shall not be more than twenty-six (26) inches above the finish grade line of the building. When a new building is being constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the yards around the new building shall be graded in such a manner so as not to permit runoff of surface water to flow onto the adjacent properties. Whenever the natural drainage of the land is such as is likely to or will cause the flow of surface water to be from the front yard to the rear yard, or where the natural topography dictates a modification from the foregoing requirements, the building grade may be established otherwise than hereinbefore provided; provided, however, that in all such cases the altered design shall be submitted to and approved by the Department of Public Works. Surface grades shall be approved by the Department of Public Works before the issuance of any building permit.
- (2) **Grading.** Where any lot, part or parcel of land, has located upon it a duly recorded easement for any purpose whatsoever, that portion of such land whereon the easement exists shall be graded as indicated by the Department of Public Works, and in no event shall be graded so as to obstruct or substantially slow down the natural flow of surface water across such easement. The grade in easements shall in all cases be subject to the approval of the Department of Public Works.

Section 5.05 Minimum Lot Size and Width.

The size and width of each residential lot on which or in relation to which any building or use is affected by the provisions of this Ordinance shall not be less than the minimum size and width requirements established by this Ordinance which apply to the district in which the residential lot is located.

Section 5.06 Application to Lots of Record.

Where two (2) or more abutting lots of record are held under one (1) ownership and where one (1) or more of such lots are nonconforming, the provisions of this Ordinance relating to lot width and area in the district in which such lots are located shall be observed and shall not be avoided by any sale or conveyance of all or any portion of any such lots after the effective date of this Ordinance; provided, however, that any lot of record which is the same width and area as, or a larger width and area than, fifty-five percent (55%) or more of the lots in the same subdivision in which such lot is located, which have already been developed, with dwellings, and as building sites, may be developed as a separate building site of a width and area consistent with the majority of the lots theretofore developed.

Section 5.07 Approval of Plats.

No proposed plat of a new subdivision shall hereafter be approved by the City Planning Commission unless all the lots within such plat equal or exceeds the minimum lot size and width requirements which apply to the district in which the land sought to be platted is located and unless such plat in all other respects fully conforms with the statutes of the State of Michigan, the ordinances of the City of Livonia, and the Subdivision Regulations of the City Planning Commission.

Section 5.08 Lot Limitation.

No more than one (1) principal building shall be constructed, erected, or placed on any lot in a recorded subdivision or on any parcel of land except for:

- (1) **Outlots.** Parcels described and designated as "outlots" in a recorded plat which are so arranged or subdivided as to provide for one or more principal buildings with a land area allocated to each building which is equal to or greater than the lot area required in the district, and the building and land comply with all other requirements of the district in which it is located.

Section 5.09 Single-Family Residential Accessory Buildings and Recreational Equipment Storage.

(1) Residential Accessory Buildings.

- A) **Maximum Size.** For the purpose of this Section, a garage, whether attached or detached, shall be considered a residential accessory building. On single family lots, the combined ground floor area of all attached and detached residential accessory buildings shall not exceed nine hundred twenty (920) square feet; provided, however, the maximum ground floor area of any attached accessory building shall not exceed seven hundred twenty (720) square feet and the maximum ground floor area of any detached accessory building shall not exceed two hundred (200) square feet. On lots that do not contain any detached accessory buildings, the ground floor area of an attached residential accessory building shall not exceed seven hundred twenty (720) square feet or the ground floor area of the house (excluding the area of the attached accessory building), whichever is larger, subject to a maximum size limit of one thousand (1,000) square feet. On lots that do not contain attached accessory buildings, the combined ground floor area of all detached accessory buildings shall not exceed the ground floor area of the house, subject to a maximum size limit of one thousand (1,000) square feet. Notwithstanding the above, on lots measuring one-half (1/2) acre or more, one (1) detached residential accessory building not to exceed a ground floor area of three hundred (300) square feet shall be allowed solely for the purpose of housing or keeping of animals pursuant to [Section 4.34](#) or [Section 4.49](#). Further, on lots measuring one (1) acre or more, one (1) detached residential accessory building not to exceed a ground floor area of six hundred (600) square feet shall be allowed solely for the purpose of housing or keeping of animals pursuant to [Section 4.34](#) or [Section 4.49](#).
- B) **Maximum Number.** On lots less than one-half (1/2) acre in size, no more than two (2) residential accessory buildings, including one (1) attached accessory building, are allowed. On lots which are more than one-half (1/2) acre, a total of three (3) residential accessory buildings, including one (1) attached accessory building, are allowed.
- C) **Maximum Height.** Detached residential accessory buildings shall not exceed sixteen (16) feet in height.

- D) **Minimum Setbacks.** Attached residential accessory buildings shall comply, in all respects, with the requirements of this ordinance applicable to the principal building. Detached residential accessory buildings shall not be located nearer than two (2) feet to the side lot line, two (2) feet to the rear lot line and shall not be constructed closer than ten (10) feet to the principal building; provided, further, however, that the minimum distance between detached residential accessory buildings on the same lot or parcel shall be four (4) feet. Detached residential accessory buildings proposed to be constructed on corner lots shall not be located closer to the side street lot line than that wall of the principal building which is parallel to such side street line. All residential accessory buildings used for the housing or keeping of animals pursuant to [Section 4.34](#) or [Section 4.49](#) shall be located not less than twenty-five (25) feet from any lot line.
- E) **Maximum Lot Coverage.** The combined floor area of all detached residential accessory buildings shall not occupy more than twenty (20) percent of the area of any rear yard.
- F) **Exempt Structures.** Landscaping structures, art displays, and minor structures (dog houses, playgrounds, treehouses, etc.) are not considered residential accessory buildings and are not regulated by this Section.

(2) **Residential Accessory Building and Storage Therein.** All inoperable or unlicensed vehicles or vehicles bearing visible commercial advertising, equipment, or accessories shall be housed in a residential accessory building when not in use.

(3) **Recreational Equipment Storage.** Unoccupied recreational equipment may be housed in a residential accessory building, and no more than one (1) unit of recreational equipment may be stored in the rear yard, except that no such unit may be stored within the corner side yard, as that term is defined in Section 15.44.030 of the Livonia Code of Ordinances, as amended. The temporary parking of one (1) unit of recreational equipment on the recreational equipment owner's or user's front or side driveway shall be permitted for a period not to exceed seventy-two (72) hours cumulatively in any five (5) day period for the purpose of repairing and maintaining the Recreational Equipment unit for suitable vacation use.

Section 5.10 ~~Separate Dwellings for Domestic Employees~~Reserved.

~~Separate dwellings for the use of domestic employees of the owners, lessee, or occupants of the principal dwelling on a lot shall be considered accessory buildings, but if containing a complete housekeeping unit or units, shall conform to all the height and yard requirements for dwellings in the district in which they are located.~~

Section 5.11 Yards; Double Frontage Lots.

On double frontage lots, a front yard, as prescribed for the district as herein established, shall be provided on both streets.

Section 5.12 Front Yards; Schoolcraft Road.

Notwithstanding anything in this Ordinance to the contrary, where a residentially zoned lot or parcel is adjacent to or abuts on Schoolcraft Road in the City of Livonia, no building shall be erected, moved, enlarged, or otherwise established on such lot or parcel closer than seventy-five (75) feet to the lot line abutting the major street.

Section 5.13 Yards; Use.

In any residential district no part of any required yard, except a rear yard, shall be used for any detached garage or any accessory building other than an attached garage or for the storage of vehicles. Any portion of a residential lot in front of the front building line shall be used for landscaping purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature and required driveways.

Section 5.14 Yard; Alley.

Wherever there is a public alley at the rear of a lot upon which the lot abuts for the full width, measurements of the depth of any abutting rear yard required under this Ordinance may be made to the center line of such alley.

Section 5.15 Lots; Use for Yards, Courts, Etc.

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

Section 5.16 Room Requirements.

Any dwelling hereafter constructed or altered shall comply with the Housing Law of Michigan.

Section 5.17 Heights; Public, Quasi-Public, Form-Based Development Option, Planned Developments, and Major Business Buildings.

The height of public or semi-public buildings, churches, cathedrals, temples, hospitals, sanitariums, schools, major business buildings when developed as a part of a complete shopping center, and buildings when developed under the Form-Based Development Option pursuant to [Section 3.04](#) or as a Planned Development pursuant to [Section 3.02](#), shall not in any case exceed one hundred and fifty-five (155) feet, subject to the General Waiver Requirements and General Standards as set forth in [Section 11.13\(6\)](#).

Section 5.18 Height; Items Not Included.

Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, penthouses, stacks, stage towers, scenery lofts, sugar refineries, tanks, water towers, pumping towers, television and radio towers and antennas, church steeples, monuments, cupolas, and mechanical appurtenances, including signs, pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principal structure; provided, however, that in residentially zoned districts, television and radio towers and antennas which have a height, as measured from the established grade, of greater than 75 feet shall be prohibited. Television and radio towers and antennas in residentially zoned districts may be erected to a height of up to 40 feet, as measured from the established grade, but shall be prohibited for heights which exceed 40 feet but which are less than 75 feet, as measured from the established grade, unless written permission has first been obtained from the owners of at least two-thirds (2/3) of the lots which adjoin or abut the property upon which the proposed tower or antenna is to be located when the height of the proposed tower or antenna be greater than the distance from the center of the base of the tower or antenna to any of the property lines of such adjoining or abutting lots; provided, further, that all freestanding television and radio within residentially zoned districts shall be of a self-supporting design; and provided, further, however, that the location of television and radio towers or antennas shall be further subject to the following limitations:

- (1) **Radio Towers or Satellite Antenna Dishes.** The location of television and radio towers or antennas including satellite dish antennas and cellular mobile towers in the established or minimum front yard of any zoning district is prohibited; provided, however, that the foregoing prohibition shall not apply to television or radio antennas, satellite dish antennas or cellular mobile towers located in M-1 and M-2 Districts in Section 25 through 30, when a site plan therefor is approved by the City Council subject to compliance with the general standards contained in [Section 11.13, Section 11.13\(6\)](#) of this Ordinance and the following additional standards; provided, however, that site plan approval shall not be required for satellite dish antennas which do not exceed 24 inches in diameter or 500 square inches in area, whichever is greater. Provided further, however, that prior to installation of any satellite dish antenna, a permit shall be obtained from the Inspection Department:
 - A) That such site plan shall include:
 - i) The proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna.
 - ii) The proposed method of screening the antenna from public view.
 - iii) Any other pertinent information the applicant or City Council deems necessary to properly evaluate the proposed antenna and its location.
 - B) Signs attached to or painted on such antenna are prohibited.

Section 5.19 Height; Parapet Walls.

Parapet walls may extend not more than five (5) feet above the allowable height of a building.

Section 5.20 Height; Public Buildings; Utilities.

The City Planning Commission may recommend and the City Council approve the erection and use of a building or an addition to an existing building which is publicly owned or owned by a public service corporation to be used for a public use or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public building or a public utility building, structure or use, provided the City Planning Commission shall find such use, height, area, building or structure reasonably necessary for the public convenience and service; and, provided further, that such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 5.21 Division or Partitioning of Lots.

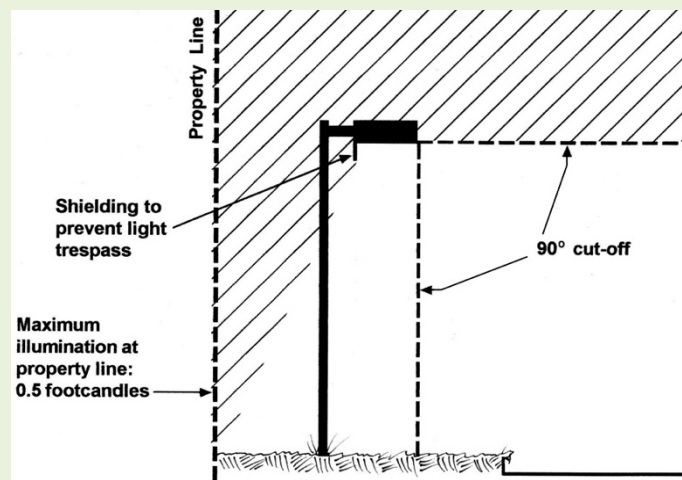
Upon petition by the owner of a parcel of land, the City Council may approve the division of the said parcel in accordance with Act 172 of the Public Acts of 1929 of the State of Michigan, as amended, and the City's Lot Partition Ordinance, Chapter 32 of Title 16 of the Livonia Code of Ordinances, as amended. Any nonconformity waived pursuant to the City's Lot Partition Ordinance shall be deemed waived pursuant to this Ordinance, subject to any conditions contained in the City Council resolution waiving same. Except for deficiencies as to lot width, area, accessibility, and depth-to-width ratio, any deficiencies not waived shall be subject to the jurisdiction of the Board of Appeals.

Section 5.22 Lighting.

(1) **Purpose and Intent.** The regulations in this section aim to ensure that sufficient lighting is provided in the publicly accessible areas of buildings and surrounding property, to provide for the security of property and safety of the general public. These regulations promote the use of appropriate lighting practices and systems and discourage the adverse effects of inappropriate lighting such as glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. This section also intends to encourage the use of innovative lighting designs and fixtures which complement the natural and built environments found throughout the City.

(2) **General Requirements.**

- A) **Shielding.** All outdoor lighting in all use districts other than residential shall be shielded so the surface of the source of the light shall not be visible from adjacent residential districts, adjacent residences, and public right-of-way. All outdoor lighting must be directed toward and confined to the ground areas. Full cut-off fixtures must be used to prevent light from projecting above a ninety (90) degree horizontal plane (see figure).



- B) **Illumination Levels.** Sufficient lighting, as specified in the following table, shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure security of property and safety of persons.

Location	Maximum Level of Illumination (Foot-candles) for the Average of the Area
Off-Street Parking Areas	1.0
Off-Street Loading Areas	1.0
Sidewalks (Residential Areas-Public [only where required by this Ordinance or the City Council])	1.0
Sidewalks (Non-Residential Areas)	1.0
Building Entrances (Frequent Use)	5.0
Building Entrances (Infrequent Use)	1.0
Gas Station (Directly Under Canopy)	20.0
Other Outdoor Areas Not Listed	At the discretion of the Planning Director, with a maximum not to exceed 20.0

- C) **Light Trespass Limits.** Exterior lighting sources shall be designed, constructed, located, and maintained in a manner that minimizes light trespass onto neighboring properties. The light trespass from a property shall not exceed 0.5-foot-candles at the property line, measured five (5) feet from the ground. The light-emitting element of a light fixture shall not be directly visible from neighboring properties, as this is the primary cause of glare.
- D) **Up-lighting.** All up-lighting in nonresidential districts used for the external illumination of buildings, so as to feature the buildings, shall be placed and shielded so as to not interfere with the vision of persons on adjacent highways or adjacent property. The light-emitting element of such fixtures shall not be directly visible from a vehicle or pedestrian travel area so as to not interfere with the vision of persons on adjacent highways or adjacent property. Such lighting shall be shielded in such a manner as to minimize or eliminate light pollution and sky glow.
- E) **Height.** The height of light fixtures shall be measured from the finished grade to the top of the fixture. All lighting fixtures in non-industrial districts shall not exceed twenty (20) feet in height. In industrial districts, or on large-scale commercial developments, lighting fixtures up to a maximum height of thirty-five (35) feet may be allowed if the proposed lighting over twenty (20) feet in height has no adverse impacts on the surrounding land uses and on the natural environment.

(3) Prohibited Lighting.

- A) All illumination of outdoor features of a flashing, moving, or intermittent type are prohibited.
- B) No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity already in progress prior to 11:00 p.m.
- C) The use of laser source light or any similar intensity light for outdoor advertising or entertainment is prohibited.
- D) The operation of searchlights for advertising purposes is prohibited.

- (4) **Exempt Lighting.** The following exterior lighting fixtures and systems are exempt from the regulations of this section. The Planning Director reserves the right to enforce standards to minimize glare, reduce light pollution, and otherwise protect the health, safety, and welfare of the public.
- A) Light fixtures placed by a governmental agency in the right-of-way.
 - B) Decorative holiday lighting.
 - C) Pedestrian walkway lighting.
 - D) Temporary festival and civic lighting.
 - E) Temporary construction or emergency lighting.
 - F) Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.
- (5) **Waiver Process.** The City Council has the ability to waive the lighting requirements of this Section upon evidence that the required lighting would have a negative impact on neighboring properties.

Section 5.23 Accessory Structures and Uses.

(1) **Accessory structures and uses:**

- A) The following standards apply to accessory structures in the N1 and N2 Districts:
 - i) Private garages and detached accessory structures are permitted in accordance with **Error! Reference source not found., Error! Reference source not found.** and **Section 5.09** of this Ordinance.
 - ii) Must be customarily incidental to the principal permitted use on the site.
- B) In addition to the standards above the following standards shall apply to accessory structures and uses in the R-U-F District:
 - i) No more than one (1) temporary structure (which may be of wood construction and shall have not more than three (3) walls and a roof with at least one (1) open side) which structure shall only be used for the sale of products grown on the site in the greenhouse or truck garden between May 15 and October 31 and thereafter shall be removed, dismantled and stored in the rear yard only.
 - ii) Such temporary structure shall be located on a parcel of land at least one-half (½) acre in size and not less than twenty-five (25) feet from the street or highway right-of-way line.
 - iii) An open space for parking, twenty-five (25) feet off the street or highway right-of-way, shall be provided for patrons of the temporary structure. Provided, however, that the outdoor storage of trucks, merchandise and equipment is prohibited.
- C) The following standards apply to accessory structures in the NM1 and NM2:
 - i) Not more than one of which may be a commercial vehicle which shall not exceed three-quarter (¾) ton capacity, and which shall be kept housed within a garage when not used, provided said commercial vehicle is owned and operated by a member of the family who resides in said living unit.
 - ii) The storage or parking of trucks, truck tractors and truck trailers of over one (1) ton capacity, automobile trailers or the storage, parking or use of coaches, bus or street car bodies, or tourist cabins, tents or similar dwellings and enclosures shall not be allowed or considered a legal accessory use in an NM1 District. This shall not, however, prohibit the storage in the rear yard only of one (1) unoccupied recreational equipment unit for each dwelling unit which equipment is the property of or in the trust of the occupant of the dwelling unit.

- iii) Must be customarily incidental to the principal permitted use on the site.
- D) The following standards apply to accessory structures in the C-1, C-2, C-3 and C-4 Districts:
 - i) Must be customarily incidental to the principal permitted use on the site.
 - ii) A storage garage for the storage of commercial vehicles used by a business or other permitted activity, when located on the same lot therewith and occupying not more than twenty-five (25) percent of the area of such lot shall be considered a legal accessory building.
 - iii) Accessory uses to those permitted in this section include assembly, repair and storage which is clearly incidental to the conduct of the permitted use.
 - iv) Except where prescribed herein, fences are prohibited in all commercial zoning districts.
- E) The following standards apply to accessory structures in the M-L, M-1, and M-2 Districts:
 - i) Must be customarily incidental to the principal permitted use on the site.
 - ii) Any portion of the lot area not used for structures, driveways, parking areas and sidewalks shall be landscaped and thereafter permanently maintained. Such landscaping shall include the total area of the established or minimum front yard exclusive of driveways, parking areas and sidewalks.

(2) **Accessory residential use for apartments.** Provided they do not constitute more than twenty (20) percent of the total floor area of the building.

Section 5.24 Fences and Walls.

Except where prescribed herein, fences are prohibited in all commercial zoning districts. Yards may be used for fences and similar structures as set forth in Chapter 44 of Title 15 of the Livonia Code of Ordinances, as amended.

Section 5.25 Alternative Energy.

(1) Solar Energy.

- A) **Roof-Mounted and Wall-Mounted Solar Energy Systems.** Roof-mounted and wall-mounted solar energy systems for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:
 - i) Height. Roof-mounted systems shall not extend more than three (3) feet above the roofline nor above the maximum permitted height of the building to which it is attached.
 - ii) Location.
 - a) Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure. However, roof-mounted solar energy systems shall not protrude beyond the edge of the roof. A solar panel may function as a roof element, such as an awning.
 - b) Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure. Wall-mounted systems shall not extend above the edge of the roof.

- B) **Ground-Mounted Solar Energy Systems.** Ground mounted and freestanding solar energy systems for on-site use are permitted accessory structures in all zoning districts. Total system production is limited to 10kW in all zoning districts, except M-1 and M-2, subject to the following regulations:
 - i) **Location and Setbacks.** Solar energy systems must be located in the rear of the principal building. Solar energy systems must also meet the minimum setbacks of the zoning district.
 - ii) **Height.** The height of the solar energy system and any mounts must not exceed ten (10) feet when oriented at maximum tilt.
 - iii) **Screening.** Evergreen landscaping must be provided to screen the racking and framing below the panels from view on all sides.
 - iv) **Power Lines.** All power lines between solar panels and inverters must be placed underground.
- C) **Performance Guarantee.** All applications for a solar energy system must be accompanied by a performance guarantee sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.
- D) **Insurance.** The applicant must submit proof of sufficient property damage and liability insurance.
- E) **Utility Connection.** The applicant must submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned solar energy system and that such connection has been approved. Off-grid systems are exempt from this requirement.

(2) Wind Energy.

- A) **Districts Permitted.**
 - i) **Roof-Mounted Small Wind Energy Systems** are permitted by right in all zoning districts, provided that the system does not fall within the front yard and meets all of the applicable requirements of this Ordinance.
 - ii) **Tower-Mounted Small Wind Energy Systems** shall be treated as a waiver use in the RUF, P-L, and M-L Districts and as a permitted use in the M-1 and M-2 Districts, provided that the system does not fall within the front yard and meets all of the applicable requirements of this Code.
- B) **Minimum Lot Area.**
 - i) **Roof-Mounted Small Wind Energy Systems** will have no minimum lot area.
 - ii) **Tower-Mounted Small Wind Energy Systems** must be located on a lot with a minimum area of one (1) acre.
- C) **Maximum Wind Turbine Height.**
 - i) **Roof-Mounted Small Wind Energy Systems** will have a maximum height of ten (10) feet above the highest point of the roof or ten (10) feet above the maximum height of the zoning district, whichever is lower.
 - ii) **Tower-Mounted Small Wind Energy Systems** will have a maximum height of seventy (70) feet.
- D) **Minimum Setbacks.**
 - i) **Roof-Mounted Small Wind Energy Systems** must adhere to the minimum setbacks of the zoning district.
 - ii) **Tower-Mounted Small Wind Energy Systems** must be set back from all property lines, overhead utility rights-of-way and easements, and other towers a distance equal to or greater than the height of the tower.
- E) **General Standards.** The following requirements are applicable to all wind energy systems:
 - i) **Noise.** A wind energy system must comply with the noise standards set forth in the City's Ordinances.

- ii) **Shadow Flicker.** The application for a wind energy system must include a shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. Wind energy systems must be constructed in locations that minimize the impacts of shadow flicker on residences.
- iii) **Lighting.** No wind energy system will be artificially lighted unless required by the Federal Aviation Administration (FAA).
- iv) **Appearance, Color, and Finish.** The wind energy system must be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit. All wind energy systems will be a single non-reflective, non-obtrusive, matte finished color (white or gray).
- v) **Electrical Wires.** All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires, must be located underground.
- vi) **Compliance with Electrical Code.** Building permit applications for wind energy systems must be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- vii) **Construction Codes, Towers, and Interconnection Standards.** Wind energy systems, including towers, must comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems including towers, must comply with the FAA requirements, and other applicable local and state regulations. A wind energy system connected to the public utility electrical grid must comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- viii) **System Access.** Small wind energy systems must be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least eight (8) feet above grade level.
- ix) **Safety.** A wind energy system must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers must have lightning protection. If a tower is supported by guy wires, the wires must be clearly visible to a height of at least six (6) feet above the guy wire anchors.
- x) **Minimum Ground Clearance.** The lowest extension of any blade or other exposed moving component of a tower mounted wind energy system must be at least twenty (20) feet above the surrounding grade at its highest point within twenty (20) feet of the base of the tower and at least twenty (20) feet above any outdoor surface intended for human use, such as balconies or roof gardens, that are located below the wind energy system.
- xi) **Roof-Mounted Small Wind Energy Systems.** Roof-mounted small wind energy systems must be limited to roof mounting and must not be mounted on any other building wall or surface.
- xii) **Performance Guarantee.** All applications for a small wind energy system must be accompanied by a performance guarantee in an amount sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.
- xiii) **Insurance.** The applicant must submit proof of sufficient property damage and liability insurance.
- xiv) **Utility Connection.** The applicant must submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned wind energy generator and that such connection has been approved. Off-grid systems are exempt from this requirement.

Section 5.26 Encroachments and Exempt Structures.

(1) Permitted Yard Encroachments.

- A) **Open Decks, Stairways, Porches, Paved Terraces, and Patios in the Front Yard Setback.** Open decks, stairways, porches, paved terraces, and patios which are at or below the finished first floor level of the building may encroach up to six (6) feet into the required front yard setback area on any lot, provided that in no case may any paved terrace, patio, deck, or other similar structure be located closer than 25 feet from a regulated wetland(s) or a detention pond or non-regulated wetland as shown on an approved site plan. Open decks, stairways, porches, paved terraces, and patios that encroach into the required front yard setback area may have a required railing and be covered with a roof that is no higher than the first story and does not encroach more than 6 feet into the front yard setback area. Any deck, terrace or patio that encroaches into the front yard setback must remain open and shall not be enclosed.
- B) **Open Decks, Paved Terraces, and Patios in the Rear Yard Setback.** Open decks, stairways, porches, paved terraces and patios which have no roof or other projections above any required railing and which are at or below the finished first floor level of the building may encroach up to ten (10) feet into the required rear yard setback area on any lot, provided that in no case may any paved terrace, patio, deck, or other similar structure be located closer than 25 feet from a regulated wetland(s) or a detention pond or non-regulated wetland as shown on an approved site plan.
- C) **Chimneys, Fireplaces, Eaves, Overhangs, and Cornices in the Side, Rear and Front Yard Setbacks.** Chimneys, fireplaces, eaves, overhangs, and cornices may encroach up to twenty-four (24) inches into the required side, rear or front yard setback area on any lot, provided that in the case of a side yard, a minimum setback of four (4) feet shall be maintained.
- ~~C)D)~~ **Landscaping, Garden, and Retaining Walls.** Landscaping, garden, and retaining walls raised three (3) feet or less above the finished grade may be located in a yard setback.
- ~~D)E)~~ **Walls, Fences, and Other Protective Barriers.** Walls, fences, and other protective barriers may be located in a yard setback pursuant to Chapter 44 of Title 15 of the Livonia Code of Ordinances.
- ~~E)F)~~ **Swimming Pools.** Swimming pools may be located in required yard setback subject to the requirements in [Section 4.48](#).
- ~~F)G)~~ **Public Use.** The City Planning Commission may recommend and the City Council approve the erection and use of a building or an addition to an existing building which is publicly owned or owned by a public service corporation to be used for a public use or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public building or a public utility building, structure or use, provided the City Council shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service; and, provided further, that such building, structure or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 5.27 Subdivision and Site Condominiums.

No portion of any site condominium may be sold or offered for sale, nor shall a permit be issued for construction of same in the City of Livonia unless the master deed for such site condominium has been approved by the City Council upon review and submission of findings by the City Planning Commission, which master deed shall include as attachments thereto bylaws and a site plan that complies with the requirements of [Section 3.02](#) and the Subdivision Control Ordinance, Title 16, Chapters 16.04-16.40 of the Livonia Code of Ordinances, and shall pay the filing fees set forth therein.

- (1) Applicability of Subdivision Improvement Regulations for Site Condominiums.** Sewer, water, storm drainage, other utility services and streets and roads for site condominium projects shall conform to design, layout, and improvement standards as provided in the City of Livonia Subdivision Control Ordinance. The plat review and approval process required by the Subdivision Control Ordinance and Subdivision Rules and Regulations shall not apply to site condominiums.
- (2) Utilities.**

 - A) The Master Deed shall grant utility easements or the right of access to utility easements to the City of Livonia as may be required to construct, operate, inspect, maintain, repair, alter, replace, and/or remove pipelines, mains, and other installations of a similar character for the purpose of providing public utilities.
 - B) The Master Deed shall require that any stormwater detention pond(s) or underground stormwater detention facilities installed in connection with development of the site condominium shall be located in private parks, outlots, or general common areas and shall not be installed on limited common areas or any portion of any unit offered for sale. This requirement may be waived or modified, if Council finds that compliance with same would be unduly onerous, by a resolution in which two-thirds (2/3) of the City Council concur. To prevent an inadvertent waiver or modification of the prohibition on detention ponds in limited common areas and units offered for sale, such resolution must be separate from the resolution approving the Master Deed.
- (3) Master Deed.** The site condominium developer shall furnish a copy of the Master Deed as approved by the City Council, including bylaws and site plans, to the City Assessor and to the Inspection Department.
- (4) Bonds required.**

 - A) For any site condominium or other project which requires the approval of the City Council pursuant to this Zoning Ordinance, as amended the City Council may require the posting of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City covering the estimated cost of completing any or all of the following (the "improvements"):

 - i) roadways
 - ii) lighting
 - iii) utilities
 - iv) sidewalks
 - v) screening
 - vi) drainage
 - vii) such other features and actions which are considered necessary by the City Council to protect the health, safety, and welfare, of residents of the city, subject to the limitations of Section 125.584e of the Michigan Compiled Laws.
 - B) Any such performance guarantee shall be deposited with the City Clerk, at the time of the issuance of the permit authorizing the activity or project, to insure faithful completion of the improvements. Any cash deposits made to assure completion of an improvement shall be rebated at such time as completion of the improvement is attested by the City Engineer and Department of Inspection.
 - C) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control act, being Act No. 288 of the Public Acts of 1967, as amended, section 560.101 to 560.293 of the Michigan Compiled Laws.
- (5) Completion.** The proprietor shall be responsible for completing all common elements as shown on the approved site plan.

Section 5.28 Industrial Parks

- (1) Setback Requirements.** When an industrial building is hereafter erected fronting on an internal road within an Industrial Park, the front yard shall be at least sixty (60) feet in depth as measured from the centerline of the publicly dedicated street.
- (2) Maximum Ground Coverage by Principal Structure.** In an Industrial Park located in this district, no more than fifty percent (50%) of the total lot area shall be occupied by the principal structure.
- (3) Landscaping Requirements.** Any portion of the lot area not used for structures, driveways, parking areas, and sidewalks, shall be landscaped and maintained.
- (4) Driveways and Parking Areas.** All driveways and parking areas shall be surfaced with concrete or plant-mixed bituminous material within two (2) years from the date that the Certificate of Occupancy is issued by the Bureau of Inspection.
- (5) Off-Street Parking Requirements.** Off-street parking facilities shall be provided as hereinafter specified in Article IX of this ordinance, except that no parking of automobiles or other motor vehicles shall be permitted in the front yard setback if such setback is less than eighty-five (85) feet in depth as measured from the centerline of the publicly dedicated internal stree

Article VI.

Environmental Performance Standards

Section 6.01 Sound/Noise.

Sound and noise shall be regulated by Chapter 8.32 of the Livonia Code of Ordinances.

Section 6.02 Odors.

Any use which causes the production of odors or fumes, noxious or otherwise, which are detectable beyond the building, shall not be permitted.

Section 6.03 Waste and Rubbish Facilities.

Waste and rubbish facilities are subject to the Livonia Code of Ordinances Chapters 13.36 and 13.38.

Section 6.04 Soil Removal, Excavation, and Dumping Soil, Sand, Clay, or Gravel.

- (1) **Permit Required.** No person shall remove, excavate, extract, stockpile, or transport or cause to be removed, excavated, extracted, transported, or stockpiled for such removal any soil from any land within the City of Livonia unless and until the bonds and fees required herein have been filed and deposited and a permit therefor obtained from the City. All soil removal and excavation permits where authorized, shall be issued by the Department of Inspection after full compliance by the applicant of all terms and provisions of this section relating thereto.
- (2) **Approval of Commission.** No soil removal permit or permit to stockpile shall hereafter be issued unless and until the City Planning Commission does, by resolution:
 - A) Determine the proposed soil removal and/or excavation operations will not be injurious to the public health, safety and welfare.
 - B) Approves the application for a soil removal permit.
 - C) Authorizes the issuance of a soil removal permit. Such approval shall be nontransferable, and the applicant must obtain from the Department of Inspection a topsoil permit within a thirty (30) day period immediately following the approval.

(3) Application Required. Applications for soil removal and/or excavation permits, verified under oath, shall be filed, in quadruplicate, with the Department of Inspection. Such applications shall be accompanied by and set forth fully the following information:

- A) The full name, address and signature of the applicant; a full and complete legal description of the land on which the soil removal and/or excavation operations are proposed; the names, addresses and signatures of the owner or owners of such land; a detailed description of the nature and extent, including the amount of acreage, of the proposed operations so that the character thereof and the effect upon such land can readily be ascertained; a description of the equipment and vehicles to be used in the proposed operations; the time within which such operations shall be commenced and completed, and an agreement on the part of the applicant and owner, or owners, to fully comply with all the ordinances, rules and regulations of the City of Livonia and all its departments.
- B) A topographical survey dated and certified by a registered engineer or land surveyor showing, in detail, the existing grade elevations, the proposed or finished grade elevation and the contour of the land described in the application. The survey shall also indicate the grade and elevation of all the nearest existing streets; provided that in those cases where the applicant desires to remove soil from land that has been or is being platted and a proposed subdivision has been approved or will be submitted to the City of Livonia, then the applicant shall submit, in addition to the above survey, a plat clearly indicating the grade elevations of the proposed streets in such subdivision.
- C) A license, witnessed and acknowledged as in the case of a deed, granting to the applicant (if the applicant is not the owner), the person or persons executing the corporate surety bond required hereafter and the City of Livonia, severally, the right to enter upon said premises, describing them and granting to the aforesaid the right to fill and grade such premises, and restore the same and bring it to the normal building grade as established from the nearest existing or proposed street as the case may be.
- D) The Department of Inspection shall forward a copy of such application and topographical survey to the Police Department, the Engineering Division and the City Planning Commission.
 - i) The Police Department shall examine the application to determine whether or not the proposed operations will interfere with the enforcement and administration of traffic laws. The recommendation of the Police Department shall be transmitted to the City Planning Commission.
 - ii) The Engineering Division shall examine and investigate the application and topographical survey to determine the existing grade elevation of the property described in same. The City Engineer shall recommend approval of the application only if it appears from his or her examination and investigation that no soil will be removed below the normal building grade as established by the City Engineer from the nearest existing or proposed streets, as the case may be. The recommendation of the Engineering Division shall be transmitted to the City Planning Commission.
 - iii) The City Planning Commission shall examine the application and topographical survey, together with the above recommendations. The Commission shall not approve any application to remove soil below the normal building grade as established from the nearest existing or proposed street; similarly, no application shall be approved where the proposed operations, in the opinion of the Commission, would result in land becoming unwholesome, unhealthy, offensive, filthy or otherwise obnoxious. If, in the opinion of the Commission, there is sufficient soil available above the normal building grade and the proposed operations will not endanger the public health, safety and welfare, then the Commission may approve the application. The approval shall be by resolution; such resolution shall also authorize the issuance of a soil removal permit subject to any restriction or condition which the Commission may specify in approving the application and upon the payment of the permit fee and filing of the bond hereinafter provided.

(4) Regulations, Fee, Bonds.

- A) Where an application requests permission to remove soil from land that has been platted and approved for subdividing by the City of Livonia, the grade elevation of the streets in the proposed subdivision may be used as a basis for determining the normal building grade. The applicant is herein required to present substantial evidence of the grade elevation of such proposed streets.
- B) Notwithstanding any of the provisions of this section, no soil shall be removed below the normal building grade as established from the nearest existing or proposed street, by the Engineering Division. No soil shall be removed in such manner as to cause water to collect or as to result in a menace or danger to the public health, safety and welfare. No soil shall be removed in such manner as to leave the surface of the land below such established grade or unfit for the growing of turf and other land uses permitted in the district in which such removal occurs. The Engineering Division at any time may fully inspect or examine land from which it is proposed to remove or excavate soil, for the purpose of making any determination as to grades or otherwise. The holder of a permit shall, during such removal, provide for drainage in such manner as may be approved by the Engineering Division of the Department of Public Works.
- C) The fee for such permit is hereby fixed at One Hundred Dollars (\$100.00). No permit shall be transferable. Such permit shall specify the period for which it is granted, which shall in no case be longer than one (1) year from the date of issuance. A permit may be revoked by the Department of Inspection whenever the holder of such permit has violated any of the provisions of the ordinances, rules, and regulations of the City of Livonia or whenever the exercise of the rights granted by such permit have caused or is reasonably likely to cause a menace or danger to the public health, safety or welfare.
- D) No permit shall be issued until the applicant and owner or owners have filed with the City a cash bond guaranteeing and a corporate surety bond, conditioned on the full performance by the holder of the permit of all the provisions of this section, due compliance with the laws of the State and ordinances of the City of Livonia and payment of any and all claims of the City of Livonia and/or any person or persons arising out of any operation under or use of such permit, or any violation of said laws or ordinances; such bonds shall also be specifically conditioned upon the holder of the permit, at all times, maintaining the premises upon which the removal of soil or excavating is being performed, in a safe and proper condition, and that said permitholder will, upon completion of such operation, leave or restore the said land to normal building grade level (as established by the Department of Public Works), remove and abate all offensive conditions, all unhealthy, unwholesome, obnoxious, filthy and unsanitary conditions, drain stagnant water existing and resulting from such removal of soil or excavating. The City Planning Commission shall fix the amount of the bonds to be deposited by the applicant. The bonds shall be in an amount estimated as sufficient to fill and grade the land on which such operations are to be undertaken to the normal building grades as established by the Engineering Division of the Department of Public Works. The Commission shall fix the amount of the corporate surety bond to be filed and the applicant shall deposit in addition thereto a cash bond in an amount equal to ten (10) per cent of the surety bond. Such bonds shall be for an indefinite period until released and discharged, after recommendation of the Engineering Division and Department of Inspection, by resolution of the City Planning Commission adopted at a regular meeting of that body. The bonds shall be in such form as may be approved by the City Attorney.

- (5) Exceptions.** This section shall apply only to the removal of soil for commercial purposes and shall not apply to the moving, grading or leveling of soil within a parcel of land for reasonably immediate use upon such parcel of land, nor shall this section apply to such removal of soil as the Department of Inspection may determine to be reasonably necessary in the construction of basements, foundations, footings, driveways, underground utilities and parking areas, nor shall this section apply to the removal of grass sod grown for commercial purposes where the Department of Public Works determines that such removal will not cause water to collect, result in poor drainage conditions or constitute a menace to public health and safety; provided, however, that a determination that this section does or does not apply in the above instance shall always be made in writing by the Department of Inspection on written application of any person desiring to remove sod.

- (6) **Excavations and Holes.** The construction, maintenance, or existence within the City of Livonia of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, that this section shall not prevent construction of excavations under a permit issued pursuant to this Ordinance or the Building Code Ordinances of the City of Livonia where such excavations are properly protected and warning signs posted in such manner as may be approved by the Department of Inspection; and, provided further, that this section shall not apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, County of Wayne, City of Livonia, or other governmental agency.
- (7) **Dumping of Soil, Sand, Clay or Gravel.** The dumping of any soil, sand, clay, or gravel on any parcel of land within the City of Livonia is hereby prohibited, except where, within six (6) months following such dumping, such parcel of land is graded in such manner as to prevent the collection of water, to provide proper drainage and to leave the ground surface fit for the growing of turf and other land uses permitted in the district; provided, however, that no soil, sand, clay, gravel, trash, rubbish, or waste material shall be dumped on the spillways or flood plains of any natural streams or water courses, or on any area between the lower and upper banks of such streams or water courses, except on recommendation of the City Planning Commission and approval of the City Council after a public hearing and on a satisfactory showing that such dumping will not result in damage to other property within the City of Livonia and will not be injurious to the public health, safety, and welfare.

Section 6.05 Performance Standards for Industrial Uses.

All uses permitted in either ML, M-1, or M-2 Districts shall comply with the following table of standards:

- (1) **Automatic Screw Machines.** Where permitted in a district shall only be operated with noise silencers and only when located more than two hundred (200) feet from any residential zoned district.
- (2) **Stamping Machines, Punch Presses, and Press Brakes.** When permitted in a district, no such machine shall be loaded beyond the capacity prescribed by the manufacturer. No such machine shall be operated less than two hundred (200) feet from any residential zoned district.
- (3) **Hot Forgings, Steam, or Board Hammers.** No such machine shall be operated except in an M-2 District located more than one thousand (1,000) feet from any residential zoned district and when operations are located entirely within a masonry building on a suitably reinforced concrete mat or to solid rock and mounted on shock absorbers that reduce vibrations to a reasonable minimum.
- (4) **Sound Level Limitations.** Noise decibels, as measured at the street or property line shall not exceed sixty-five (65) decibels in an ML District; seventy (70) decibels in an M-1 District; and seventy-five (75) decibels in an M-2 District. All noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- (5) **Smoke, Dust, Dirt, and Fly Ash.** Shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty (50) per cent excess air and shall not be so unclean, destructive, unhealthful, or hazardous as to be detrimental to the public health, safety, or welfare nor shall visibility be impaired by the emission of a haze which unduly impedes vision within apparent opaqueness equivalent to No. 1 of the Ringlemann Chart.
- (6) **Glare and Heat.** Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

(7) Sewage Wastes.

- A) No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
- B) Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of pH 5.0 to 10.0.
- C) Wastes shall contain no Cyanides nor Halogens and shall contain no more than 10 parts per million (ppm) of the following gases: hydrogen sulfide, sulfur dioxide, and nitrous oxide.
- D) Wastes shall not contain any insoluble substances in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, nor have a dimension greater than one-half (1/2) inch.
- E) Wastes shall not have a chlorine demand greater than 15 ppm.
- F) Wastes shall not contain phenols in excess of .005 ppm.
- G) Wastes shall not contain any grease or oil or any oily substance in excess of 100 ppm or exceed a daily average of 25 ppm.

(8) Radioactive Materials. Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, or as amended from time to time.

Section 6.06 Special Flood Hazard Areas.

(1) Application of Article. All land lying within the Special Flood Hazard Area is subject to the regulations of this district in addition to the regulations otherwise established by the City of Livonia Zoning Map. The boundaries of the Special Flood Hazard Area shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "The Flood Insurance Study, City of Livonia, Michigan," dated September 30, 2008, with accompanying Flood Insurance Rate Maps, effective February 2, 2012. The aforesaid Study and Maps are made part of this Article by reference, copies of which shall be maintained on file for public examination in the City Planning Department and the City Engineering Division.

(2) Permitted Uses. Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted, or structurally altered, and no land and/or structure shall be used in a Special Flood Hazard Area, except for one (1) or more of the following uses:

- A) Gardening, horticulture, open recreational uses, such as parks, playgrounds, playfields, athletic fields, golf courses, bridle trails, and nature paths.
- B) In the area above the Special Flood Hazard Area, uses permitted by the zoning district otherwise established for the lot, subject to regulations of such districts; provided, however, that the elevation of the lowest floor designed or intended for human habitation (including basement) shall be elevated to or above the elevation of the nearest point of the Special Flood Hazard Area Level unless an exception is granted pursuant to Chapter 15.36 of the Livonia Code of Ordinances.
- C) In the area below the Special Flood Hazard Area Level, land may be used to supply open space or lot area requirements of a lot partially located beyond; provided, however, that no building or structure shall be located below the Special Flood Hazard Area Level except in conformance with Chapter 15.36 of the Livonia Code of Ordinances.

(3) Accessory Uses.

- A) In the area above the Special Flood Hazard Area Level, accessory uses shall be regulated by the provisions of the zoning district within which such lot is otherwise located.

- B) In the area below the Special Flood Hazard Area Level, off-street parking is permitted as a use accessory to a principal use beyond the Special Flood Hazard Area Level on the same lot. However, no building, structure, fence, or equipment other than boundary monuments is permitted below the Special Flood Hazard Area Level as an accessory use.

(4) Dumping Prohibited; Exceptions.

- A) In the area below the Special Flood Hazard Area Level, dumping or backfilling with any material in any manner is prohibited, unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved.
- B) In the area below the Special Flood Hazard Area Level, dumping or backfilling with any material in any manner is prohibited, unless no significantly measurable reduction in flow or impoundment capacity of the flood plain would thereby be caused; and further, that approval or a letter of no authority has been issued from the Michigan Department of Environment, Great Lakes and Energy under the authority of the floodplain regulatory provisions of Part 31 of Act 451 of 1994.
- C) Below the Special Flood Hazard Area Level, the construction or location of bridges, outdoor play equipment, bleachers, and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.
- D) The foregoing exceptions shall be permitted only upon review by the City Planning Commission at a public hearing and on a showing that the above requirements are satisfied, and submission of findings to and approval by the City Council. To the extent applicable, the provisions set forth in [Section 11.13](#) of this Ordinance shall be complied with.

Section 6.07 Outdoor Toilets.

No permanent building within the City of Livonia shall hereafter be erected, altered, or used for an outside toilet of any type unless approved lavatory facilities are installed and connected to a public sewer. This Section shall not be construed to prohibit temporary toilets on construction sites during period of construction or for temporary public gatherings.

Article VII.

Parking, Loading, and Access Management

Section 7.01 Applicability.

The parking requirements of this Code must be met when one (1) or more of the following takes place.

- (1) Any new building or structure.
- (2) Commencement of use of any land.
- (3) Any alterations to a building or structure which would require additional parking.
- (4) Any alteration to the use of any building or structure or use of land which would require additional parking.

Section 7.02 Access Management.

- (1) **Standards for the Number of Nonresidential Driveways.** Access shall be provided for each site. Where feasible, access may be provided via a shared access driveway. Where it is not possible to provide shared access, access may be provided by a single driveway. One (1) additional driveway may be allowed for properties with a continuous frontage of over five hundred (500) feet and one (1) additional driveway for each additional two hundred fifty (250) feet of frontage. Uses requiring more than one driveway, detailed elsewhere in this Ordinance, are subject to those specific standards and the standard above will not apply. The City Council may determine additional driveways are justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.
- (2) **Minimum Width.** Each ingress and/or egress driveway must have a minimum width of twenty (20) lineal feet and must be so designed so as to provide adequate turning and maneuvering for emergency and service vehicles.

(3) Driveway Spacing Standards.

- A) **Between Driveways.** The minimum spacing between two (2) nonresidential driveways on the same side of the road shall be based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline. For sites with insufficient road frontage to meet the driveway spacing standards below, the City Council may modify the spacing requirements.

Posted Speed Limit (Mile Per Hour)	Minimum Driveway Spacing (Feet)
30	155
35	185
40	225
45+	300

- B) **Spacing from Intersections.** Minimum spacing requirements between a proposed nonresidential driveway and an intersection must be setback fifty (50) feet from the right of way. The City Council may modify the spacing standards.

- (4) Driveway Distance from Single-Family Residential Zone.** Each entrance and exit to and from any off-street parking lot located in a non-residential district must be at least twenty-five (25) feet from an adjacent residential use.

- (5) Modification of Standards for Special Situations.** During site plan review, the City Council shall have the authority to modify the standards of this Section upon consideration of the following:

- A) The standards of this Section would prevent reasonable access to the site.
- B) Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
- C) Roadway improvements (such as the addition of a traffic signal, center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
- D) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
- E) The proposed location and design are supported by the Michigan Department of Transportation (MDOT) or Wayne County as an acceptable design under the existing site conditions. The City Council may also request the applicant provide a traffic impact study to support the requested access design.
- F) Where there is a change in use or expansion at a site that does not comply with standards of this Ordinance, the City Council shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards of this Ordinance to the extent practical.

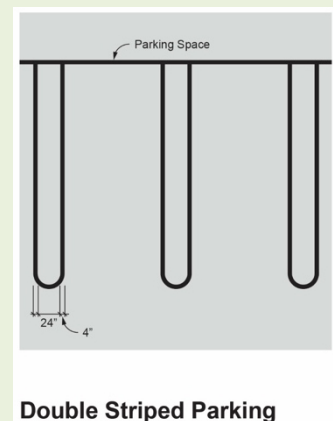
- (6) Traffic Impact Studies.** The City Council may require a traffic impact study (TIS) for all development proposals that it reviews. The TIS shall be accordance with and meet the standards of the City. The TIS shall be submitted by the developer or applicant to determine the potential future traffic conditions on adjacent roadways once a proposed development is finished. TIS shall predict the peak-hour operational conditions at site driveways and road intersections affected by the development. The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards as published by the Southeast Michigan Council of Governments (SEMCOG) and MDOT in the handbook titled Evaluating Traffic Impact Studies and shall be found acceptable by the City Council prior to being used.

Section 7.03 Off-Street Parking Requirements.

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.

- (1) **Non-Residential.** Off-street parking for nonresidential uses 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 public entrance to the building to the nearest point of the off-street parking lot, except as may be provided for by this Ordinance.
- (2) **Off-Street Parking.** Off-street parking facilities for one- or two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve. The location of required off-street parking facilities for other than one- and two-family dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building. Such facilities for multiple dwelling, commercial and professional uses, in order to ensure their use as a parking area for the building they are intended to serve, shall be located in a convenient and conspicuous position with reference to such building. For this purpose, the area to the rear of the building shall be considered as satisfying this requirement only when the building is to have a heavily used public entrance in the rear.
- (3) **Existing Parking.** 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 in size to an amount less than hereinafter required for a similar new building or new use.
- (4) **Parking Deferment.** Where the property owner can demonstrate or the City Council finds that the required number of parking spaces is excessive and the proposed parking will meet the demand for the proposed use, the City Council may, as a condition of site plan approval, permit up to twenty-five (25) percent of the total number of required parking spaces to be reserved for future consideration (i.e., “banked”), subject to the following:
 - A) The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow or parking on and/or adjacent to the site.
 - B) That a reserved area be shown on the site plan of sufficient size to meet the parking space, circulation, and maneuvering requirements of this Article, including dimensions and dotted parking lot layout. The reserved area shall be retained as open space. The reserved area designated as deferred parking shall be on the same lot as the principal use.
 - C) The reserved area shall not be within a required parking setback, landscape area, or greenbelt.
 - D) A written legal agreement, provided by the applicant, which has been approved by the City attorney, shall include provisions to construct the deferred parking and the agreement shall be referenced on the site plan.
 - E) The applicant shall agree in writing to install such “banked” parking within 180 days of a City Council resolution in which it is determined that such additional parking is needed.
 - F) The Department of Inspection may require posting of a performance guarantee to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary.

- (5) **Maximum Parking Allowable.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of [Section 7.05](#) by greater than twenty percent (20%) is prohibited, except as approved by the City Council. In its request for additional parking spaces, the applicant must submit a parking study to the City Council demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the City Council shall also consult the most recent edition of Parking Generation, published by the Institute of Traffic Engineers (ITE), or another acceptable standard.
- (6) **Minimum Parking Required.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the schedule contained in [Section 7.05](#) herein; however, the City Council may modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based on the level of current or future employment and/or level of current or future customer traffic. In determining whether to permit fewer parking spaces, the City Council shall consult the most recent edition of Parking Generation, published by the Institute of Traffic Engineers (ITE), or another acceptable standard.
- (7) **Snow Storage.** An area equivalent to ten percent (10%) of the required parking stall area must be provided for snow storage. The snow storage area must be landscaped and if the parking lot is bounded by a fence, the snow storage area must be located on the parking lot side of that fence. The snow storage area may be located in a landscape area required in [Article VIII](#) or in a storm water management area, subject to approval by the City.
- (8) **Carports and Garages.** Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be at least partially screened on any side facing a public or internal street or drive unless the side is used for entrance and exit.
- (9) **Changes in Use.** Should the use of the land or building change, the parking shall be provided based on the new use(s). For example, purposes only, should an approved elderly housing facility for independent or dependent living are converted to general occupancy, the parking shall be provided based on the requirements for multiple-family dwellings.
- (10) **Parking Measurement Standard.** When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- (11) **Parking Calculation Standard – Floor Area.** For the purpose of this Ordinance, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients or as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.
- (12) **Parking Standard – Employee Based.** For the purpose of computing the number of parking spaces required based on the number of employees, the parking shall be calculated based on the number of employees likely to be on the premise during the peak shift.
- (13) **Double Striping.** All parking spaces shall be clearly marked by the use of double striping. Except for parallel parking, all parking spaces shall be clearly striped with four (4) inch wide double lines, twenty-four (24) inches apart, to facilitate movement and to help maintain an orderly parking arrangement. See image below.



- (14) **Required Parking for Uses Not Provided.** In the case of a use not specifically provided for herein, the City Council shall determine the off-street parking requirements for such use based on the most recent edition of Parking Generation, published by the Institute of Traffic Engineers (ITE), or another acceptable standard applicable for that use or a similar use.

Section 7.04 Off-Street Parking Space Layout Standards.

Whenever the building of an off-street parking facility is required, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (1) **Dimensional Layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Angle (In Degrees)	Min. Stall Length	Min. Stall Width	Min. Maneuvering Lane Width	
			One-way	Two-way
0 (parallel)	20 feet	10 feet	12 feet	-
30-53	20 feet	10 feet	15 feet	-
54-74	20 feet	10 feet	18 feet	-
75-90	20 feet	10 feet	12 feet	24 feet

- (2) **Shorter Parking Stall Length.** The requirements for parking stall length may be reduced by two (2) feet where 90-degree parking abuts a sidewalk, other pavement, or sodded area at the front of the stalls provided such pavement or sidewalk measures a minimum of eight (8) feet in width, or at least two (2) additional feet of landscaped area are provided. This is to account for the vehicle overhang.
- (3) **Maneuvering Lane Access.** All spaces must be provided adequate access by means of maneuvering lanes. Backing directly onto a street or requiring the use of a street for a maneuvering lane is prohibited. Parking spaces must be clearly identified and marked with durable striping to distinguish the boundaries of the maneuvering lane and parking stalls.
- (4) **Modifications.** Where site constraints limit the ability to meet the requirements of this Section, the City Council may approve deficient modifications to the parking space and maneuvering lane dimensions as part of Site Plan Review, except in no case shall parking stalls be less than nine (9) feet in width or eighteen (18) feet in length. For general and professional office centers that contain a minimum gross floor area of 15,000 square feet, the City Council may, upon the review and approval of a site plan by the City Planning Commission, allow up to ninety (90) percent of the required off-street parking spaces (exclusive of the required number of handicap parking spaces) to be nine (9) feet in width and one-hundred eighty (180) square feet in area. Such spaces shall be used primarily by the employees of the office center and shall be referred to in this ordinance as "designated employee parking spaces." In order to provide an adequate number of visitor and customer spaces for such office centers, no less than ten (10) percent of the total number of required parking spaces (exclusive of the required number of handicap parking spaces) shall be ten (10) feet in width and two hundred (200) square feet in area and shall be clearly marked and situated in close proximity to the building entrance(s).

Section 7.05 Minimum Number of Parking Spaces Required.

USE	PARKING REQUIRED
AGRICULTURAL USES	
Gardening and tree nurseries	One (1) parking space for each 500 sq. ft. of retail space
Nurseries, including sale of garden supplies	One (1) parking space for each 500 sq. ft. of retail space
RESIDENTIAL USES	
Accessory residential use for apartments	One (1) parking space per additional dwelling unit.
Bed and breakfast establishments	One (1) parking space per bedroom.
Boarding, rooming and lodging houses or tourist homes	One (1) parking space for each one (1) guest bedroom.
Condominium multiple dwellings	Two (2) parking spaces for each unit with one (1) and two (2) bedrooms and two and one-half (2½) spaces for each unit with three (3) or more bedrooms.
Family child care home	One (1) parking space per 250 sq. ft. of floor area.
Home occupations	Two (2) parking spaces
Housing for the elderly	One (1) parking space for each bed, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee including nurses.
Multiple dwellings and apartment houses	Two (2) parking spaces for each unit with one (1) and two (2) bedrooms and two and one-half (2½) spaces for each unit with three (3) or more bedrooms.
One-family dwellings	Two (2) parking spaces for each dwelling unit.
Residential homes for mentally or physically handicapped persons	One (1) parking space per bedroom.
Two family dwellings	Two (2) parking spaces for each dwelling unit.
MEDICAL USES	
Blood and plasma donation centers	One (1) parking space per two hundred (200) square feet of gross floor area and one (1) per employee on peak shift.
Hospitals	One (1) parking space per two (2) beds plus two (2) parking spaces per three (3) employees on the largest working shift.
Kidney transfusion centers	One (1) parking space per two hundred (200) square feet of gross floor area and one (1) parking space per employee on peak shift.
Medicine, osteopathy and dentistry (excluding veterinary clinics)	One (1) parking space for each one hundred ten (110) square feet of floor area.
Optometry and chiropractic	One (1) parking space for each one hundred ten (110) square feet of floor area.
Orthopedic and medical supply stores, but not including assembly or manufacture of such articles	One (1) parking space for each two hundred fifty (250) square feet of floor area.
Physical therapy and health services (not including massage establishments and public baths)	One (1) parking space for each one hundred fifty (150) square feet of floor area.
Psychology and podiatry	One (1) parking space for each two hundred (200) square feet of floor area.
Veterinary clinics, animal clinics and animal hospitals	One (1) parking space for each two hundred (200) square feet of floor area.
PUBLIC & QUASI-PUBLIC USES	
Clubs, lodges, and meeting halls, fraternal and religious	One (1) parking space for every 50 square feet of gross assembly.

USE	PARKING REQUIRED
Cultural service buildings, such as publicly owned museums, art galleries and libraries	One (1) parking space per three hundred thirty-three (333) square feet of floor area.
Educational uses	One (1) parking space for each employee (including teachers and administrators) plus sufficient off-street space for the safe and convenient loading and unloading of students.
Licensed and certified publicly or privately-owned facilities for the detention, incarceration, commitment and/or rehabilitation of adults or minor children and psychiatric hospitals	One (1) parking space for each bed, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee including nurses.
Local and suburban passenger terminals; trucking transportation terminals including maintenance and service facilities	One (1) parking space per 500 sq. ft.
Privately owned and operated recreational uses	Off-street parking facilities shall be provided on the premises to accommodate one third (1/3) of the total member families and/or individual members of the organization.
Radio and television towers and broadcasting studios	One (1) parking space for each employee on the largest working shift.
Religious Institutions	One (1) parking space for each three (3) seats in the main assembly unit.
Schools - music, dance or business	One (1) parking space for each employee (including teachers and administrators) plus sufficient off-street space for the safe and convenient loading and unloading of students.
Schools including, but not limited to dance, music and instrumental, and business/ training	One (1) parking space for each employee (including teachers and administrators) plus sufficient off-street space for the safe and convenient loading and unloading of students.
Universities, colleges, private colleges, including ancillary uses and facilities	One (1) parking space per thirty (30) square feet of classrooms, labs, or other instructional floor area, plus one (1) parking space per two hundred fifty (250) square feet of office or administrative floor area.
COMMERCIAL & RETAIL USES	
Adult businesses	One (1) parking space for each one hundred fifty (150) square feet of floor area.
Ambulance services, local and suburban bus terminal and taxicab terminals	One (1) parking space for each employee on the largest working shift.
Artisan, craftsman, printing and engraving shops other similar uses	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Automobile and light truck (one (1) ton gross vehicle weight) repair	Two (2) parking spaces for each repair bay plus one (1) for each employee.
Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps	At least twenty (20) parking spaces
Bakeries	One (1) parking space per one hundred seventy-five (175) square feet of floor area.
Banks and savings and loans associations	One (1) parking space for each one hundred fifty (150) square feet of floor space, plus one (1) space for each employee computed on the basis of the greatest number of persons to be employed at any one time.
Planned commercial or shopping centers, or buildings (single or multi-unit) for the purpose of retail sales and which contain a GFA of 30,000 square feet or more	One (1) parking space for each two hundred fifty (250) square feet gross leasable area (GLA) not including full service restaurants, plus one (1) parking space for every seventy-five (75) square feet of gross floor area devoted to full service restaurants.

USE	PARKING REQUIRED
Brewer, micro brewer, brewpub, and distilleries	One (1) parking space for each three hundred (300) square feet of floor area.
Catering establishments	One (1) parking space for every 3 persons, based on maximum capacity
Climate controlled, indoor self-storage used to provide temporary storage needs for businesses and other individuals on a self-service basis	One (1) parking space for each one thousand (1,000) square feet of floor space.
Convalescent and nursing homes	One (1) parking space for each three (3) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee including nurses.
Dance halls and ballrooms	One (1) parking space for each fifty (50) square feet of floor area used for dancing or assembly.
Day care nurseries	One (1) parking space per 250 sq. ft. of floor area.
Dog kennels	One (1) parking space per 4 stalls
Drive-in restaurants and restaurants with either drive-thru or drive-up window facilities; including food trucks	One (1) parking space for each one hundred twenty-five (125) square feet of floor area, plus one (1) parking space for each three (3) outside patio seating spaces, plus one (1) parking space for each employee.
Establishments having liquor licenses such as Class C, tavern, and club	One (1) parking space for each three hundred (300) square feet of floor area.
Full-service restaurants with or without outdoor dining areas	One (1) parking space for each two (2) interior seating spaces to be provided within the proposed establishment, plus one (1) parking space for each three (3) outside patio seating spaces, plus one (1) parking space for each employee.
Funeral homes and undertaking establishments	One (1) parking space for each fifty (50) square feet of floor space in the parlors or individual funeral service rooms with a minimum of seventy-five (75) parking spaces.
Garages, repair shops, rustproofing and similar highway services	Two (2) parking spaces for each repair bay plus one (1) for each employee.
Gasoline service station	One (1) parking space for fueling pump
Golf courses but not including miniature golf courses or golf driving ranges	Three (3) parking spaces per hole plus one (1) parking space per three (3) seats of the dining facilities.
General offices	One (1) parking space for each two hundred (200) square feet of floor area.
Hotels	One (1) parking space for each guest room, plus one (1) additional space for each employee.
Indoor recreational uses	One (1) parking space per two hundred (200) square feet of floor area.
Laundry and dry-cleaning establishments	One (1) parking space per two (2) washing and drying machines.
Limited service and carry-out restaurants with or without outdoor dining areas	One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) parking space for each three (3) outside patio seating spaces, plus one (1) parking space for each employee.
Massage establishments	One (1) parking space for each one hundred fifty (150) square feet of floor area.

USE	PARKING REQUIRED
Motels	One (1) parking space for each guest or sleeping room in a tourist home; one (1) parking space for each rental unit in a motel; plus one (1) additional space in each case for the owner or manager and for each employee.
Museums	One (1) parking space per three hundred thirty-three (333) square feet of floor area.
Music, dance, or business academies	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
New and used car lots and showrooms, new or used mobile home sales and automobile rental facilities	One (1) parking space for every two hundred (200) square feet of use area.
Paint shops	One (1) parking space per service stall.
Pawn shops	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Payday lenders	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Personal service establishments	One (1) parking space for each five hundred (500) square feet of floor space.
Photographic studios	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Professional offices	One (1) parking space for each two hundred (200) square feet of floor area.
Retail sales	One (1) parking space for each one hundred fifty (150) square feet of floor space.
S.D.D. and S.D.M. licenses	One (1) parking space for each three hundred (300) square feet of floor area.
Second-hand stores and rummage shops	One (1) parking space for each one hundred fifty (150) square feet of floor space.
Wholesale business uses	One (1) parking space for each five hundred (500) square feet of floor space.
INDUSTRIAL USES	
Bulk storage of refined petroleum products	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment	One (1) parking space for each four hundred (400) square feet of floor space.
Establishments for the distribution of, or the packaging, assembling, secondary processing, alteration or repair	Five (5) parking spaces, plus one (1) per 1,500 square feet of floor area plus one (1) per 350 useable square feet of office, sales or similar space plus one (1) per truck or company vehicle operating from the premises.
Experimental product development and testing including limited manufacturing	Five (5) parking spaces plus one (1) per 250 square feet gross floor area plus one (1) per each employee at peak shift.
Heavy manufacturing and general industrial plants	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Industrial, scientific, or business research development and testing laboratories and offices	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

USE	PARKING REQUIRED
Industrial plants manufacturing, processing or assembling	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
Steel fabricators, truck terminals, truck and trailer rental facilities, and special trade contractors	One (1) parking space per five hundred (500) square feet of use area.
Tool and die shops and pattern making shops	One (1) parking space per five hundred (500) square feet of use area.
Warehouses	One (1) parking space for each employee computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

Section 7.06 Barrier-Free Parking Required.

Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall provide parking spaces for the physically handicapped which shall be located as close as possible to walkways and entrances. All parking lots shall be designed in conformance with Michigan State Act No. 1 of the Public Acts of 1966 as amended, and the Americans with Disabilities Act, as summarized in the Table below.

Total Spaces Required	Barrier-Free Spaces Required
1-25 Spaces	1 Space
25-50	2 Spaces
51-75	3 Spaces
76-100	4 Spaces
101-150	5 Spaces
151-200	6 Spaces
201-300	7 Spaces
301-400	8 Spaces
401-500	9 Spaces
501-1,000	2% of total
Greater than 1,000	20, plus one (1) for each 100 spaces over 1,000

Section 7.07 Parking and Loading for Multiple Uses and Joint Use.

The parking and loading regulations for any premises in multiple usages must be the sum of the minimum requirements for the individual uses on the premises.

In order to meet the minimum amount of required off-street parking spaces for a given use, application must be made to the City Council for the right to engage in the joint use of owned parking spaces. Prior to approving the joint use of parking spaces to meet the minimum amount of required off-street parking for a given use in a given zoning district, the City Council must verify by a preponderance of the evidence that each of the following statements are true:

- (1) The commercial enterprises, industrial establishments, residential uses, places of public assembly, and religious institutions engaged in the joint use of off-street parking spaces are unlikely to have a need for the joint parking spaces at overlapping times.
- (2) The parking spaces designated for joint use comprise less than seventy-five percent (75%) of the applicant's minimum required off-street parking spaces.
- (3) The parking spaces designated for joint use are within five hundred (500) lineal feet of the applicant's most appropriate entrance.

- (4) Written contracts, in the form of cross-access agreements, between the applicant and the owner/operator of the parking spaces approve this joint use.
- (5) There must be adequate pedestrian access provided between the shared parking lot and the associated buildings and uses.

Section 7.08 Off-Street Loading Space.

On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse purposes, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys. Such space shall be provided as follows:

TOTAL FLOOR AREA OF THE BUILDING	OFF-STREET LOADING SPACE REQUIREMENTS
Office Use	
0 - 10,000 square feet	One (1) usable loading space 10 ft. x 25 ft. in area
10,001 - 50,000 square feet	One (1) usable loading spaces 10 ft. x 50 ft. in area
Over 50,000 square feet	Two (2) usable loading spaces 10 ft. x 50 ft. in area
Commercial and Industrial uses	
0 - 1,400 square feet	One (1) usable loading 10 ft. x 25 ft. in area
1,401 - 20,000 square feet	One (1) usable loading space 10 ft. x 50 ft. in area
20,001 - 50,000 square feet	Two (2) usable loading spaces each 10 ft. x 50 ft. in area
Over 50,000 square feet	Three (3) usable loading spaces plus one (1) space for each fifty thousand (50,000) square feet in excess of fifty thousand (50,000) square feet each 10' x 50' in area

- (1) All loading spaces shall be in addition to the off-street parking area access drive and maneuvering lane requirements.
- (2) Off-street loading space shall have a clearance of fourteen (14) feet in height.
- (3) Off-street loading space may be completely enclosed within a building or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view from a public way, the space shall be screened in accordance with [Article VIII](#).
- (4) All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in the exterior side yard when the setback is equal to at least fifty (50) feet.

Section 7.09 Parking structures.

- (1) **Districts Permitted.** Parking structures are subject to the following standards and are treated as a permitted use in the P-L and M-2 Districts and as a waiver use in the C-2, C-3, C-4, ML, M-1, and P Districts.

- (2) **Maximum Height.** The height of any parking structure shall not exceed the maximum height of the district in which it is located.
- (3) **Location.** Parking structures shall not be located in the Front Yard. No parking space within a parking structure may be closer to the street than the front face of the principal building.
- (4) **Traffic Circulation.** Traffic circulation shall be designed so that no automobile need enter a public street in order to progress from one aisle to another within the same structure and so that no automobile need enter a public street backwards in order to leave the structure. Clear signs or pavement markings shall be provided to indicate traffic circulation.
- (5) **Screening.** Parking structures shall be designed to screen vehicles and light trespass onto adjacent properties.
- (6) **Architectural Standards.**
 - A) The design of all parking structures should be more than just a rectangular utilitarian box composed of concrete or steel beams and columns. Variation in forms and detail along with high quality facing materials are required where viewable by the general public.
 - B) Exterior elevations shall incorporate design components and materials utilized and compatible with the primary building(s). The incorporation of brick, stone, and precast concrete are preferred choices.
 - C) Floors shall be designed horizontally to support adaptive reuse of the structure.
- (7) **Exemptions.** Parking structures are not required to have interior landscape islands as required in Section 8.03 Section 8.03(2)(Section 8.03(2)B)).

Section 7.10 Surfacing and Drainage.

- (1) **Hard Surfacing.** All parking areas, regardless of size, must be hard surfaced. Pavement type and thickness must be approved by the City Engineer prior to construction, taking into consideration soil conditions and traffic loadings.
- (2) **Storm Water Management.** Storm water runoff created as a result of the improvements to the parking area must be controlled in such a manner so as to reduce and/or eliminate draining onto neighboring properties. To reduce storm water runoff, developers shall consider using permeable, pervious pavements wherever feasible. Improved parking areas may be incorporated into the storm water management plan for the proposed project. Site grading as well as storm water control provisions must be reviewed and approved by the City Engineer prior to site construction.
- (3) **Maintenance.** All off-street parking areas shall be continually maintained in satisfactory condition so as to be safe, attractive, and free of any hazard, nuisance, or other unsafe condition.

Section 7.11 Curb.

Except for those parking areas serving a single- and two-family dwelling unit, concrete curbs, sidewalks, and other items as necessary for the protection of the public and adjoining properties must be provided and maintained around all parking areas, including where parking spaces abut landscaping, property lines, or required setback areas. The City Council may approve an alternative design when opportunity exists to substantially improve the water quality of the site. In all cases where parking lots abut public sidewalks, a concrete curb at least six (6) inches high must be installed so that a motor vehicle cannot be driven or parked within two (2) feet of a public sidewalk.

Section 7.12 Approval.

Plans for the development of any such parking area must be approved by the City Council before construction is started. No such land shall be used for parking purposes until approved by the Department of Inspection.

Section 7.13 Off-Street Parking: Study and Report.

The City Council shall routinely make studies of the various areas in the City of Livonia for the purpose of determining areas within which there is need for the establishment of off-street parking facilities to be provided by the City of Livonia and to be financed wholly or in part by a special assessment district, or by other means, where such need is found. This study and report shall include recommendations on the site, location and other pertinent features of the proposed off-street parking facilities and the area they should be intended to serve. Wherever, pursuant to such recommendations, the City Council shall establish off-street parking facilities by means of a special assessment district or by any other means, it may also determine, upon completion and acceptance of such off-street parking facilities by the City, all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district, or districts which shall be exempt from the requirements of this section for privately supplied off-street parking facilities.

Section 7.14 Illegal Parking of Motor Vehicles; Tickets; Towing of Motor Vehicles.

- (1) It shall be unlawful for any motor vehicle which is abandoned, unlicensed, wrecked, inoperative, in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, to be parked on any private property unless the same is completely enclosed within a garage or other suitable building or structure. A vehicle of any type shall not at any time undergo major overhaul, including body work, in any residential district.
- (2) For the purpose of this section, a vehicle of any kind, as described in paragraph (1) of this section, or any unlicensed vehicle, shall be deemed abandoned when it has remained parked, stored, or left or been permitted to be parked, stored, or left on private property for a period of forty-eight (48) continuous hours or more. Provided, however, that this section shall not be applicable where a vehicle is being stored, used, or repaired, in connection with the following designated uses:
 - A) The repair and service facilities of a new and used automobile dealership or a new and used truck dealership when owned and operated in conjunction therewith by the same proprietor and located on the same property.
 - B) Garage, repair shops, and similar highway services.
- (3) The officer authorized to enforce the provisions of this Zoning Ordinance, may in his or her discretion remove, cause to be removed, or tow away under his or her direction, any such motor vehicle which is flagrantly, continuously or persistently violating the provisions of the Zoning Ordinance relating to the parking of motor vehicles on private property. Any such motor vehicle thus removed or towed away shall be taken to the City automobile or motor vehicle pound or to a privately owned garage and kept under the custody or control of the officer or person in charge thereof; provided, however, that any such removal or towing shall be at the risk of the owner of said vehicle, and provided further that the disposition of said vehicle after removal shall be in accordance with the provisions set forth in Sections 10.21.210-10.21.260 of the Livonia Code of Ordinances, as amended, which provisions are made a part hereof and incorporated herein by reference.

- (4) In any prosecution or proceeding under this section, the registration plate displayed on a motor vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked such vehicle at the place where such violation occurred. Whenever the owner or operator of any such motor vehicle is convicted of violating any of the provisions of said Ordinance pertaining to the parking of motor vehicles on private property, such violation shall be deemed to be a misdemeanor and shall be subject to all the penalties set forth in this Zoning Ordinance

Section 7.15 Electric Vehicle (EV) Charging Stations or Ports

- (1) **Accessory Use.** Electric Vehicle (EV) Charging Stations or Ports, when treated as an accessory use, shall be allowed in all zoning districts, subject to the review and approval of the Department of Inspection and the following:
- A) **Size and Signage.**
 - i) **Commercial.** On commercial properties, all above-ground equipment associated with an EV Charging Station or Port shall be limited to a height of eight (8) feet and a width of four (4) feet, including any sign that is a part of or attached to the equipment, which sign shall not exceed two (2) square feet in area; provided, however, that in the case of an EV Charging Station that has a setback of one-hundred (100) feet or more from any public place, including any public right-of-way, the area of the sign shall be a maximum of ten (10) square feet. The use of neon-type or LED lighting around the frame, perimeter or any part of the EV Charging Station is strictly prohibited.
 - ii) **Single-Family.** On single-family lots, any equipment used in connection with an EV Charging Station located in a front or side yard shall be limited to a height of four (4) feet. In a rear yard, all EV Charging equipment shall be limited to a height of six (6) feet.
 - B) **Setbacks and Pedestrian Walkways.**
 - i) **Commercial.** No EV Charging Station shall be located closer than ten (10) feet from any public right-of-way, and no EV Charging Station shall be located within any part of a public right-of-way without the prior written approval of the authority having jurisdiction over the right-of-way. EV Charging Stations shall not encroach upon or inhibit the use of pedestrian walkways.
 - ii) **Single-Family.** EV Charging equipment on single-family lots shall not be located in any required front, side, or rear yard setback.
 - C) **Landscaping and Protection.** On commercial properties, any landscaping that must be removed for the installation of an EV Charging Station shall be replaced in the same general area as where it was removed. Adequate spacing or protection shall be provided around or adjacent to the EV Charging Station, such as steel or concrete-filled bollards.
 - D) **Coverings.** All structural or non-structural canopies, coverings, overhangs or structures designed to fully or partially enclose or protect an EV Charging Station shall comply with the height, area and setback requirements of the zoning district in which the EV Charging Station is located. Such coverings or structures in any commercial zoning district shall first require approval of a site plan pursuant to [Section 11.13\(12\)](#).
 - E) **Residential.** In residential zoning districts, use of EV Charging Stations shall be limited to the owners, occupants or visitors of the property, and there shall be no remuneration or compensation charged for the services.
 - F) **Limitation.** In nonresidential zoning districts, no more than fifteen (15%) percent of the required number of parking spaces shall be dedicated EV Charging Stations unless an exception is granted by the Department of Inspection.

- (2) **Principal Use.** Electric Vehicle (EV) Charging Stations or Ports as a principal use of the property, shall be treated as a waiver use limited to C-2 and C-3 zoning districts and subject to review and submission of findings by the City Planning Commission and approval by the City Council pursuant to [Section 4.26](#).

Section 7.16 Limitation of the Use.

- (1) Parking areas shall be used for parking of private passenger vehicles only.
- (2) Parking may be with or without charge.
- (3) No business involving the repair or services to vehicles permitted thereon or sale, or other storage, or display thereof, shall be conducted from or upon such premises.

Article VIII.

Landscaping and Screening

Section 8.01 Applicability.

The requirements set forth in this Section shall apply to all uses, lots, site, and parcels for which Site Plan Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping and screening consistent with the provisions of this Section. Furthermore, where landscaping and screening is-are required, a Building Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a performance guarantee has been provided.

In cases where the use of an existing building changes or an existing building is altered or re-occupied, all of the standards of this Article shall be met.

The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the City from agreeing to more extensive landscaping.

Section 8.02 Landscape Plan Requirements.

The Landscaping Plan must be drawn at a reasonable scale to indicate all types of proposed landscape improvements at a minimum of one-inch equals thirty feet (1" = 30') and must include at least the following information:

- (1) North arrow and scale;
- (2) Name of the project applicant/owner;
- (3) Name, address and phone number of the person or firm responsible for the preparation of the Landscaping Plan;
- (4) Signed and sealed landscape architect stamp;
- (5) Dates on which the plan was submitted or revised;
- (6) All existing and proposed buildings and other structures, paved areas, planted areas, fencing, walls, water outlets, utility poles, fire hydrants, luminaires, underground utilities, signs, fences, dumpster locations, and other permanent features to be added to or retained on the site;

- (7) All existing plant material to be removed or retained and all proposed additions or changes to landscaping, buffering, and walkways, illustrating existing natural land features including, but not limited to: trees, forest cover, and water resources (Water resources include ponds, lakes, streams, wetlands, flood plains, and drainage ditches and retention areas, rivers, and any other body of water or waterway);
- (8) A schedule of all new landscaping materials to be installed. The plant list must include the common name, specified installation size, and on-center planting dimensions when applicable. When the list of plant material to be removed contains existing trees, the Landscaping Plan must justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities of plant material required shall be referenced on the plan;
- (9) All property lines and easements;
- (10) Details must be shown for the planting of trees, shrubs and ground cover within the buffered or landscaped area;
- (11) Proposed irrigation fixtures shall also be shown, including, but not limited to the location and type of all sprinkler heads, the size of mainline and irrigation piping, the location and size of water meters and all valves, and the location of back flow prevention devices and irrigation controllers;
- (12) Location and description of any and all storm water management or low impact development techniques used in site design (i.e., rain gardens, detention/retention ponds, filter strips, etc.); and
- (13) Any other information which is determined necessary by the Planning Director or City Council for adequate review of the proposal.

Section 8.03 Landscaping Design Requirements.

The following requirements must be satisfied by all projects set forth by Section 8.01 above. The following requirements must be detailed on a Landscaping Plan pursuant to Section 8.02 above. Existing landscaping or natural vegetation, as shown on a Landscaping Plan and that are in satisfactory condition, may be used to meet the standards and satisfy the requirements below in whole or in part, if protected and maintained during the construction phase of the development.

- (1) **Frontage Landscaping.** Where the site abuts a public road right-of-way, the following frontage landscaping shall be provided in the front yard area adjacent to the road right-of-way (see Example of Frontage Landscaping below):

Type of Landscaping	Minimum Required Landscaping
Deciduous or Evergreen Tree	1 per 40 linear feet of road frontage or fraction thereof
Ornamental (Flowering) Tree	1 per 100 linear feet of road frontage or fraction thereof
Shrubs	8 per 40 linear feet of road frontage or fraction thereof

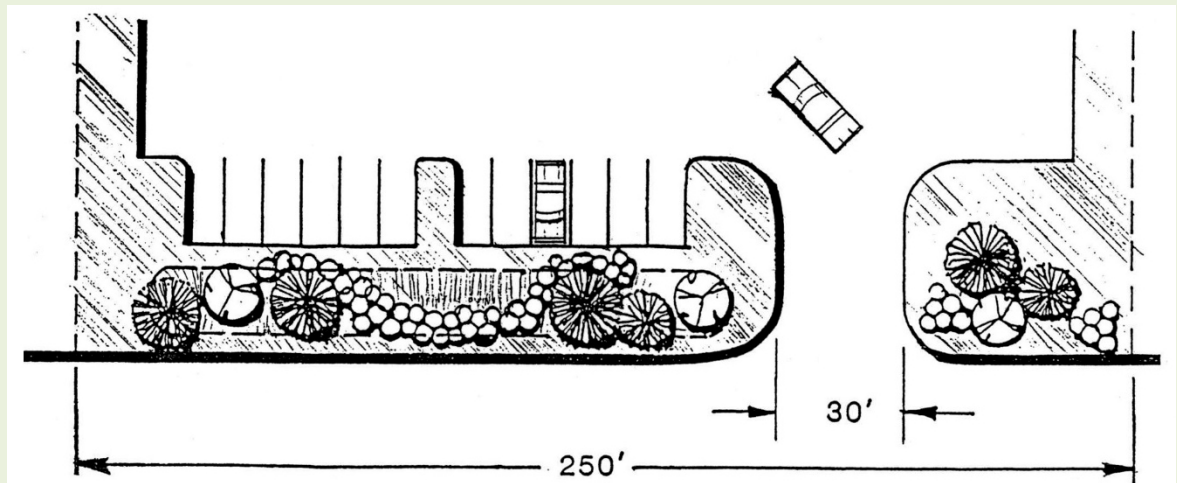
The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the City Council or Planning Director may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

Example of Frontage Landscaping

Length of Road Frontage: 250 linear feet minus 30-foot driveway = 220 feet

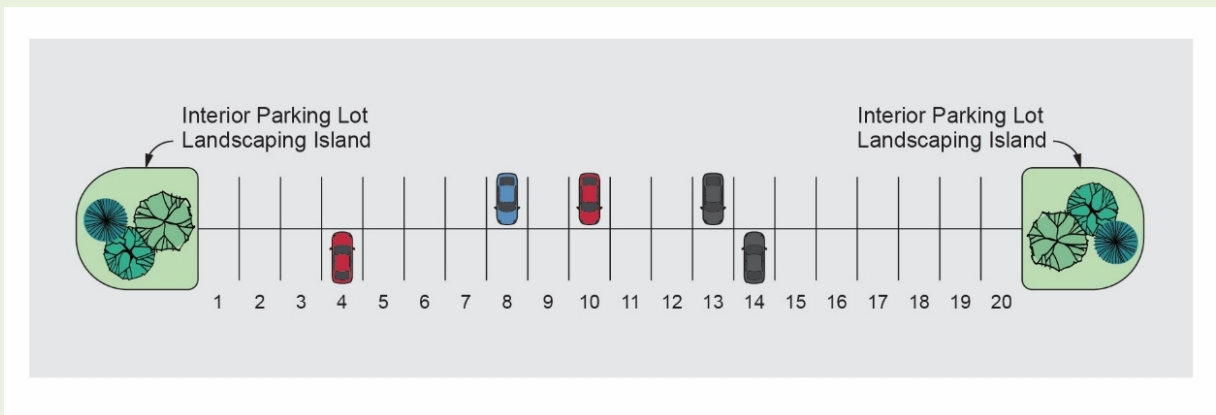
Required Number of Plants

Deciduous or evergreen trees	$220 \text{ ft.}/40 \text{ ft.} = 6$ deciduous or evergreen trees
Ornamental trees	$220 \text{ ft.}/100 \text{ ft.} = 3$ ornamental trees
Shrubs	$(220 \text{ ft.}/40 \text{ ft.}) \times 8 = 48$ shrubs
TOTAL	6 deciduous or evergreen trees, 3 ornamental trees, and 48 shrubs



- (2) **Parking Lot Landscaping.** All parking areas and other paved ground surface areas used for vehicular parking must have perimeter and internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.
- A) **Parking Lot Screening.** Parking lot screening adjacent to a parking lot is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure. Where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area within ten (10) feet of the paved ground surface area with landscaping, a berm, a masonry wall, or a combination of these, as follows:
- Parking Lot Screening Landscaping.** Landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. The landscaping shall be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within three (3) years. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang.
 - Parking Lot Screening Berm.** Berms shall be at least three (3) feet in height (measured above the elevation of the adjacent parking surface) and meet the requirements of [Section 8.03 \(7\)](#).
 - Parking Lot Screening Wall.** Walls shall be at least three (3) feet in height and constructed of the same or compatible material and colors of the principal building in terms of texture and quality.
- B) **Interior Parking Lot Landscaping.** All off-street parking areas of forty (40) parking spaces or more must have internal landscaping.

- i) **Size of Interior Parking Lot Landscaping Areas.** Interior landscaping must account for a minimum of five percent (5%) of all paved parking areas, including parking and loading spaces, driveways, and aisles. Each separate interior landscaped area must be a minimum of three hundred (300) square feet in area and must have a minimum width of ten (10) feet.
- ii) **Minimum Number of Trees.** Each interior landscape area must contain at least one (1) tree. One (1) tree must be planted for each three hundred (300) square feet of interior landscaping.
- iii) **Location of Landscaping.** All required interior parking lot landscaping must be planted within the landscaped islands or in landscaped areas within twenty (20) feet of the perimeter of the parking lot, provided that such landscaping is not also counted toward other landscape or screening requirements.
- iv) **Groundcover.** Interior parking lot landscape areas must include groundcover of grass, perennials, shrubs, and/or hardwood mulch. Rock, stone, or pebbles are not permitted ground cover.
- v) **Protection with Curbing or Wheel Stops.** All interior parking lot landscaping must be protected from vehicular encroachment by six (6) inch high concrete curbing or wheel stops.
- vi) **Maximum Number of Parking Spaces in a Row.** Landscaping islands with or without walkways must be used to subdivide parking areas into parking rows with no more than twenty (20) spaces. See image below.



- vii) **Maintenance.** The internal landscaping must be installed and maintained so that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns, or vision for safety or ingress or egress.

- (3) **Loading Area Landscaping.** All loading areas (including, but not limited to, truck docks, overhead doors, or trailer staging areas) not screened by an intervening building shall be screened from a perpendicular view from any public street rights-of-way or adjacent residential zoning district for the entire length except for necessary access. It is the intent of this Section to screen loading areas and delivery vehicles as completely as practicable. Screening for loading areas may be accomplished by one (1) or a combination of the following:
 - A) An opaque fence or wall which is at least six (6) feet high and is made of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional evergreen planting materials shall be provided so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure.
 - B) Evergreen trees at least eight (8) feet in height and planted in a staggered double row spaced fifteen (15) feet on center. Any plant material used to fulfill these requirements shall meet or exceed the minimum size requirements of [Section 8.04](#) when planted.

- (4) **Display Area Screening.** Screening of display areas may, at the discretion of the City Council, be accomplished by plants, fences, walls or earthen berms, or any combination thereof to meet the requirements of this Section. The City Council must base its discretion on the material being displayed and the visual impact on surrounding areas. The City Council may modify or waive these requirements where outdoor display is integral to the principal use of the property (e.g., Outdoor Vehicle Sales).
- A) The plants, fence, walls, earthen berms, or combination thereof, must provide a buffer no less than three (3) feet in height equal to the length of the display area, exclusive of driveways and sight lines used for safe automobile access and egress. In the case of vehicle or equipment display, the buffer must create a screen.
 - B) Walls which are used shall be of the same or compatible material, in terms of texture and quality, with the material and color of the principal building. Additional planting materials shall be provided so that no more than one half (½) of the surface area of the wall is visible from the street within three (3) years of erection of the structure. Forty percent (40%) of this plant material may be deciduous.
 - C) All shrubs shall comply with the requirements of [Section 8.04](#). Vegetation planted on berms may have a lesser mature height required by the Article provided that the combined height of the berm and the plantings after three (3) years are at least three (3) feet high. Up to forty percent (40%) of all shrubs may be deciduous.
- (5) **Screen Wall and Greenbelt Buffering.** The intent of [this Section greenbelt buffering](#) is to reserve an appropriate area of a lot to screen and buffer the lot and its use(s) based on its zoning district and the zoning district of the adjacent lots, regardless of whether the adjacent lots are developed. A [screen wall and/or greenbelt](#) as specified in the table below shall be provided for all uses requiring Site Plan Review.

Developing Zoning District	Adjacent To			
	N1, N2, and R-U-F Districts	NM1, NM2, and NM3 Districts	C-1, C-2, C-3, and C-4 Districts	ML, M-1, and M-2, and Railroad and Utility rights-of-way
N1, N2, and R-U-F Districts	a	b	b	b
NM1, NM2, and NM3 Districts	b	a	b	b
C-1, C-2, C-3, and C-4 Districts	b	b	a	b
ML, M-1, and M-2 Districts	c	c	cb	a
a) A ten (10) foot wide buffer, with one (1) tree per thirty (30) linear feet. For proposed single-family residential uses, the greenbelt buffering requirements shall apply only to Subdivision and Site Condominium development. b) A six (6) foot high masonry wall or opaque fence and/or A twenty (20) foot wide greenbelt buffer, with one (1) tree per twenty (20) linear feet (minimum of 50% evergreen trees). A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required trees, subject to City Council review and approval. c) A seven (7) foot high masonry wall and/or A sixty (60) foot wide greenbelt buffer, with a staggered double row of evergreen trees spaced fifteen (15) feet apart on a six (6) foot high berm (see Section 8.03 (7)) with a flat horizontal area at the crest to be at least three (3) feet in width, subject to City Council review and approval. The planting must be in a manner where the evergreen trees provide eighty percent (80%) opacity within three (3) years of planting, measured from the top of the berm. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or shrubs must be planted to achieve eighty percent (80%) opacity at the time of their planting. A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required berm and trees.				

- A) **Planting Setback.** Trees and shrubs must not be placed closer than four (4) feet to the fence line or property line. Single family uses are excluded from this requirement.
- B) **City Review.** The City Council or Planning Director may modify the greenbelt buffering to allow less buffering or require additional buffering based on the proposed use's impact on adjacent lots.

- C) **Greenspace Lawn.** The remainder of the greenspace area which is not planted with the aforementioned stock must be kept in lawn or another approved native vegetation. All plant materials must be maintained in a healthy growing condition and in a neat and orderly appearance as required in this Article.
- D) **Existing Buffering.** If an existing wall, fence, or vegetation exists on the site that meets the greenspace buffering standards of this Ordinance, the City Council or Planning Director may accept the existing screening or require only supplemental screening to meet the intent of this Article.
- E) **Circumstances Requiring Construction of a Wall.** City Council, in the review of a site plan or waiver use petition, may require the construction of a masonry wall where it is determined that construction of a wall is needed to adequately buffer a developing district from an adjacent use or district.
- F) **Separation Agreement.** Upon receipt by the Inspection Department of a written agreement for a term of not more than five years, among the owner(s) of property requiring installation of a protective wall or greenbelt and the owner(s) of all abutting residential properties, and proof that a buffer complying with such agreement is in place, the requirements of this section shall be waived during the time such agreement remains in effect. Such an agreement may be renewed, for terms not exceeding five years for each renewal, pursuant to a written agreement of the owners of property described above. Any agreement made pursuant to this paragraph shall be expressly made binding on the parties' successors in title for the duration of the agreement. This paragraph shall only apply where the property requiring the protective wall cannot meet the standards for greenbelts set forth above due to a condition on the property which existed at the time this paragraph (f) was added to this Section.

- (6) **Open Space Landscaping.** All remaining open areas on the site that are not required landscaping areas as described elsewhere in this Article (frontage landscaping, parking lot landscaping, loading and display area landscaping, and greenbelt buffering) shall be planted with one (1) tree per three thousand (3,000) square feet of open area. All open space landscaping areas shall be planted with grass or another suitable vegetative ground cover.
- (7) **Berms.** Where required, earth berms, or landscaped berms must conform to the following standards:
 - A) The berm must be at least constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat area on the top unless a different size is required in this Ordinance.
 - B) The berm must be planted with grass or other suitable ground cover to ensure that it withstands wind, weather, and erosion, and retains its height and shape.
 - C) Unless a specific planting pattern is required by the Ordinance or the City Council, required trees and shrubs may be planted at uniform intervals, at random or in groupings.
 - D) Berm height must be measured as elevation above grade.
- (8) **Garbage, Refuse, and Recycling Collection Areas.** All garbage, refuse, and recycling must be placed within a sealed container that shall be screened utilizing an enclosure that meets the following requirements:
 - A) An enclosure of sufficient height to completely screen the dumpster is required on three (3) sides of the waste receptacle with a solid gate on the fourth side. The height of the enclosure must be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. This requirement specifically supersedes the maximum height requirement of a fence as set forth in Chapter 44 of Title 15 of the Livonia Code of Ordinances, as amended. The enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass and, when not in use, closed at all times.
 - B) The enclosure must be constructed of the same or compatible material and colors of the principal building in terms of texture and quality.

- (9) **Mechanical and Utility Equipment Screening.** All mechanical equipment, utility meters, storage tanks, air conditioning equipment, transformers, or similar equipment, incidental to any building, including roof-mounted equipment must be totally enclosed or screened from view off-site and must be an integral part of the architectural or landscape design of the building and site. This requirement does not apply to equipment serving a single-family unit or duplex.
- (10) **Right-of-Way and Access Easement Landscaping.** In addition to any other landscaping requirements of this Ordinance for public rights-of-way and other access easements, any public right-of-way and access easement areas adjacent to required landscaped areas shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas.

Section 8.04 Standards for Plant Materials.

- (1) **Lawn Areas.** Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- (2) **Recommended Species of Trees, Shrubs, and Perennials.** The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the southeast Michigan region. The following is a list of recommended species and required minimum sizes of plant materials. The City of Livonia may permit other species that are not listed below.

Recommended Plant Type and Minimum Size	Common Name
Evergreen Trees (8 feet minimum height)	Fir, Hemlock, Juniper, Pine, and Spruce
Narrow Evergreens (5 feet minimum height)	Blue Columnar Chinese Juniper, Column Honoki Cypress, Douglas Arborvitae, Pyramidal Red Cedar, Pyramidal White Pine, and Swiss Stone Pine
Deciduous Trees (3-inch minimum caliper)	Beech, Birch, Gingko, Hackberry, Honey Locust (Without Thorns), Hop Hornbeam, Linden, Oak, Planetree (Sycamore), and Sweet Gum
Ornamental Trees (2-inch minimum caliper)	Allegheny Serviceberry, Dogwood, Flowering Crab, Hawthorn, Hornbeam, Magnolia, Redbud, and Rose of Sharon
Deciduous Shrubs (3 feet minimum height)	Dogwood, Euonymus, Forsythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock-Orange, Ninebark, Privet, Spiraea, Sumac, and Viburnum
Evergreen Shrubs (30 inches minimum height)	Holly, Juniper, and Yew
Spreading Shrubs (18 inches minimum height)	Cotoneaster and Creeping Juniper
Perennial Flowers/Groundcover	Black-Eyed Susan, Creeping Juniper, Creeping Phlox, Daylily, Fragrant Sumac, Ornamental Grass, Periwinkle, and Purple Coneflower

- (3) **Prohibited Species.** Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The City Council or Planning Director may prohibit other species that are not listed below.

Latin (scientific name)	Prohibited Species	Description or Characteristic of Plant
Acer negundo	Boxelder Maple	
Catalpa speciosa	Catalpa	

Populus sp.	Poplars	
Salix sp.	Willows	
Ailanthus altissima	Tree of Heaven	
Fraxinus sp.	Ash	Due to Emerald Ash Borer.
Acer sp.	Maples	Should be discouraged due to overuse in landscape.

(4) Minimum Requirements for Plant Material.

- A) All plant material must conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials must be typical of their species or variety, have normal habitat of growth, well-branched, and densely foliated when in leaf.
- B) Plant materials must be chosen according to soil, climatic conditions, and environmental factors for the proposed development, the location of the installation, and its desired function.
- C) Artificial plants are prohibited from satisfying landscape requirements.

Section 8.05 Landscape Installation and Maintenance.

(1) Installation.

- A) **Installation Period.** Whenever planting is required by this Ordinance, it must be planted prior to the issuance of the Certificate of Occupancy. If the weather does not permit the planting, the required planting must take place within six (6) months from the date of issuance of the Certificate of Occupancy.
- B) **Installation Method.** All landscaping must be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:
 - i) **High Quality and Healthy Plant Material.** Plant material must be freshly dug. Plant material must be of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae. Trees must have straight trunks with leaders intact, undamaged and uncut.
 - ii) **Mulching.** Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) must be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials must not be permitted as a ground cover or mulch.
 - iii) **Topsoil.** A minimum of four (4) inches of topsoil must be provided for all lawn areas, ground covers, berms, and planting beds.
 - iv) **Plant Material Required in All Portions of Landscaped Areas.** All portions of the landscaped areas must be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with City Council approval.

- v) **Planting Locations.** Unless a specific planting pattern is required by the Ordinance or the City Council, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, provided they are planted in accordance with the approved plan. Landscaping must be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs.
- vi) **Protection of Existing Vegetation.** Existing vegetation to be preserved must be protected during construction through the use of temporary fencing around the drip line.

(2) Maintenance.

- A) The owner of the property is responsible for the regular maintenance of all plants and must replenish mulch, control weeds, fertilize plants, and prune plants as necessary beginning upon completion of construction of landscaping. All diseased, dead, or damaged plants must be replaced within thirty (30) days, unless the season is not appropriate for planting, in which case such plant material must be replaced at the beginning of the next planting season.
- B) The approved landscape plan must be considered a permanent record and integral part of site plan approval. Unless otherwise approved in accordance with the procedures for amending a site plan, any revisions to or removal of plant materials that are not replaced will cause the parcel to be in nonconformity with the originally approved landscape plan and must be viewed as a violation of this Ordinance.

- (3) Irrigation Required.** All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The City Council or Planning Director may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.

- (4) Snow Storage.** Landscape areas may be used for snow storage, provided they are designed to accommodate the large volumes of snow, planted with salt-tolerant landscape material that can survive in winter conditions, and maintained in accordance with this Article.

Section 8.06 Modifications.

In consideration of the overall design and impact of the landscape plan, the City Council may modify or adjust the requirements outlined in this Article for required landscaping, provided that any such adjustment is keeping with the intent of this Ordinance and more specifically, with the intent of this Article.

Article IX.

Signs

Section 9.01 Applicability.

(1) Sign Standards.

All signs within the City of Livonia shall comply with the General Requirements of [Section 9.04](#). Signs in specific Zoning Districts shall comply with [Section 9.08](#). For prohibited signage refer to [Section 9.05](#) and [Section 9.09](#). For exempt signage refer to [Section 9.06](#).

(2) Existing Signs.

Except as otherwise specifically provided, nothing in this Article requires removal or discontinuance of an existing sign. Existing signs must not be enlarged or extended without meeting the requirements of this Article and obtaining a sign permit. Legally existing signs that do not meet this Article's requirements are labeled nonconforming signs.

(3) Dual Suitability.

Meeting the criteria of one sign type definition does not exclude the sign from meeting another sign definitions' criteria. For example, a blade sign can also meet the definition criteria of a double-faced sign. Therefore, the sign is a double-faced blade sign.

Section 9.02 Intent.

It is not the intent of this Ordinance to have the open spaces and lines of vision created by public rights-of-way used as license for unrestricted advertising through the use of signage, but rather to enhance the physical appearance of the city, preserve scenic and natural beauty of designated areas, make the city a more enjoyable and pleasing community and to create a more attractive economic and business climate by preserving property values. It is intended by the provisions of this Ordinance to reduce sign or advertising distractions, to eliminate the visual blight caused by abandoned or poorly maintained signs and to avoid the confusion of conflicting adjacent signs. Through this Ordinance signage will be allowed in such a manner so as to provide those similar uses in similar zones the opportunity for identification exposure regardless of parcel size, although the location and size of buildings will influence the amount and type of signage permitted. This Ordinance shall make a distinction between those non-residential zones that provide for transitional or other than retail activity as a primary use. This section, through this approach, reflects the transitional nature of the zoning district arrangements shown on the zoning map and the future land use plan so that as the intensity of land use is decreased, so is the amount of permitted signage. This consistent approach is necessary to remove the need for the type of signs which compete for attention for the motorist, thereby creating traffic hazards as well as creating visual blight within the city. It is therefore within the health, safety and welfare responsibility of the city of Livonia that this section of the Ordinance is promulgated.

Section 9.03 Substitution Clause.

Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Ordinance.

Section 9.04 General Requirements for All Signs.

The following conditions apply to all signs erected or located in any zoning district:

(1) Inspection.

No signs oriented to motorized traffic on a public street (except as specifically exempted) shall be erected, used, changed or altered without first having been approved by the Director of the Inspection Department, or his or her designee, and a sign permit issued.

(2) Sign Location.

- A) No sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than eighteen (18) inches and shall not project above or beyond the highest point in the roof or parapet.
- B) No sign shall be permitted at any location that creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. Any citation or notice of violation of this subsection shall cite any relevant building or electrical codes, provisions of this Ordinance or other City ordinances, and/or findings or studies of the Livonia Police Department Traffic Bureau and/or a traffic engineer.

(3) Maximum Sign Size. No sign in the City shall exceed an overall sign area of 200 square feet.

(4) Alterations. No sign will be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article. The refacing of signs is not an alteration within the meaning of this Article.

- (5) **Sign Attachment and Support.** A sign must not be attached to or supported by a tree, utility pole, light pole, trash receptacle, bench, vending machine, public shelter, or be painted or drawn upon rocks or other natural features.

Section 9.05 Prohibited Signs.

A sign not expressly permitted in a zoning district is prohibited. The following signs shall not be permitted and are expressly prohibited in any zoning district:

- (1) **Abandoned signs.**
- (2) **Bench signs.**
- (3) **Billboards.**
- (4) **Festoons, air-activated signs, and balloon signs** except for decorations commemorating a permitted time-limited event or a nationally recognized holiday.
- (5) **Flashing signs.**
- (6) **Moving signs.**
- (7) **Outline tubing signs,** except that the use of outline tubing may be permitted when
 - A) such tubing is encased with tinted glass or plastic so as to protect it from weather and breakage and to render such tubing invisible when not illuminated, and
 - B) the tubing does not outline windows, roofs, or other building features.
- (8) **Portable signs.**
- (9) **Pylon signs.**
- (10) **Roof signs.**
- (11) **Trailer signs.**
- (12) Any sign attached to a tree or utility pole whether public or private, or attached to a traffic device or public sign.
- (13) Any sign unlawfully installed, erected or maintained.
- (14) Any sign which has displayed thereon advertising or announcements in obscene material or language.
- (15) Signs painted permanently and directly on the exterior surface of any building, wall or fence.
- (16) Signs that include audio, pyrotechnic, Bluecasting (Bluetooth advertising), or other similar components.
- (17) Any sign, that is located in or projects into any public right-of-way as shown on the Future Transportation Map is prohibited, except for traffic or other public signs and those signs for which a valid permit has been issued by a) the County, in the case of a County right-of-way, or b) the State, in the case of a State right-of-way. Any sign, including real estate signs, placards, posters, circulars, showbills, handbills, cards, leaflets or other advertising matter posted, pasted, nailed, printed, stamped, or unlawfully placed or erected in any right-of-way or public property may be removed and disposed of by the enforcement officers of the City of Livonia without regard to other provisions of this Ordinance.

Section 9.06 Exempt Signs.

The following types of signs, where expressly permitted by zoning district, shall not require sign permits unless otherwise indicated; provided that the principal use to which they relate is permitted by this Zoning Ordinance and they meet all other restrictions of the particular zoning district and the following criteria:

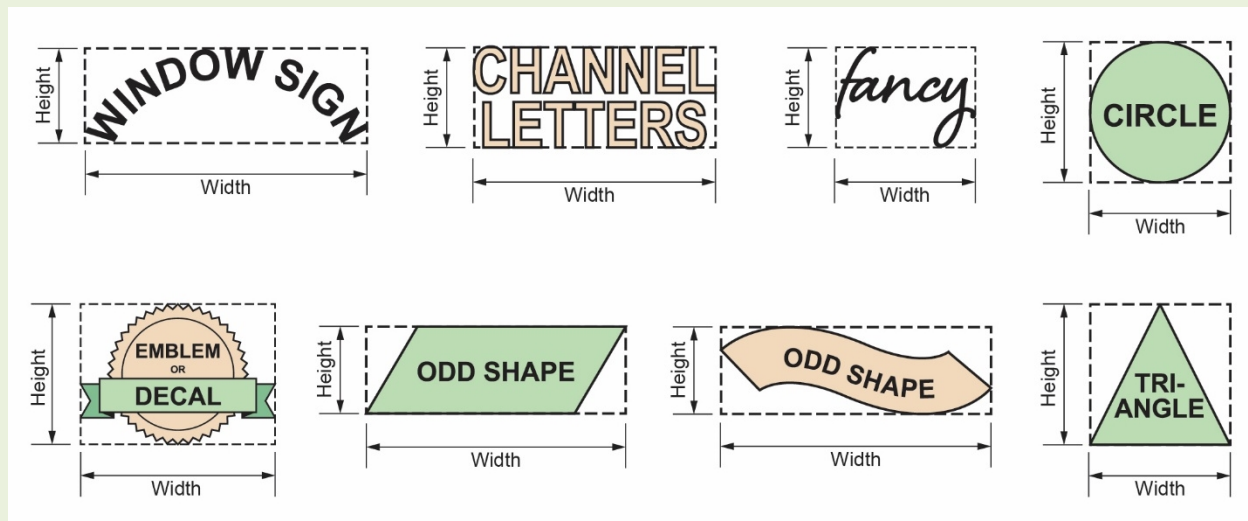
- (1) **Public signs.**
- (2) **Temporary signs.** Provided they meet district regulations of [Section 11.08](#).
- (3) **Flags.** No greater quantity than three (3) per development site. Flagpoles shall be permitted to be located within the minimum required building setback area, provided that the distance between the base of the pole and any lot line is not less than the height of the flagpole.
- (4) Address numbers with a numeral height not greater than six (6) inches for residences and twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or ground sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style and color.
- (5) Nameplates on the entry door of the premises or adjacent to the doorway.
- (6) One (1) temporary construction sign of whatever content the owner deems appropriate, provided that such sign is erected only after the issuance of a building permit and is removed at the completion of construction or occupancy of the building, whichever occurs first, and subject to the following additional requirements:
 - A) Construction signs in R-U-F, N1, and N2 districts shall not exceed six (6) square feet in area, and if freestanding shall not exceed five (5) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
 - B) Construction signs in all other districts shall not exceed thirty (30) square feet in area, and if freestanding shall not exceed six (6) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
- (7) Temporary community event signs, of whatever content the owner deems appropriate, for the purpose of advertising or promoting public events sponsored by a non-profit association or corporation for a charitable, educational, or public purpose to which the general public is invited when approved by the City Council and only after a sign permit has been issued by the Director of the Inspection Department, or his or her designee. Such signs shall not exceed sixteen (16) square feet of sign area, eight (8) feet in height, have a minimum setback of ten (10) feet from any public right-of-way and shall be removed within twenty-four (24) hours of the conclusion of the event it advertises.
- (8) Directional signs, of whatever content the owner deems appropriate, located on parking areas or on auxiliary parking lots used in conjunction with an adjacent permitted use when the purpose of the sign is to expedite the flow of vehicular and pedestrian traffic to, from, and within a development site, each sign may not exceed two (2) square feet in area. The minimum setback for such signs used to indicate an entrance or exit shall be two (2) feet from all property lines or any public right-of-way line with a maximum height of three (3) feet. All other directional signs shall have a minimum setback of ten (10) feet from all property lines or any public right-of-way line with a maximum height of five (5) feet.
- (9) One (1) temporary real estate sign of whatever content the owner deems appropriate, when located on the land or building intended to be rented, leased or sold, subject to the following additional requirements:

- A) Real estate signs shall be removed within thirty (30) days after the property is rented, leased, or sold. For the purpose of this Ordinance, a property shall be considered leased when the lease agreement is executed by all parties or it shall be considered sold when the sale is closed.
 - B) Real estate signs in R-U-F, N1, and N2 districts shall not exceed six (6) square feet in area, and if freestanding shall not exceed five (5) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
 - C) Temporary real estate signs, of whatever content the owner deems appropriate, in all other districts shall not exceed sixteen (16) square feet in area, and if freestanding shall not exceed eight (8) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way or a location as deemed appropriate by the Director of the Inspection Department. Two (2) signs not exceeding sixteen (16) square feet each shall be permitted on property situated on a lot with double frontage and corner lots. Such signs shall require a sign permit and may be erected for a time period not to exceed six (6) months from the date of issuance of the sign permit; provided, however, that such permit may be renewed by the Director of the Inspection Department, or his or her designee, for a second six (6) month period. At the end of the second six (6) month period, such permit may be renewed for a period not to exceed six (6) additional months only if more than ten (10%) of the building or rentable area of the building is available.
 - D) On development sites with a minimum of two hundred (200) feet of property bordering on the I-275 freeway, temporary real estate, of whatever content the owner deems appropriate, signs facing the I-275 freeway shall not exceed sixty-four (64) square feet in area, and if freestanding shall not exceed twelve (12) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way.
- (10) One (1) temporary non-illuminated "open house" real estate sign, of whatever content the owner deems appropriate, with an area not to exceed four (4) square feet. Such signs may be located only on the premises being sold and may be displayed for only one (1) day in any seven (7) day period.
- (11) Temporary real estate development signs, of whatever content the owner deems appropriate, when permitted in a zoning district, require sign permits, provided that such sign is erected only after the issuance of a building permit for the development or a portion thereof. Except for temporary residential subdivisions which are provided for elsewhere, such signs shall be subject to the following additional requirements:
- A) Real estate development signs shall be located on the land being developed and shall not exceed thirty-two (32) square feet in area, eight (8) feet in height and shall have a minimum setback of ten (10) feet from any public right-of-way line.
 - B) Real estate development signs may be permitted for a time period not to exceed twelve (12) months from the date of issuance of the sign permit and may be renewed by the Director of the Inspection Department, or his or her designee, when the sign is demonstrated to be safe and well maintained. Such signs are to be removed upon expiration of the permit or occupancy of the building, whichever occurs first.
- (12) Residential subdivision development with models shall be permitted one (1) temporary real estate sign of whatever content the owner deems appropriate, for each access road entering the development. Such signs shall be separated by a minimum distance of five hundred (500) feet and shall not exceed thirty (30) square feet in area, twelve (12) feet in height, and shall have a minimum setback of ten (10) feet from all property lines and any public right-of-way lines.
- A) Within subdivisions, each home builder for each model shall be permitted, one (1) temporary real estate sign of whatever content the owner deems necessary, for each home builder for each model. Such signs shall not exceed of sixteen (16) square feet in area, five (5) feet in height, and shall have a minimum setback of fifteen (15) feet from any property line.

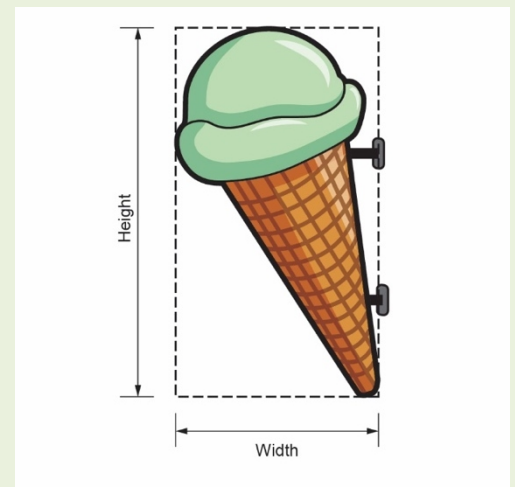
- B) Such home builder signs shall be removed upon cessation of new home marketing within the subdivision or when ninety-five percent (95%) of all lots have been sold by the builder(s) or when the permit expires, whichever occurs first.
- (13) Required announcement signs are permitted in all zoning districts when erected and maintained in accordance with the provisions requiring their use.

Section 9.07 Measurement of Sign Area.

- (1) The area of a sign, expressed in square feet, shall mean the entire area within any circle, triangle or rectangle or square enclosing the extreme limits of writing, representation, emblem or any 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 the necessary supports or uprights on which such sign is placed. Refer to the image below.



- (2) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
- (3) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area unless it too contains advertising lettering, materials or symbols.
- (4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is measured as their maximum projection, upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See figure to the right.
- (5) Regardless of spacing, the letters forming a word or words shall be considered a single sign. The area of such a sign shall be measured as provided in this Article.



Section 9.08 Zoning District Regulations.

(1) Sign Regulations for Residential Districts

Sign Type	N1, N2, RUF, NM1, NM2, and NM3 Districts (Single-family and two-family lots only)	N1, N2, RUF, NM1, NM2, and NM3 Districts (Residential developments [subdivisions, site condominiums, and multi-family] and non-residential uses only)
Blade Signs	Not Permitted	
Banner or Pennant Signs	Not Permitted	
Monument Signs	Not Permitted	Maximum Number: One (1) for each lot with permitted non-residential uses. One (1) entranceway sign per residential development when constructed out of natural materials. Maximum Height: Five (5) feet. Maximum Area: Twenty (20) sq. ft. Minimum Setback: Ten (10) feet from all property lines and any right-of-way line.
Awning, Canopy, or Wall Signs	Not Permitted	Maximum Area: Twenty (20) sq. ft.
Window Signs	Not Permitted	
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 9.10</i>	Not Permitted	
Temporary Signs	Maximum Number: Two (2) per residential lot. Maximum Area: Thirty-two (32) sq. ft., total for all signs. Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Minimum Setback: Ten (10) feet from any property line. Duration: Temporary signs shall not be placed for a period exceeding ninety (90) days in one calendar year, unless otherwise permitted by this ordinance.	
Address Number Signs	Maximum Numeral Height. Six (6) inches for residences and twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style, and color.	
Identification Sign	Maximum Number: One (1) for each waiver use, not including religious institutions. Maximum Area: Six (6) sq. ft. Maximum Height: Four (4) feet. Minimum Setback: Twenty (20) feet from any right-of-way line.	

(2) Sign Regulations for C-1 Districts.

SIGN TYPE	C-1 DISTRICTS	
Blade Signs	Maximum Area: Six (6) sq. ft.	
Banner or Pennant Signs	Maximum Number: One (1) per lot. Maximum Area: Thirty-two (32) sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. Maximum Duration: Four (4) weeks per year. No such permit shall allow the display of balloons or searchlights for more than seven (7) consecutive days or of pennants, banners, or other decorations for more than fourteen (14) consecutive days.	
Menu Order Board	Maximum Number: One (1). Maximum Area: Thirty (30) sq. ft. Such signs shall be primarily directed at persons within the premises of the sign owner.	
Monument Signs	Sites consisting of a single tenant occupying a single building.	Sites comprised of one (1) building or multiple architecturally uniform buildings and sharing a common parking area
	Maximum Number: One (1). Maximum Area: Thirty (30) sq. ft. Maximum Height: Six (6) feet. Maximum Length: Ten (10) feet. Minimum Setback: Ten (10) feet from any right-of-way line.	Maximum Number: One (1). Maximum Area: Twenty-Thirty (2030) sq. ft. Maximum Height: Six (6) feet. Maximum Length: Ten (10) feet. Minimum Setback: Ten (10) feet from the perimeter of the building.
Awning, Canopy, or Wall Signs	Maximum Area: One (1) square foot of area for each one (1) lineal foot of frontage of the building or portion thereof occupied by each separate business; provided, however, that in the case of a single business occupying a corner lot situated on two (2) major thoroughfares, a second wall sign having an area not exceeding one-half (½) of the allowable area as the first permitted sign, shall be permitted on the other façade facing a street.	
Window Signs	Maximum Area: 20% of the window area.	
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 9.10</i>	Maximum Area: Fifteen (15) sq. ft. EMC signs are only permitted if they are a monument sign, and only if all signage on site is fully compliant with the Zoning Ordinance.	
Temporary Signs	Maximum Number: - On lots of five (5) acres or less, no more than two (2) temporary signs are permitted at any one time. - On lots of five (5) acres or more, or with three (3) or more businesses, no more than three (3) temporary signs are permitted at any one time. Maximum Area: Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Duration: Must not be displayed more than 90 days in a 1-year period.	
Address Number Signs	Maximum Numeral Height. Twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style, and color.	

(3) Sign Regulations in C-2, C-3, and C-4 Districts.

SIGN TYPE	C-2, C-3, AND C-4 DISTRICTS		
Blade Signs	Maximum Area: Six (6) sq. ft.		
Banner or Pennant Signs	Maximum Number: One (1) per lot. Maximum Area: Thirty-two (32) sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. Maximum Duration: Four (4) weeks per year. No such permit shall allow the display of balloons or searchlights for more than seven (7) consecutive days or of pennants, banners, or other decorations for more than fourteen (14) consecutive days.		
Menu Order Board	Maximum Number: One (1). Maximum Area: Thirty (30) sq. ft. Such signs shall be primarily directed at persons within the premises of the sign owner.		
Monument Signs	For each single building or business center, housing no more than three (3) separate business uses	For each business center having four (4) or more separate business uses	Signage in a Regional Shopping Center is intended to identify the regional center and/or the principal tenants to the general public
	Maximum Area: Thirty (30) sq. ft. Maximum Height: Six (6) feet.	Maximum Area: Forty (40) sq. ft. Maximum Height: Eight (8) feet.	Maximum Area: One Hundred (100) sq. ft. Maximum Height: Twenty (20) feet.
	Maximum Number: One (1). Where a development site has more than four hundred (400) feet of frontage along a major thoroughfare or a minimum of two hundred (200) feet of frontage on each of two (2) major thoroughfares, a second freestanding sign shall be permitted with the same size and location limitations as the first permitted sign, provided the distance between the two (2) signs is no less than three hundred (300) feet measured along the road frontage. Maximum Length: Ten (10) feet. Minimum Setback: Ten (10) feet from any right-of-way line. No freestanding sign shall be permitted when the front yard setback of the building(s) is less than twenty (20) feet.		
Awning, Canopy, or Wall Signs	Maximum Area: One (1) square foot of area for each one (1) lineal foot of frontage of the building or portion thereof occupied by each separate business; provided, however, that in the case of a single business occupying a corner lot situated on two (2) major thoroughfares, a second wall sign having an area not exceeding one-half (½) of the allowable area as the first permitted sign, shall be permitted on the other façade facing a street.		
Window Signs	Maximum Area: 20% of the window area.		
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 9.10</i>	Maximum Area: Fifteen (15) sq. ft. EMC signs are only permitted if they are a monument sign, and only if all signage on site is fully compliant with the Zoning Ordinance.		
Temporary Signs	Maximum Number: - On lots of five (5) acres or less, no more than two (2) temporary signs are permitted at any one time. - On lots of five (5) acres or more, or with three (3) or more businesses, no more than three (3) temporary signs are permitted at any one time. Maximum Area: Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Duration: Must not be displayed more than 90 days in a 1-year period.		
Address Number Signs	Maximum Numeral Height: Twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style, and color.		

(4) Sign Regulations in Industrial Districts.

SIGN TYPE	M-L, M-1, AND M-2 DISTRICTS		
Blade Signs	Maximum Area: Six (6) sq. ft.		
Banner or Pennant Signs	Maximum Number: One (1) per lot. Maximum Area: Thirty-two (32) sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. Maximum Duration: Four (4) weeks per year. No such permit shall allow the display of balloons or searchlights for more than seven (7) consecutive days or of pennants, banners, or other decorations for more than fourteen (14) consecutive days.		
Monument Signs	For each industrial development site consisting of a single tenant occupying a single building	Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area shall be permitted the following, and prior to sign permits being issued, a master sign plan shall be submitted to the Director of the Inspection Department, or his or her designee, indicating size, type and location of wall signs, ground signs and any other requested signs	At the entrance to an industrial park, an entranceway sign shall be permitted when constructed out of natural materials.
	Maximum Number: One (1). Where a development site has more than four hundred (400) feet of frontage along a major thoroughfare or a minimum of two hundred (200) feet of frontage on each of two (2) major thoroughfares, a second freestanding sign shall be permitted with the same size and location limitations as the first permitted sign, provided the distance between the two (2) signs is no less than three hundred (300) feet measured along the road frontage. Maximum Length: Ten (10) feet. Maximum Area: Thirty (30) sq. ft. Maximum Height: Six (6) feet. Minimum Setback: Ten (10) feet from any right-of-way line.		Maximum Number: One (1). Maximum Area: Twenty (20) sq. ft. Maximum Height: Five (5) feet. Minimum Setback: Ten (10) feet from any right-of-way line.
Awning, Canopy, and Wall Signs	For each industrial development site consisting of a single tenant occupying a single building	Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area	
	Maximum Area: One (1) square foot of area for each two (2) lineal foot of front building width or one hundred (100) square feet, whichever is lesser.	Multi-tenant structures may identify tenants with not more than one (1) wall sign per tenant, not to exceed ten (10) square feet of sign area and to be located on the face of the area occupied by the tenant. Additionally, one (1) identification wall sign not to exceed two (2) square feet in area shall be permitted at the rear entrance to each business establishment.	

Window Signs	Maximum Area: 20% of the window area.
Changeable Signs and Electronic Message Center Signs (EMCs) <i>Section 9.10</i>	Not Permitted
Temporary Signs	Maximum Number: - On lots of five (5) acres or less, no more than two (2) temporary signs are permitted at any one time. - On lots of five (5) acres or more, or with three (3) or more businesses, no more than three (3) temporary signs are permitted at any one time. Maximum Area: Sixteen (16) sq. ft. maximum per sign. Maximum Height: Six (6) feet. Duration: Must not be displayed more than 90 days in a 1-year period.
Address Number Signs	Maximum Numeral Height. Twelve (12) inches for businesses. Address numbers on a business with a numeral height in excess of twelve (12) inches may be permitted as part of the total allowable wall or monument sign area otherwise permitted in this Ordinance. Individual addresses on multi-tenant buildings shall consist of numerals of a uniform size, style and color.
Identification Signs	Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area shall be permitted one (1) group identification sign not to exceed twenty-four (24) square feet of sign area and if freestanding, shall be located within ten (10) feet of the perimeter of the building.

Section 9.09 Billboards.

The erection and maintenance of billboards and outdoor advertising signs on any parcel of land within the City of Livonia, or the use of any such parcel for said purpose, are hereby prohibited; provided, however, that this section shall not apply to billboards or outdoor advertising signs lawfully in existence at the time this Ordinance becomes effective, nor to those specific signs which are expressly allowed by the district regulations contained in this Ordinance.

Section 9.10 Sign Illumination.

(1) Illumination.

Signs permitted to be illuminated, may be either internally or indirectly illuminated. Any sign, regardless of size, that makes use of electricity, shall require an electrical permit in addition to any required sign permit. No sign shall be illuminated by other than approved electrical devices, installed in accordance with the requirements of the regulations adopted by the City of Livonia, and shall be subject to the following conditions:

- A) The lighting of signs shall be of a non-intermittent, non-flashing character.
- B) Illumination devices designed and installed to illuminate the exterior of principal buildings or accessory buildings on a site shall be permitted without respect to the size of signs permitted in any zoning district; provided, however, that there shall be no spillage of illumination or glare onto any public or private roads, drives or traffic lanes, and shall be so shielded, trained, or aimed that glare is prevented from spilling onto adjacent residential properties.
- C) Internal illumination or back-lighting of signs attached to a canopy or awning, which render the canopy or awning translucent, is not permitted; however, the portion of the canopy or awning which encompasses the sign area only may be illuminated to light the sign area in a translucent manner.

(2) Standards.

Any ground sign permitted under [Section 9.08, 0](#) which pertains to a business, business center, and/or regional center as to which all other signage of whatever type also conforms to this Ordinance, may include a variable electronic message sign covering not more than fifty (50) percent of the area of the ground sign, provided that each individual message on the sign shall remain in place for a minimum of eight (8) seconds, any change of message is accomplished within one (1) second, and any change shall occur simultaneously over the entire face of the variable electronic message sign. Signs which constitute Nonconforming Uses under [Section 9.15](#) of this Ordinance, or as to which variance(s) has/have been granted for sign size, height, location, or number, must be eliminated or brought into conformity with all currently applicable Ordinance limits prior to the issuance of a variable electronic message sign permit for the business, business center, and/or regional center to which such nonconforming sign(s) pertain(s).

- A) No such sign may be oriented to face any residentially zoned property.
- B) The intensity of the display on any variable electronic message sign shall not exceed the levels specified in the chart below:

INTENSITY LEVEL (NITS)		
COLOR	DAYTIME	NIGHTTIME
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

- C) Prior to the issuance of a permit for a variable electronic message sign, applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the chart above, and the intensity level is protected from end-user manipulation by password-protected software or other method deemed appropriate by the Department. The characters on any variable electronic message sign must be lighted against a darker or less luminous background.
- D) The sign owner shall provide on the application for a permit for a variable electronic message sign contact information for a person who is available to be contacted at any time and who is able to turn off the variable electronic message sign promptly after a malfunction occurs. If the Department finds that a variable electronic message sign has malfunctioned, the owner of the sign, within twenty-four (24) hours of a request by the Department, shall correct the malfunction or power off the sign.
- E) Variable electronic message signs which do not comply with all of the provisions of this subsection shall not be permitted in any zoning district in the City.

Section 9.11 Construction and Maintenance.

(1) Material Requirements.

All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the B.O.C.A. Code and requirements of this section.

- A) **Restriction on Combustible Materials.** All signs and sign structures erected shall conform to the State Construction Code relating to combustibility.
- B) **Non-Structural Trim.** Non-structural trim may be of wood, metal, approved plastics, or any combination thereof.

- C) **Fastenings.** Signs erected to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied. All bolts, cables, and other parts of such signs shall be painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector. All building fastenings must be of non-corrosive materials. Lightweight sign letters may be attached by means of an approved adhesive.
- D) **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables, guys, etc., will be within six (6) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- E) **Erector's Imprint.** Signs of every class which come within the purview of this section, must carry the identification of the sign erector in clearly legible letters. In case of rehangings or re-erection of any sign, the new erector must place his or her identification and the date on the sign.

(2) Windloads.

For the purpose of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than fifteen (15) pounds per square foot for those portions above the ground. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on three-fifths (3/5) of the projected area. In all open frame signs or sign structures, the area used in computing wind pressure shall be one-half (1/2) times the net area of the framing members exposed to the wind.

(3) Sign Elimination.

The Director of the Inspection Department, or his or her designee, may order the removal of any sign and supporting structures:

- A) Maintained in violation of this section, such order shall be in writing to the owner of said sign; or to the owner of the building, structure, or premises on which the sign is located; or to the owner or operator of the business to which the sign pertains; and shall allow seven (7) days for the removal of said sign or to insure that it is brought into conformance with the terms of this section.
- B) Existing at the time of, or erected after, the adoption of this Ordinance if either by its location or structural characteristics is deemed to be immediately hazardous to the safety of the general public.
- C) Whenever the sign becomes abandoned as defined in this Ordinance.

(4) Responsibility of Compliance.

The owner of any property on which a sign is erected, located, or placed, and the person maintaining said sign, are declared to be equally responsible for the condition of the sign and the area in the vicinity thereof.

Section 9.12 Permits.

(1) Permits Required.

It shall be unlawful for any person to erect, alter, paint, relocate, or maintain (by structural change or changing the display of the face of the sign) within the City of Livonia any sign or other advertising structure as defined herein, except where specifically exempted by [Section 11.06](#) of this Ordinance, without first obtaining a permit from the Department and payment of the fee provided for in this Ordinance. The provisions and regulations of this Ordinance shall not apply to the ordinary servicing or repainting of an existing sign message, cleaning of a sign, nor to changing of advertising on a sign specifically designed for periodic change of message without change in structure, such as a bulletin board, or similar type of sign, but not including a sign to which a new permanent face may be attached.

(2) Application for Sign Permit.

Application for sign permits shall be made upon forms provided by the Department, and shall contain or have attached thereto the following information:

- A) Name, address, and telephone number of the applicant.
- B) Location of the building, structure, or lot to which the sign is to be attached or erected.
- C) Position of the sign in relation to nearby buildings, structures, and property lines.
- D) Three (3) scaled drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
- E) Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
- F) Name and address of the person, firm, corporation, or association erecting the structure.
- G) Any electrical permit required and issued for said sign.
- H) Insurance policy or bond as required herein.
- I) Such other information as the Director of the Inspection Department, or his or her designee, may require to show full compliance with this and all other applicable laws of the City of Livonia and the State of Michigan.
- J) In the discretion of said Director when in his or her opinion the public safety requires it, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.
- K) In all applications for entranceway signs, the Director of the Inspection Department, or his or her designee, shall require that appropriate provisions have been made to assure continued maintenance of the sign.

(3) Permit Fees.

A permit fee shall be paid to the Department for each permanent permit and each temporary permit and each renewal thereof required by this Ordinance as shall be set by resolution of the City Council. The fee for any required permit shall be doubled if the sign is erected prior to the issuance of the permit.

(4) Appeal Process.

The Department has the authority to revoke or deny any sign permit required under this Ordinance if the sign violates this Ordinance or another law, provided that the Department shall offer the sign owner an opportunity to be heard by the Director of the Inspection Department, or his or her designee. Such hearing rights shall be in addition to the property owner's rights under [Section 11.14](#) of this Zoning Ordinance as amended. Such hearing shall occur no later than ten (10) business days after the denial or revocation complained of, except with the consent of the owner to a later hearing date. The person(s) whose permit is under consideration shall be given at least five (5) days written notice of the time, place, and reason for the hearing. The sign owner and/or person identified in the permit shall be permitted to present relevant facts and legal argument concerning the pending denial or revocation. Following this hearing, the Department shall consider the merits of the case and shall present a written opinion prior to any action. If, however, the Department believes the health, safety, or welfare of the citizens is endangered by any violation of this Ordinance, the Department may immediately revoke any sign permits.

(5) Sign Permit Expiration.

A sign permit shall become null and void if the work for which the permit was issued is not completed within ninety (90) days of the date of issuance.

(6) Authorized Sign Erectors.

Every person before engaging or continuing in the business of erecting, repairing, or dismantling signs, poster boards, or other display signs in the City of Livonia, shall obtain an annual sign erector's license. The erector shall first furnish the City a public liability insurance policy, approved by the City Attorney, in the amount of one million dollars (\$1,000,000.00) for injury to one (1) person and another one million dollars (\$1,000,000.00) for injury to more than one (1) person, and property damage insurance policy in the amount of five hundred thousand dollars (\$500,000.00) for damage to property, said policy to indemnify said erector from all damage suits or actions of every nature brought or claimed against the erector for or on account of injuries or damages to persons or property received or sustained by any person or persons through any act of omission or negligence of said erector, his or her servants, agents or employees in the erection, repair, or dismantling of any sign, poster board, or other display sign. Said policy shall contain a clause whereby said policy cannot be cancelled until after a written notice of intention to cancel has been filed with the Department at least ten (10) days prior to the date of cancellation. In lieu of an insurance policy as herein required, an erector may present proof satisfactory to the City Attorney that the said erector is financially capable of self-insurance in the above amounts. Said sign erector's license shall terminate upon the expiration or cancellation of the insurance policy unless evidence of renewal is filed with the Department. The license may be suspended or revoked in the manner provided by [0 \(8\)](#), revocation of license.

(7) License Fees.

The annual fees for licenses issued under this section shall be as provided in Section 15.56.070 of the Livonia Code of Ordinances, as amended.

(8) Revocation of License.

The Director of the Inspection Department, or his or her designee, may, after notice and service upon any holder of a license issued under this Ordinance, suspend any license heretofore or hereafter granted, for good cause shown. The City Council may revoke a sign license upon giving thirty (30) days' notice to the licensee of the reasons for the proposed revocation and a hearing held thereon. Upon such hearing the licensee may appear in person or together with counsel and contest such revocation.

Section 9.13 Sign Removal.

The Zoning Inspector will order the removal of any sign for which no sign permit has been issued or signs erected in violation of this Ordinance in accordance with the following procedures:

(1) Notify Property Owner of Violation.

The Zoning Inspector will notify the property owner by first class mail describing the sign, specifying the violation involved, and ordering correction of the violation within 15 days. A similar notice will be posted on the property.

(2) Timely Action by Property Owner.

The property owner must remove the offending sign, obtain a permit if the sign can be conforming, or initiate an appeal to the Board of Appeals within 15 days of receipt of the letter.

(3) Enforcement.

When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign must also be removed. Affected building surfaces must be restored to match the adjacent portion of the structure. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or appealed the decision of the Zoning Inspector, the Zoning Inspector may carry out the requirements of the notice pursuant to *Error! Reference source not found.* to seek the legal removal of the sign.

Section 9.14 Dangerous Signs

In the case of a sign which presents imminent danger to life or property the sign owner must take immediate action as is necessary to abate the danger. If the sign owner cannot be reached, the appropriate City Official may abate the danger in order to protect the health, safety, and welfare of the community.

Section 9.15 Non-Conforming Signs.

It is the intent of this section to recognize that the existence of non-conforming signs is contrary to the best interests of the community. It is considered as much a subject of health, safety, and welfare as is the prohibition of the establishment of new signs in violation of the requirements of this Ordinance. It is hereby declared to be the policy of the City of Livonia, as expressed in this Ordinance, to remove non-conforming signs as expeditiously as is reasonable and as circumstances permit, having due regard for the rights of all parties concerned.

(1) Maintenance.

Nothing in this section shall relieve the owner or user of a non-conforming sign, or owner of property on which the non-conforming sign is located, from the provisions of this Ordinance regarding safety and maintenance of the sign.

(2) Existing Signs.

Any existing sign lawfully erected prior to the effective date of this Ordinance, which does not comply with all of the requirements and provisions hereof, may be maintained subject to the following provisions, but shall not be:

- A) Replaced by or changed to another non-conforming sign.
- B) Structurally altered so as to prolong the life of the sign or to change the shape, size, type, or design of the sign unless the sign is brought into conformance with the requirements of this Ordinance.

- C) Repaired or reestablished after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the cost of an identical new sign.
- D) Displayed, maintained, or placed by anyone other than the person who owned the premises on the date of adoption of this Ordinance.
- E) Reestablished or maintained after the activity, business, or usage to which it relates has been discontinued for a period of ninety (90) days or longer. In the case where the activity, business, or usage which is discontinued occupies a portion of a non-conforming multi-tenant wall or ground type business sign, that portion of the sign identifying the previous use shall be painted out or replaced with a blank panel of the same color as the background color that it replaces until such time as fifty (50) percent or more of the total sign area is blank, at which time the entire sign structure is to be removed or replaced with a conforming sign.

(3) Alteration.

No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this Article. For the purpose of this Article only, the term “altered” or “reconstructed” shall not include normal maintenance; changing of surface sign space to a lesser or equal area, ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments.

Section 9.16 Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality must not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this Article must be considered independent, valid, and enforceable.

Article X.

Nonconformities.

Section 10.01 Nonconforming Uses and structures; Continuance.

The lawful use of land or a structure exactly as such existed at the time of the enactment of this Ordinance, may be continued although such use or structure does not conform with the provisions of this Ordinance. Such a use, where lawfully continued pursuant to the provisions of this section, shall, for the purpose of this Ordinance, be known as a "Valid Nonconforming Use"; but where such a use is not thus lawfully continued, the same, for the purpose of this Ordinance, shall be known as an "Invalid Nonconforming Use." For purpose of this section, produce markets and nurseries existing in the City as of July 1, 1997 in RUF zoning districts and which are currently nonconforming uses shall be considered to be valid nonconforming uses as long as the continuation of the operation of such business and buildings utilized therein is substantially of the same size and same essential nature as the use existing as of July 1, 1997. Such produce markets and nurseries shall remain subject to the provisions below, inclusive, of this Ordinance and any expansion of these uses is prohibited.

Section 10.02 Certificates of Valid Nonconforming Uses and structures.

A certificate shall be required for each valid nonconforming use, as that term is defined in [Section 10.01](#) of this Ordinance. Such certificate shall state that, on consideration by the Department of Inspection of an application for such certificate and of such other facts as may be ascertained by the Department, the use described in the application has been determined to be a valid nonconforming use existing pursuant to [Section 10.01](#) and [Section 10.03](#) of this Ordinance. Such application shall be filed with the Department of Inspection by the owner or lessee of the building or land occupied by such nonconforming use, within one (1) year from the effective date of this Ordinance, and the Department shall issue such certificate within thirty (30) days following the filing of such application. Failure of an owner or lessee to so obtain such a certificate within said one (1) year period shall create a conclusive presumption that such use is not a valid nonconforming use and such use shall be discontinued immediately following said one (1) year period; provided, however, that nothing contained in this section shall affect existing dwellings or interfere with the continued use, as a dwelling, or any dwelling lawfully existing at the time this Ordinance becomes effective, or prevent any alteration, repair or improvements as provided by [Section 10.06](#) of this Ordinance.

Section 10.03 Nonconforming Uses and structures; Termination.

Any use which is properly designated as a valid nonconforming use shall be automatically terminated on the happening of either of the following events:

- (1) Actual abandonment of said use;

- (2) Acquisition by the City of Livonia, by purchase, condemnation or otherwise, of private property for the removal of such valid nonconforming use, pursuant to Section 8 (3), Act 110, Public Acts of Michigan, 2006, MCL125.3208, as amended.

After such termination, such nonconforming use may not thereafter be resumed or revived.

Section 10.04 Nonconforming Uses and structures; Restoration.

- (1) Nothing in this Ordinance shall prevent the restoration, repairing, or rebuilding of any valid nonconforming building or structure damaged by fire, explosion, act of God, or any act of the public enemy, subsequent to the effective date of this Ordinance, or shall prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such impairment of such building or part thereof, provided said use has not been abandoned.
- (2) No nonconforming structure or use shall be changed unless the changed structure or use conforms to the Zoning Ordinance regulations for the district in which such structure or use is located. However, any vertical or horizontal retraction of a nonconforming structure or use is permitted, provided there is no vertical or horizontal expansion of the nonconforming portion of the structure or use.
- (3) No nonconforming use or structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire use and structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 10.05 Nonconforming Uses and structures; Repair.

Nothing in this Ordinance shall prevent the repair, reinforcement, or reconstruction of a valid nonconforming building, structure, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation, provided such use, building, or structure has not been previously abandoned, nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in this City or the Housing Laws of Michigan relative to the maintenance of buildings or structures.

Section 10.06 Nonconforming Uses and Structures; Exceptions.

Notwithstanding the provisions of the preceding Sections above, inclusive, of this Ordinance, nothing in this Ordinance shall prevent:

- (1) The alteration, improvement, or rehabilitation of any valid nonconforming building which does not involve any increase in height, area, bulk, or change of use;
- (2) The strengthening or restoration of any building or wall declared unsafe by the Department of Inspection;
- (3) Any alteration, improvement or repair required by the Department of Health or the Department of Public Safety, or by any of the divisions of said departments, as necessary to the protection of the public health, safety, and welfare;
- (4) Any alteration, improvement, repair, or addition determined by the Department of Inspection to constitute full or partial compliance with the use requirements of the district in which the building in question is situated.

- (5) The conforming alteration, improvement, or repair of, or addition to any dwelling or any accessory building, including private garage, incidental to such dwelling; or
- (6) The erection of any conforming accessory building, including private garage, incidental to an existing dwelling.

Section 10.07 Nonconforming Uses and Structures; Elimination.

Except as hereinafter provided, no building, structure, or premises or part thereof shall be used, altered, constructed, or reconstructed except in conformity with the provisions of this Ordinance which apply to the district in which it is located. The existence of nonconforming uses is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the City as expressed in this Ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses which constitute a nuisance or are detrimental to the public health and general welfare, the City of Livonia, pursuant to Section 8(3), Act 110, Public Acts of Michigan, 2006, MCL 125.3208(3), as amended, and Sections 11 and 15, Chapter IV of the Charter, may acquire by purchase, condemnation or otherwise private property for the removal of nonconforming uses and structures. The Council may in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district.

Section 10.08 Nonconforming Due to Reclassification.

The foregoing provisions relating to nonconforming uses shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassification of districts under this Ordinance or any subsequent change in the regulations of the Ordinance.

Article XI.

Administrative Procedures

Section 11.01 Administration and Enforcement.

The Department of Inspection shall administer the provisions of this Ordinance and shall enforce such provisions with the assistance of the Police Department.

Section 11.02 Zoning Permit and Zoning Compliance Permit Required.

It shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including a fence or an accessory structure exceeding forty (40) square feet in area until the building official has issued either a Zoning Permit or a Zoning Compliance Permit for such work which includes a certification of his or her determination that plans, specifications, and the intended use for such structure do, in all respects, conform to the provisions of this Ordinance. Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the building official has issued for such intended use a Zoning Compliance Permit, including a certification of his or her determination that the proposed new use does, in all respects, conform to the provisions of this Ordinance. In all cases where a building permit is required, application for a Zoning Compliance Permit shall be made coincidentally with the application for a building permit; in all other cases, it shall be made prior to that date when a new or enlarged use of a building or premises or part thereof is intended to begin. All Zoning Permit and Zoning Compliance Permit applications shall be made in writing to the building official on forms provided for that purpose. The Zoning Permit or Zoning Compliance Permit may be incorporated as part of the building permit form and issued simultaneously with the issuance of the building permit, or it may be issued separately.

Section 11.03 Duties and Limitations of the Building Official.

- (1) The building official shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.
- (2) Every application for a zoning compliance permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the building official to ascertain whether the proposed work or use is in conformance with the provisions of this Ordinance:

- A) The actual shape, location, and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
 - B) The shape, size, and location of all buildings, or other structures, to be erected, altered or moved, and of any other buildings, or other structures, already on the lot.
 - C) The existing and intended use of the lot and of all structures upon it.
 - D) Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this Ordinance and any condition(s) of zoning approval(s) are being observed.
- (3) If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance and any condition(s) of zoning approval(s), the building official shall issue a Zoning Compliance Permit, however:
- A) Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
 - B) The building official under no circumstances is permitted to grant exceptions to any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures, or land.
 - C) The building official under no circumstances is permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his or her duties as building official.
 - D) The Zoning Compliance Permit shall be in addition to any building permit or other permits specifically required to be obtained by this Ordinance and shall be in addition to all permits required to be obtained by the Building Code ordinances of the City.
 - E) The building official shall issue a permit when the imposed conditions of this Ordinance and any condition(s) of zoning approval(s) are complied with by the applicant.
 - F) If any application for such permit is not approved, the building official shall state in writing the cause for such disapproval.

Section 11.04 Permit Fees.

No Zoning Compliance Permit shall be issued under the provisions of this Ordinance until there shall have been paid to the City Treasurer a separate permit fee therefor in accordance with the schedule outlined in Chapter 15.56 of the Code of Ordinances.

Section 11.05 Duration of Permit.

Any Zoning Compliance Permit issued under the provisions of this Ordinance shall be valid for a period of six (6) months from the date of the issuance thereof, unless revoked prior to the termination of such six (6) month period, thereof, or as long as work is in progress, unless revoked etc.

Section 11.06 Revocation of Permit.

Any permit issued under the provisions of this Ordinance may be revoked by the Department of Inspection at any time whenever the holder thereof:

- (1) shall have made any false or fraudulent statement in the application for such permit or in the exercise of such permit;
- (2) shall have violated any of the provisions of this Ordinance;
- (3) shall have failed to satisfy the requirements of this Ordinance or of any rules or approvals adopted pursuant thereto; or
- (4) shall have caused, created or maintained, in the exercise of such permit, a menace or danger to the public health, safety, or welfare.

Section 11.07 Inspection.

It shall be the duty of the holder of every zoning compliance permit, building permit, or other permit to notify the Department of Inspection, in writing, of the time when such building or premises will be ready for inspection. In addition to inspections required by other ordinances of the City, at least two (2) such inspections shall be requested on all buildings. The first of these inspections shall be requested when excavation for foundations has been completed, and the second inspection shall be requested when the building is completed. In the case of sheds and garages, having an area of less than eight hundred (800) square feet, only one (1) inspection by the Department of Inspection shall be required, which inspection shall be requested as soon as wall studs are in place. Failure to notify the Department of Inspection of the time of such inspection shall automatically cancel all permits, and before re-issuing any of such permits, the Department of Inspection may require the payment of a second fee. A notice to call the attention of the holders of permits to the requirements of this section shall be printed on all permits issued. Whenever a zoning compliance permit shall be issued for the use of vacant land, an inspection of such land may be made at any time by the Department of Inspection.

Section 11.08 Certificate of Compliance Required.

No land or building, or part thereof, for which a zoning compliance permit or a building permit has been issued, shall be used or occupied unless and until after final inspection a Certificate of Compliance shall have been issued by the Department of Inspection for such new use. Certificates of Occupancy as required by the Building Code ordinances may be so prepared and worded as to include and constitute Certificates of Compliance as required by this Ordinance, in which case the same shall be designated as a Certificate of Compliance and Occupancy. The issuance of either a Certificate of Compliance or Occupancy shall not be construed as waiving any provision or requirement of this Ordinance.

Section 11.09 Temporary Certificate of Occupancy.

The Chief Building Inspector or Acting Chief Building Inspector may issue a Temporary Certificate of Occupancy for a portion of a building in process of erection or alteration, provided that such certificate shall not be effective for longer than six (6) months; provided further, that such portion of the building is in conformity with the provisions of this Ordinance and provided further, that the applicant has agreed in writing to comply with all of such provisions as to the entire building.

Section 11.10 Application for Certificates.

Application for any certificate authorized by the provisions of this Ordinance shall be made in writing to the Department of Inspection on forms furnished by the Department and such certificate shall be issued within ten (10) days after receipt of such application if it is found that the building, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused, the applicant shall be notified of such refusal and the reasons therefor within the aforesaid ten (10) day period.

Section 11.11 Record of Certificates.

A record and copy of each permit and of each certificate issued pursuant to the provisions of this Ordinance shall be kept on file in the office of the Department of Inspection and copies shall be furnished to any person having a proprietary or tenancy interest on payment to the City Treasurer of a fee of one dollar (\$1.00) each. A record of all applications shall likewise be kept on file in said office.

Section 11.12 Exception to Barrier Free Design Requirements—Posting of Final Order.

Any business or establishment which has requested and received an exception to the barrier free design requirements from the State Barrier Free Design Board, pursuant to the provisions of Act I, Public Acts of Michigan of 1966, MCL 125.1351, et seq, as amended, shall post a copy of the Final Order issued by the State Barrier Free Design Board in a conspicuous location in a public area of the building for examination by the public. The copy of the Final Order shall be exhibited at all times at such location and shall be required to be posted in this manner regardless of whether the Final Order was issued prior to or subsequent to the enactment of this section.

Section 11.13 City Planning Commission.

(1) Appointment and Duties.

The City Planning Commission is hereby appointed by the City Council to perform the duties of the Commission specified in Act 33, Public Acts of Michigan of 2008, MCL 125.3801, et seq. as amended; is hereby designated as such Commission; and is authorized to perform such duties. The City Planning Commission is hereby vested with all powers and duties given to a City Planning Commission by the laws of the state, together with such other powers and duties as are given to such Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or action of such Commission.

(2) Authority to Grant Waivers and Approve Uses.

Wherever in this Ordinance the lawful exercise or existence of a use requires the review of a waiver or a conditional use and submission of findings by the City Planning Commission and approval by the City Council, the Commission is hereby authorized and directed, upon application or petition by an owner or property owners, to investigate the matters relating to the requested waiver or use approval, to conduct a public hearing thereon, to make a determination, to either recommend approval or denial of the requested waiver or use approval, and to do all other things reasonably necessary or incidental to the making of such investigation or determination.

(3) Applications and Petitions; Filing Fee.

Each application for a waiver or conditional use approval filed by a property owner or owners shall be accompanied by a filing fee as determined by the schedule outlined in Chapter 15.56 of the Code of Ordinances.

(4) Applications and Petitions; Filing, Form and Contents. All applications and petitions for waivers or use approvals shall be in writing, signed, notarized, and filed in triplicate with the City Clerk and, if in the proper form, shall be immediately forwarded by the City Clerk to the City Planning Commission. All such applications and petitions, without limiting the right to file additional material, shall contain at least the following:

- A) The petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition.
- B) The waiver use or other use sought to be recommended;
- C) A fully dimensional map showing:
 - i) The land upon which the proposed use is to be located, including the location of the use on such land and dimensions indicating the front, side and rear setback lines to be maintained.
 - ii) The location and arrangement of parking areas and spaces.
 - iii) A legal description of the property to be considered.
 - iv) The zoning classification of the property together with the zoning classification of all property located within five hundred (500) feet of such property as measured from all of its property lines.
 - v) All public and private rights-of-way and easements bounding and intersecting the land to be under consideration.
 - vi) All existing uses within five hundred (500) feet of any property line of the property to be considered.
 - vii) The lot lines and their dimensions.
 - viii) The area of the property.
 - ix) All other circumstances, factors and reasons which the applicant offers in support of the proposed use.
- D) The applicant shall also furnish such other surveys, plans or other information as may be reasonably required by the Commission for the proper evaluation and consideration of the matter.

(5) Hearings; Notice. Prior to conducting a hearing as required in [Section 11.13 \(2\)](#), or by any other provision of this Ordinance, the City Planning Commission shall cause notice of such hearing to be given as required by law for public hearings concerning zoning matters. In the case of public hearings on waiver use petitions pursuant to [Section 11.15](#), [Section 11.15\(5\)](#), notice of the hearing shall be provided as set forth in that Section. Failure of any person to receive any notice required to be sent under the provisions of this section shall not invalidate any such proceedings provided that the notice has been given as required herein.

- (6) **General Waiver Requirements and General Standards.** Where this Ordinance empowers the City Planning Commission to review waivers or approval of conditional uses to be approved by the City Council, such waiver or use shall be approved only where the proposal complies with all of the special requirements for the waiver or use sought to be approved, except that any or all requirements may be waived or modified by a separate resolution, specifically delineating the requirement(s) waived or modified, in which two-thirds (2/3) of the members of the City Council concur. Whether or not any condition is waived, all such proposals must comply with all of the following general standards:
- A) The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - B) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard, the Commission shall consider, amongst other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed use to main traffic thoroughfares and to streets and road intersections; vehicular turning movements in relation to routes of traffic flow; location and access of off-street parking and provisions for pedestrian traffic with particular attention to minimizing child-vehicle contact in residential districts; and the general character and intensity of the existing and potential development of the neighborhood.
 - C) The location and height of buildings or structures and the location, nature, and height of walls and fences must be such that the proposed use will not have a detrimental effect upon the neighboring property or the neighboring area in general, nor impair the value of neighboring property, nor interfere with or discourage the appropriate development and use of adjacent land or buildings or unreasonably affect their value.
 - D) The standards of density and required open spaces for the proposed use shall be at least equal to those:
 - i) required in the zoning district in which the proposed use is to be located or
 - ii) unless they have been specifically waived as set forth above, those prescribed in the special requirements relating to the proposed use, whichever is the greater.
 - E) The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights. Such design shall provide for (but shall not be limited to) the following:
 - i) Facilities for the storage of refuse for subsequent disposal which shall be concealed and contained in such a manner that they will be screened from public view and will prevent the emission of noxious odors and the attraction of insects and vermin.
 - ii) All mechanical equipment, such as (but not limited to) air conditioning and heating units which shall be located and concealed so as to be completely screened from public view; provided, however, that the location and method of containment and concealment of refuse storage facilities and mechanical equipment shall be subject to the review and recommendation of the Planning Commission and approval by the City Council.
 - F) The proposed use must provide for proper yard space, parking facilities, loading space, percentage of lot coverage, protective walls, size of buildings, lot area and width and other requirements of this Ordinance.
 - G) The proposed use must be in accord with the spirit and purpose of this Ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this Ordinance and principles of sound planning.

- H) Any building proposed to be erected or any addition thereto shall be designed by an architect or professional engineer registered by the State of Michigan or by a state having a reciprocal agreement with the State of Michigan; provided, however, that no building shall be erected, placed, expanded or externally altered on any lot or parcel for which a site plan therefor is required pursuant to [Section 3.01](#) and [Section 11.13 \(12\)](#) of this Ordinance until the exterior design of which has been reviewed and approved as to materials and harmony of design and colors with existing and planned buildings by that City body having the authority to grant final site plan approval as designated in [Section 3.01](#) and [Section 11.13 \(12\)](#) of this Ordinance.
 - I) No building shall be erected, placed or expanded on any lot or parcel for which a site plan therefor is required pursuant to [Section 3.01](#) and [Section 11.13 \(12\)](#) of this Ordinance until a landscape plan has been reviewed and approved by that City body having the authority to grant final site plan approval as designated in [Section 3.01](#) and [Section 11.13 \(12\)](#) of this Ordinance; provided, however, that the area proposed to be landscaped as illustrated on the landscape plan shall not be less than fifteen (15) percent of the total area of the lot or parcel exclusive of public right-of-way as shown on the Future Transportation Map ; provided further, however, that such minimum area requirement may be waived by that City body having the authority to grant final site plan approval as designated in [Section 3.01](#) and [Section 11.13 \(12\)](#) of this Ordinance. The landscape plan shall identify all plant materials as to species, quantity and size upon installation and all other landscape materials shall be similarly identified on the plan. Tree species shall be from the Approved Tree Species list as identified in [Article VIII](#).
- (7) City Body Having the Authority to Grant Final Site Plan Approval. That City body having the authority to grant final site plan approval as designated in Article V and Section 11.13 (12) of this Ordinance, in acting on any request for a waiver use, approval of a conditional use, or approval of a site plan, may attach any conditions to their approval which they determine are necessary to accomplish the reasonable application of the special requirements and the foregoing standards. Compliance with such conditions shall be a prerequisite to the issuance of a Certificate of Compliance or Occupancy, and the violation of any such condition shall be deemed a violation of this Ordinance.
- (8) Mayoral Veto. Any waiver use or conditional use approval shall be subject to mayoral veto as set forth in the City Charter, provided that
- A) The mayor has participated in any council hearing(s) held with respect to the petition for waiver or conditional use;
 - B) The mayor shall apply the standards applicable in the City Council's review of said petition; and
 - C) Any veto shall be incorporated in a statement of conclusions relative to said petition, specifying the basis for the veto.
- (9) **Determination.**
- Each determination or recommendation made by the City Planning Commission under the provisions of this Ordinance shall be in the form of a resolution, copies of which shall be furnished to any party on request.

(10) Appeal to City Council; Filing Fee; Hearing and Notice.

Any applicant or petitioner aggrieved by a recommendation and findings of fact by the City Planning Commission that results in a denial of any application or petition may file an appeal with the City Council requesting a reversal of such recommendation and/or findings. In order for such appeal to be heard by the City Council, the same must be filed with the City Clerk, in writing, no more than ten (10) business days from the Commission's determination and shall specify the grounds thereof. Each request for appeal shall be accompanied by a filing fee. Upon receiving such an appeal, the City Clerk shall immediately forward the same to the City Council. The City Council shall thereafter fix a reasonable time for a hearing of the appeal and the City Clerk shall give due notice of such hearing and the date thereof in the same manner and to the same extent as was given prior to the hearing before the Commission. The City Council shall make a determination of the appeal by resolution and such determination shall be final.

(11) Rules of Procedure.

The City Planning Commission is hereby authorized to make rules of procedure consistent with the statutes of Michigan and the provisions of this Ordinance.

(12) Site Plan Review and Approval.

A) **Authority.** No condominium or site condominium shall be developed in an N1, N2, or RUF district, nor shall any building be constructed or expanded in an NM1, NM2, NM3, C-1, C-2, C-3, or C-4 district, nor shall any parking lot be constructed or expanded in a P district, nor shall any building be constructed or expanded in an ML, M-1 or M-2 district which abuts a residential district, unless a site plan therefor has been reviewed by the City Planning Commission and approved by the City Council.

A)B) **Staff Review.** Prior to Planning Commission or City Council consideration, the site plan and application may be distributed to appropriate City departments, staff, and any consultants for review and comment. If deemed necessary, the plans may also be submitted to applicable outside agencies for review and comment. After written comments are obtained from City departments, staff, consultants, and outside agencies, a Staff Review meeting may be held with the applicant, Planning Director, City departments, staff, and consultants to discuss review comments and address concerns raised. After the Staff Review meeting, the Planning Director shall determine if the site plan application is ready to proceed for Planning Commission review.

B)C) **Planning Commission Review.** The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies and any public comments. The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the site plan as follows:

- i) **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
- ii) **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance or would require extensive revisions to comply with the standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. In instances where Planning Commission denies a Site Plan this decision can be appealed to City Council pursuant to **Section 11.13 (10)**.
- iii) **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.

- iv) **Approval Subject to Conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

C)D) Final Site Plan Review. Except as provided below, the City Council shall review the final site plan, together with any reports and recommendations from the Planning Commission, staff, consultants, and other reviewing agencies and any public comments. The City Council shall then make a determination to postpone, deny, approve, or approve subject to conditions based on the requirements of this Ordinance. Amendments to Site Plans previously given final approval by the Planning Commission shall be reviewed and approved by the Planning Commission.

D)E) Submittal Requirements. The site plan shall be drawn to scale and shall contain the following information. The Planning Department shall have the discretion to modify site plan information requirements based on site specific development characteristics.

Site Plan Required Information

- Site dimensions including road right-of-way and building setback lines.
- Public or private easements, protective walls (existing and/or proposed) and existing trees.
- Any significant topographic features (existing and proposed).
- Relationship of ingress and egress to thoroughfares, showing traffic patterns into the site from the same including ultimate pavement width, deceleration lanes and the like.
- On-site traffic circulation, parking areas (including size of parking bays, aisles, lighting materials, surface materials, and striping of parking lots surface to delineate parking bays).
- All landscape treatment of the site, including the labeling of all materials as to type and size, when installed.
- The location of signs (existing and/or proposed), and an indication of their size, height, and design
- Title and date of plan, including the date and nature of all subsequent revisions.
- North arrow and scale.
- Zoning classification of the petitioner's parcel and all abutting parcels.
- The location and height of all existing and proposed structures on and within 100 feet of the subject property.
- A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc. for computation of parking needs. Each individual parking space shall be indicated including typical parking space dimensions for regular and handicapped spaces and type of lot surfacing.
- The location of all waste and recycling receptacles and the location, height and type of fences and walls to screen receptacles.
- Location of existing and proposed fire hydrants, water mains, pump houses, stand pipes, building services, and sizes including proposed connections to public sewer or water supply systems and/or considerations for extensions to loop other public water mains in adjacent public rights of way.
- Front, rear, and side elevations of proposed buildings, a color rendering, and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, i.e., air conditions, heating units, etc.
- The location and type of outdoor lighting, proposed illumination patterns (including a photometric plan), a manufacturer cut sheet detailing lighting specifications, aesthetic appearance, and method of screening to prevent glare onto adjacent properties.
- The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.
- With nonresidential proposals, the number of offices, number of employees, the number of floors, typical floor plans, and the gross and usable floor area shall be provided.
- For sites with regular truck traffic, a truck circulation diagram indicating the type and volume of truck traffic anticipated at the site and defining all truck access and circulation lanes and truck loading/unloading areas on the site plan.

E)F) Outside Agency Permits or Approvals. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside state and county agencies. All federal, state, and local laws and ordinances shall be met, and no unresolved negative comments issued by any governmental agency or public utility shall exist prior to the issuance of a certificate of occupancy.

F)G) Limitation.

- i) Whenever the City Council shall have approved a site plan, such approval shall continue and be valid for a period of one (1) year only from the date of such action. If the applicant does not obtain a building permit or obtain an extension of time, the site plan approval shall be deemed null and void at the expiration of said period. Site plan approvals granted to applicants shall be construed as running with the land and shall not be transferable or assignable.
- ii) If the City Council approves a site plan conditional upon the petitioner submitting additional information such as, but not limited to, revised site plans, landscape or signage plans, said information must be submitted to the City for review within sixty (60) days from the date of approval of the site plan unless more time is granted by the City Council. If the additional information is not submitted, no building permits shall be issued by any city department for work or improvements at the subject site.

G)H) Implementation. An approved site plan shall be immediately transmitted to the Inspection Department, and all non-building improvements such as, but not limited to, landscaping, parking lots, parking spaces, walkways, screen walls and exterior lighting required by such site plan shall be completed prior to the issuance of a Certificate of Occupancy; provided, however, that a temporary Certificate of Occupancy may be issued in the event that such completion is impractical or impossible provided that a performance bond in the form of a cash bond or irrevocable bank letter of credit covering the estimated total cost of such improvements or parts thereof is deposited with the Inspection Department prior to the issuance of such temporary Certificate of Occupancy; provided further, however, that in no event shall a final Certificate of Occupancy be issued until all improvements have been completed. All improvements, when completed, shall thereafter be maintained with materials equal to or greater than the quality of the materials originally installed.

~~H) **Application Fee.** Each application presented by a property owner or owners to have a site plan approved shall be accompanied by a filing fee of six hundred dollars (\$600.00) plus twenty dollars (\$20.00) for each 1,000 square feet of gross floor area of new construction proposed. Each request to extend the expiration date of an approved site plan shall be accompanied by a filing fee of two hundred dollars (\$200.00). Each request to modify a site plan or amend a condition of approval shall be accompanied by a filing fee of three hundred dollars (\$300.00).~~

- (13) **Waiver or Use Approval; Limitation.** Whenever the Commission or City Council grants a waiver or approves of a conditional use upon original application or appeal, such waiver or approval shall continue and be valid for a period of one (1) year only from the date of such action. If the applicant does not obtain a building permit and commence construction within that period or obtain an extension of time, the waiver or use approval shall be deemed void at the expiration of said period. Waivers and use approvals granted to applicants shall be construed as running with the land and shall not be transferable or assignable.

Section 11.14 Board of Appeals.

- (1) **Creation of Board.** A Board of Appeals consisting of seven (7) members is hereby created pursuant to the provisions of Section 5, Act 207, Public Acts of Michigan of 1921, as well as Act 110 of 2006, MCL 125.3101, et seq, as amended. Said board shall be known as the Board of Appeals.

- (2) **Appointment of Members.** The members of the Board of Appeals shall be appointed by the City Council; provided, however, that those persons who are acting as members of the Board of Appeals under the provisions of Ordinance No. 543, as amended, of the City of Livonia, having been duly appointed as members of such Board by the City Council, and who are so acting immediately prior to the time this Ordinance becomes effective, shall automatically become members of the Board of Appeals created under the provisions of Section 11.14 (1) of this Ordinance, are hereby appointed as such at the time this Ordinance becomes effective, and shall hold their respective offices for respective periods of time equivalent to their respective unexpired terms as members of the Board of Appeals, created under the provisions of Ordinance No. 543 , as amended.
- (3) **Term of Office.** Each member of the Board of Appeals shall be appointed for a term of three (3) years; provided, however, that the first members of such Board to be appointed shall hold their respective offices for the period provided in Section 11.14 (1) of this Ordinance; and thereafter two (2) members shall be appointed each year, each for the full three (3) year term; provided, however, that every three (3) years there shall be three (3) members appointed for the full three (3) year term.
- (4) **Officers.** The Board of Appeals shall annually elect from among its members a Chairman, Vice-Chairman, Secretary and such other officers as it may determine, who shall each hold office for one (1) year and until his or her successor is duly elected.
- (5) **Compensation.** The City Council may authorize by Council resolution the remuneration of the members of the Board for attendance at each meeting of the Board.
- (6) **Powers of Board.** The Board of Appeals shall have all powers and authority granted by State Law together with such other powers and duties as are given to such Board by the provisions of this Ordinance, including the following specific powers:
 - A) **Administrative Review.** To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or refusal made by the building official or any other administrative official in enforcing the provisions of this Ordinance.
 - B) **Variances.** To authorize, upon an appeal filed by the legal or equitable owner of property, a variance from the strict application of the provisions of this Ordinance where existing conditions or factors would result, by strict application of the provisions of this Ordinance, in peculiar or exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board of Appeals may attach thereto such condition regarding the location, character, and other features of the proposed building, structure, or use as it may deem reasonable. Compliance with such conditions shall be a prerequisite to the issuance of a Certificate of Compliance or Occupancy and the violation of any such condition shall be deemed a violation of this Ordinance.
 - C) **Other Powers:**
 - i) In those cases where a district boundary line divides a lot of record, the Board shall have the power to permit the extension of a use permitted on the less restricted portion of such a lot to that portion of said lot which lies in the more restricted district, provided that such extension shall be made for a distance of not to exceed fifty (50) feet beyond the district boundary line in any case.
 - ii) The Board shall also have the authority to hear and decide all matters referred to it or upon which such Board is required to pass under this Ordinance, including the power to reverse, affirm, in whole or in part, or modify the order, requirement; decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.
 - D) **Rules.** To adopt and enforce rules of procedure consistent with the statutes of the State of Michigan, the Charter of the City of Livonia and the provisions of this Ordinance.

(7) **Application of Variance Power.** No variance in the application of the provisions of this Ordinance shall be allowed by the Board of Appeals relating to buildings, land, or premises now existing or to be constructed, except in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal from a decision or order of the building official supports the following affirmative findings:

- A) That the alleged hardships and practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.
- B) That the alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
- C) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
- D) That the variance, if granted, will not adversely affect the purpose or objectives of the Master Plan of the City of Livonia.

The above findings of fact shall be made by the Board of Appeals which is not empowered to grant a variance without an affirmative finding of fact on the categories above.

(8) **Limitations on the Powers of the Board of Appeals.** Every decision of the Board of Appeals shall be based upon finding of fact and every finding of fact shall be supported in the record of the proceedings of the Board. Nothing contained herein shall be construed to empower the Board of Appeals to change the terms of this Ordinance, or effect changes in the Zoning Map.

(9) **Appeal Procedure.**

- A) **Notice of Appeal.** An appeal may be taken by any person aggrieved or by an officer, department, board, or Department of the City of Livonia. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by rule, by the filing with the officer from whom the appeal is taken and with such Board of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B) **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Circuit Court on application, on notice to such officer, and on due cause shown.
- C) **Hearing on Appeal.** The Board of Appeals shall fix a reasonable time for the hearing of an appeal and give due notice thereof as required by law for public hearings concerning zoning matters, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
- D) **Official Record of Appeal.** The Board of Appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:
 - i) The relevant administrative and historical records and any administrative orders issued thereon relating to the appeal.
 - ii) The notice of appeal.
 - iii) Such documents, exhibits, photographs, or written reports as may be submitted to the Board for its consideration.

- E) **Determination of Appeal.** The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant any matter upon which the Board is required to pass under this Ordinance or to effect any variation of this Ordinance except that a concurring vote of two-thirds (2/3) of the members of the Board shall be necessary to grant a variance from uses of land permitted in this Ordinance.
 - F) **Recording of Determination.** The requisite written findings of fact, the conditions attached, and the decisions and orders by the Board in disposing of the appeal shall be entered into the official record after they have been authenticated by the signature of the chairman of the Board and after written notice of the disposition of the appeal has been served, either in person or by mail, upon the parties to the appeal, the building official, and the City Clerk. The completed official records of appeals shall be filed in the Inspection Department.
- (10) **Filing Fees.** Each application for appeal shall be given a number and shall be accompanied by a filing fee as determined by the schedule outlined in Chapter 15.56 of the Code of Ordinances.
- (11) **Meetings and Records of Board.** At least one (1) regular meeting shall be held each month by the Board of Appeals, as provided in the rules of the Board. Special meetings may be called by the chairman or any three (3) members. All regular meetings and all hearings shall be public. The Board shall keep minutes of its meetings, which shall be a public record. The chairman, or in his or her absence, the vice-chairman may administer oaths and compel the attendance of witnesses.
- (12) **Pending Matters.** All petitions, appeals and other matters pending at the time this Ordinance becomes effective, before the Board of Appeals, created and existing under the provisions of Ordinance No. 543 of the City of Livonia, shall continue before the Board of Appeals, created by Section 11.14 (1) of this Ordinance, and said Board shall hear, determine and dispose of such petitions, appeals and other matters with the same effect as if such petitions, appeals, and other matters had been duly filed with said Board of Appeals.

Section 11.15 Amendments.

- (1) **This Ordinance may be amended from time to time pursuant to the provisions of PA 110 of 2006 (MCL 125.3405, as amended).** All amendments shall be made in the manner provided in this section and in *Error! Reference source not found., Error! Reference source not found.* of this Ordinance. Proceedings to amend this Ordinance or the Zoning Map of the City of Livonia shall be initiated or commenced by any one or more of the following methods:
- A) By resolution of the Council wherein the question whether or not a particular amendment should be made is referred by the Council, on its own motion, to the City Planning Commission and wherein such commission is requested to hold a public hearing on the question and to thereafter make a report and recommendation to the Council.
 - B) By resolution of the City Planning Commission wherein such commission, on its own motion, provides for a public hearing on the question whether or not a particular amendment should be made and for a report and recommendation thereon to the Council.
 - C) By written application in triplicate, addressed to the Council, duly signed by the legal or equitable owners of fifty percent (50%) or more of the frontage in any district or part thereof, duly acknowledged by each owner substantially in accordance with the statutory provisions for acknowledgment of deeds, and accompanied by the filing fee hereinafter fixed.

- (2) **Procedure for Amendment Applications.** Where an application is presented by a property owner or owners, pursuant to [Section 11.15 \(1\)](#), [Section 13.14 \(1\)C](#), the following procedure and requirements shall be observed in every case:
- A) **Filing of Applications.** All applications shall be in writing, signed before a notary, and filed in quadruplicate with the City Clerk for presentation to the City Council.
 - B) **Contents of Applications.** All applications for amendments to this Ordinance, without limiting the right to file additional material, shall contain at least the following:
 - i) The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or an equitable interest in the land covered by the petition.
 - ii) The nature and effect of the proposed amendment.
 - iii) The existing zoning classification of such property.
 - iv) The change or amendment desired.
 - v) A complete legal and common description of the property sought to be rezoned.
 - vi) If the proposed amendment would require a change on the zoning map, a fully dimensional area map drawn at a scale of four hundred (400) feet to one (1) inch with a north point, dated, key to symbols, if used, section numbers and showing:
 - a) The land which would be affected by the proposed amendment;
 - b) A legal description of such land;
 - c) A common description of such land;
 - d) The present zoning classification of the land;
 - e) The zoning classification of all abutting zoning districts;
 - f) All public and private right-of-ways and easements bounding and intersecting the land under consideration;
 - g) The dimension of land sought to be rezoned;
 - h) The proposed land uses in land sought to be rezoned; and
 - i) The structures and existing land use on all property adjacent to the subject parcel and on such other property as may, in the City Planner's determination, be necessary to properly reflect the existing character of the surrounding neighborhood.
- (3) **Fees for Amendment Applications.** Each application presented by a property owner or owners to have property rezoned pursuant to [Section 11.15 \(2\) \(5\)](#) shall be accompanied by a publication fee in the amount specified in Chapter 15.56 of the Code of Ordinances.
- (4) **Designation of Proceedings.** Each proceeding, whether originating by resolution or application, shall be designated as a "petition" and given a number by the City Clerk. All such petitions shall be approved as to form by the Department of Law before action is taken thereon by the City Planning Commission, in the case of those petitions initiated by resolution; and before forwarding to the City Council, where initiated by application.
- (5) **Standards of Review for Amendments.** In considering any petition for an amendment to the text of this Ordinance or to the Zoning Map, the Planning Commission and City Council shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations specific to the subject matter of the proposed amendment.
- A) Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

- B) Consistency with the basic intent and purpose of this Zoning Ordinance.
- C) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- D) The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.
- E) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.
- F) That the amendment will not be expected to result in exclusionary zoning.
- G) If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- H) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- I) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the sites will be able to meet the dimensional regulations for the requested zoning district.
- J) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
- K) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- L) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

(6) Action by City Planning Commission; Notice; Public Hearing. The City Council, on receipt of a petition for amendment from the City Clerk, shall forthwith refer such petition to the City Planning Commission. The Commission shall cause a complete study of the petition to be made by the Planning Director, shall review the request contained in the petition, and shall within sixty (60) days recommend to the City Council such action as the Commission deems proper. The Commission shall hold a public hearing on such petition before making its recommendation and notice thereof shall be given to the same extent as is provided for the public hearing required to be held by the City Council. At least fifteen (15) days prior to the public hearing the applicant shall erect a four foot by four foot (4' x 4'), two (2) sided sign on the property proposed to be rezoned with an insert ~~provided by the City Clerk~~ containing the following information:

- A) At the top of the sign the following words shall appear: "This property is proposed to be rezoned," followed by the present zoning district at the time of the petition and the proposed or requested zoning district sought. The full name of the zoning districts shall be used as, for example, RUF, rural urban farm.
- B) The name and address of the real party requesting the zoning change.
- C) The proposed use of the land or building if the request for rezoning is successful.
- D) The phone number at City Hall where interested persons can call for further information.

The sign shall be erected in a location one (1) foot behind the right-of-way line perpendicular to the adjoining street(s) and clearly observable by passersby on the adjoining street(s). The sign shall remain up until the application process is completed and shall thereafter be removed by the petitioner within thirty (30) days.

Regular Minutes of December 1, 2021

An itemized invoice received from the Department of Public Works on November 30, 2021, as requested by Council at the Study Meeting held November 22, 2021, regarding emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), was received and placed on file for the information of the Council.

On a motion by Toy, supported by Jolly, it was:

RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated November 3, 2021, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby appropriate and authorize an expenditure in an amount not to exceed \$85,740.00, payable to RCI Electric, 32733 Folsom Road, Farmington Hills, MI 48336, for materials, equipment and labor necessary to perform the emergency repair and restoration of the underground electrical service to Fire Station #1 (Headquarters); FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140.D.1 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the expenditure of an amount not to exceed \$85,740.00 from funds already budgeted in Account No: 101-523-818-020 (Contractual Services—Building Maintenance) for this purpose.

Following discussion by Council, Toy and Jolly withdrew their motions on the previous resolution.

On a motion by Toy, supported by White, and unanimously adopted, it was:

#357-21 RESOLVED, that the Council does hereby remove the item concerning a request to authorize appropriation and expenditure submitted by the Department of Public Works, re: for the emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), from budgeted funds, from the Regular Agenda of December 1, 2021, and the matter shall be discussed at a future Regular meeting.

<i>UNFINISHED BUSINESS ITEM 11 (Regular Meeting of December 1, 2021)</i>
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Motion by: White

Seconded by: Toy

ROLL CALL:

Ayes: McCullough, Donovic, Jolly, Toy, Bahr, White, McIntyre

Nays: None

Absent: None

Livonia Fire HQ Service Conduit Wiring Replacement

Totals (Detailed) - Bid Summary: Default

Job Number 2021025
 Bid Date 9/1/2021
 Bid Time 9:34:00 AM
 Square Footage 0

Material Totals

<u>Division</u>	<u>Total</u>	<u>Factor</u>	<u>Extended</u>
01 Raceway, Fittings & Boxes	\$4,279.94	0.00 %	\$4,279.94
02 Wire & Cable	36,364.36	0.00 %	36,364.36
06 Underground/Site	5,122.65	0.00 %	5,122.65
07 Misc	1,730.24	0.00 %	1,730.24
Total	\$47,497.19		\$47,497.19
Sales Tax (6.00%)			\$2,849.83
Total Material			\$50,347.02

Labor Hours

<u>Division</u>	<u>Total</u>	<u>Factor</u>	<u>Extended</u>
01 Raceway, Fittings & Boxes	59.66	0.00 %	59.66
02 Wire & Cable	85.71	0.00 %	85.71
06 Underground/Site	115.32	0.00 %	115.32
07 Misc	73.47	0.00 %	73.47
Total	334.16		334.16

Labor Rates

<u>Category</u>	<u>% of Total</u>	<u>Hours</u>	<u>Base Rate</u>	<u>Burden \$</u>	<u>Burden %</u>	<u>Extended</u>
Journeyman	60.000	200.496	\$44.00	35.20	80.000	\$15,879.28
Apprentice	40.000	133.664	38.20	30.56	80.000	9,190.74
Total	100.000	334.160	x \$75.02 (average of labor rate w/burden) =			\$25,070.02

Non-Productive Labor

<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Factor</u>	<u>Extended</u>
Material Handling	10.00	\$75.00	0.00 %	\$750.00
Lay-out	20.00	100.00	0.00 %	2,000.00
Total				\$2,750.00
Total Labor (364.16 hours)				\$27,818.68

Direct Job Expenses

<u>Description</u>	<u>Total</u>
Backhoe	\$1,800.00
Truck Charge	300.00

Livonia Fire HQ Service Conduit Wiring Replacement

Totals (Detailed) - Bid Summary: Default

Concrete Equipment	500.00
Total	\$2,600.00
 Job Subtotal (Prime Cost)	 \$80,765.70
Overhead (0.00%)	0.00
 Profit	
Non Quoted Material (10.000 %)	\$5,034.70
Quoted Material (10.000 %)	\$0.00
Direct Labor (0.000 %)	\$0.00
Non Productive Labor (0.000 %)	\$0.00
Job Expenses (0.000 %)	\$0.00
Tools and Misc. Materials (0.000 %)	\$0.00
Subcontracts (0.000 %)	\$0.00
 Profit (6.23%)	 5,034.70
 Job Total	 \$85,800.40
 Actual Bid Price	 \$85,800.40
 Material to Direct Labor ratio: 0.67	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	5.87
Gross Profit \$	\$5,034.70
Net Profit %	5.87

Livonia Fire HQ Service Conduit Wiring Replacement

Job Number: 2021025

Bid Summary: Default

Extension By Phase

Item #	Description	Quantity	Price U	Ext Price	Labor Hr U	Ext Lab Hr
--- 01 Raceway, Fittings & Boxes ---						
1019	4" EMT (Difficult)	120	1,509.96 C	1,811.95	14.90 C	17.88
1346	4" EMT Elbow	4	5,343.09 C	213.72	0.90 E	3.60
1445	4" Set Screw Steel Connector	4	2,756.40 C	110.26	0.34 E	1.36
1565	4" Set Screw Steel Coupling	20	42.02 E	840.40	0.24 E	4.80
1595	4" Locknut	4	348.36 C	13.93	0.29 E	1.16
1607	4" Plastic Bushing	4	112.63 C	4.51	0.29 E	1.16
1699	4"x12" GRC Nipple	2	87.28 E	174.56	0.72 E	1.44
2344	4" Unistrut Strap	15	1,008.66 C	151.30	11.00 C	1.65
2552	3/8" Hex Nut	60	50.89 C	30.53	0.20 C	0.12
2554	3/8"x1-1/2" Bolt	15	31.16 C	4.67	8.25 C	1.24
2555	3/8" Self Drill Anchor	15	60.52 C	9.08	14.00 C	2.10
6417	12"x12"x3' Wireway-Nema 1	1	245.84 E	245.84	0.75 E	0.75
6419	12"x12"x5' Wireway-Nema 1	1	341.95 E	341.95	0.90 E	0.90
6438	12"x12" Wireway End	4	30.00 E	120.00	0.25 E	1.00
6468	24x24x6" Screw Cover Pull Box-Nema 1	2	103.62 E	207.24	2.25 E	4.50
8249	5" x 8" Core Drill Concrete	4	0.00 E	0.00	4.00 E	16.00
--- 01 Raceway, Fittings & Boxes Total ---				4,279.94		59.66
--- 02 Wire & Cable ---						
2807	#600MCM THHN CU Stranded Wire	2,240	1,599.15 C	35,820.96	37.00 M	82.88
3127	#3/0 Stranded Bare Copper Wire	110	4,940.00 M	543.40	25.72 M	2.83
--- 02 Wire & Cable Total ---				36,364.36		85.71
--- 06 Underground/Site ---						
1208	4" PVC (Difficult)	280	880.00 C	2,464.00	8.00 C	22.40
2069	4" PVC Male Adapter	4	795.15 C	31.81	0.44 E	1.76
2123	4" PVC Coupling	6	533.84 C	32.03	0.11 E	0.66
2146	4" PVC Elbow (36" Radius)	6	6,788.48 C	407.31	0.75 E	4.50
7078	24"Wx36"D Trench-Back Hoe	150	0.00 E	0.00	0.20 E	30.00
7121	24"Wx36"D Backfill & Compaction	150	0.00 E	0.00	16.00 C	24.00
7135	3000# Concrete (Cu. Yards)	8	225.00 E	1,687.50	1.60 E	12.00
7136	Sand (Cu. Yards)	20	25.00 E	500.00	1.00 E	20.00
--- 06 Underground/Site Total ---				5,122.65		115.32
--- 07 Misc ---						
2550	3/8" All Thread	30	74.70 C	22.41	9.50 C	2.85
6644	Unistrut (Deep)	25	286.79 C	71.70	16.00 C	4.00
6650	Cut 12 Gauge 1-5/8x1-5/8 Channel (labor)	13	1.00 E	12.50	0.15 E	1.88
6670	5/8"x8' Copper Ground Rod	0	26.15 E	0.00	0.35 E	0.00
6675	5/8" Ground Rod Clamp	0	187.47 C	0.00	0.15 E	0.00
6872	3/8" Concrete Anchor	6	60.52 C	3.63	14.00 C	0.84
6879	Misc. Labor	15	0.00 E	0.00	1.00 E	15.00
12996	2 x 6 x 8' Forming Lumber	10	10.00 E	100.00	0.50 E	5.00
23084	Saw Cut and Patch Concrete, per Sq Ft	400	225.00 C	900.00	6.00 C	24.00
T0001	Concrete and Spoils Removal	1	250.00 E	250.00	8.00 E	8.00
T0002	Seal Conduits and Penetrations	6	45.00 E	270.00	0.65 E	3.90
T0003	Demo Existing SE and Cleanup Abandoned in SWBD	1	100.00 E	100.00	8.00 E	8.00
--- 07 Misc Total ---				1,730.24		73.47
Job Total				47,497.19		334.16

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD NOVEMBER 22, 2021**

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:00 p.m. by President Kathleen McIntyre. Present: Scott Bahr, Cathy White, Brandon McCullough, Rob Donovic, Jim Jolly. Laura Toy and President Kathleen McIntyre. Absent: None.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan M. Nash, City Clerk; LaShawn Thomas, Director of Governmental Affairs; Curtis Caid, Chief of Police; Mike Slater, Director of Finance, Don Rohraff, Director of Public Works; Denise Maier, Director of Human Resources; Michelle Koppin, Parks and Recreation; and Sara Kasprowicz, Manager of Council Office.

7. REQUEST TO AUTHORIZE APPROPRIATION AND EXPENDITURE; Department of Public Works, re: for the emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), from budgeted funds.

Doug Moore, Assistant Director of Public Works, presented this request to Council. He stated back on August 25th our City electrician responded to a power problem at LFD Headquarters. He found an area of turf near the building that was smoking and burning. The building was running on about half power. The lines are buried and are the responsibility of the City. DTE was called and responded later in the day. It was found that one of the two service lines to the building had failed. Both lines were original to the construction of the original building. RCI, the City's contractor for electrical services was called, the repair was made as an emergency repair because of the building only able to run on half power. The building ran on half power while RCI gathered the parts for the repair and it was completed shortly after Labor Day. The repair consisted of a new conduit and electrical service lines. The Department is asking Council to approve the emergency repair that RCI made, the cost for that was \$85,740.00; it was paid for out of the Building Maintenance Contracted Services Account and the Departmental budget.

Councilmember Jolly stated I don't recall anything like this coming before us, is this a typical cost that you would expect for such work to be done or is there a factor of the emergency kind of put into this as well. I think just initially, not knowing that, looking at that, I know when houses have buried lines, the cost is not anywhere near \$85,000.00. Can you give us some detail as to why that might be so much more? Obviously it's a commercial type building, probably receiving more energy but \$85,000.00 is a lot, not knowing exactly what we're looking at.

Moore said RCI is our electrical contractor that is under contract so when we have large scale issues, we call them to come in. They did have to directional bore a new line, a new sleeve, and a new service line to go through it. To say, I mean we couldn't go out for bids on this because we had to get it fixed. The station was running on half power and it was not a very good long term solution. So to say that they overcharged us, I don't know, but I do know that when we call RCI and they have these instances,

they respond quickly and take care of it for us. We've had issues with the lights here in the complex since about January of 2020 and they've come and done the work and those costs are in line with this.

Jolly said the work is done and I understand it at this point; do you have any idea how long they were out there to complete this job and how many? I mean it lists 371 hours at \$75.00 an hour for almost \$28,000.00 in labor alone, how long were they out there until they were able to restore to full?

Moore replied I don't know, it was running on half power, I don't know how long they were out there to get it back to full power.

Jolly said I'm going to offer an approving at this point for Consent, if you could provide a little bit more information in regard to this and again, to be quite honest with you I don't know what I'm looking at here but \$85,000.00 seems like a lot without those additional details. The hours alone, 271, what's that, ten days of labor.

Moore said yes, and I don't know how any people were on the crew. It's possible they would have had more to do the manual labor kind of stuff with the machine coming in and drilling the line in.

President McIntyre asked for clarification from Jolly as to which Agenda the item should be placed on and Jolly replied the Regular.

Councilmember McCullough asked if the City goes out to bid on the electrical service contract, is that like a three-year?

Moore replied yes, I don't know how long the contract is but it is a multi-year contract.

McCullough asked if it was possible to include that current contract in the packet and the only reason I say that is when you look at the invoice, the materials provided, there's no breakdown, there's no times or dates, receipts. And I think going to my colleague Mr. Jolly, we usually get a breakdown, there's a material mark-up and a percentage and all of these dots should kind of dot themselves and cross the T's on this and it's just very vague. Obviously there's overhead and profits on materials, that's pretty straightforward, but the materials and the labor, it would usually be recommended that you have time and date forms and a much more thorough breakdown on the materials and the \$50,000.00 rather than Quantity 1. I'm not refuting materials right now when you deal with the copper lines on some of these main feeds, it's going to be up there. But at least going forward it might be an opportunity to spiff up the electrical services contract to leverage some better pricing overall.

Councilmember Donovic said I'm not disputing anything, I know you're just doing your job but you're looking at this and you're talking about spending \$85,000.00 on electrical work and I'm not an electrician, I just know that I want to make sure that when we're spending taxpayer dollars we're doing it in a mindful way and you talk

about \$27,000.00 in labor and \$50,000.00 in material, those numbers are pretty big, so I, too, to my colleague's point, I just want to make sure that we have the details, how long of a run was this, was it 30-feet of wire, was it 100-foot of wire, just some more information because it's kind of vague what we have, so, when somebody asks me why we spend \$85,000.00 on an electrician, I'd like to just be able to provide them information. Thank you for your due diligence, I appreciate it and thank you, Mr. Moore.

Councilmember Jolly stated math is not my strong point, so taking the 371 and dividing that by 8, it gives you 46 and change, 8 hour days of work, if it was an emergency I find it difficult that they would have had that many people out there for that many hours and that many days to charge us that kind of money.

Moore replied I don't know how many people they had out there, it's possible they had four or five, especially when they're doing the directional drilling and that kind of thing.

Jolly said it would still be ten days, though, just we need some context.

DIRECTION:

APPROVING (12/1 meeting)

REGULAR



LETTER TO THE LIVONIA CITY COUNCIL

7.

DPW

November 3, 2021

MEETING DATE

November 22, 2021

PREPARED BY

Jill Russell, Secretary III,

AGENDA ITEM

REQUEST TO AUTHORIZE APPROPRIATION AND EXPENDITURE; Department of Public Works, re: for the emergency repair and restoration of underground electrical service to Fire Station #1 (Headquarters), from budgeted funds.

BACKGROUND

This is to inform Council of repairs to the underground electric service to Fire Station #1 (HQ) that took place in October 2021. One of the two lines supplying power to the building caught fire underground. Needless to say, it had to be fixed immediately as the building was running on half power.

RECOMMENDATION

1. Authorize payment of budgeted funds in the amount of \$85,740.00 to RCI Electric, 32733 Folsom Road, Farmington Hills, MI 48336 for materials, equipment, and labor necessary to perform the emergency repairs to the underground electric line supplying power to Fire Station #1.
2. Waive the requirement for sealed bids under the emergency provision of the Livonia Code of Ordinances section 3.04.140(D)(1).

FISCAL CONSIDERATION

\$85,740.00 are available in account no.
101-523-818-020 (Contractual Services-Building Maintenance)

ATTACHMENTS

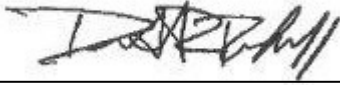
1. Fire #1 - Elec Repair Oct 2021 Inv

APPROVED BY

A handwritten signature in blue ink, appearing to read "Douglas L. Moore".

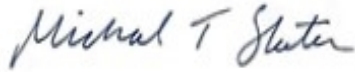
Date: November 04, 2021

Douglas L. Moore, MSA, Assistant Director of Public Works



Date: November 04, 2021

Donald Rohraff, Director of Public Works



Date: November 04, 2021

Michael Slater, Finance Director



Date: November 05, 2021

Maureen Miller Brosnan, Mayor



32733 Folsom Rd
Farmington Hills, MI 48336
Tel 248-471-2277 Fax 248-471-6550

Invoice

Date	Invoice #
10/13/2021	14436

Bill To
City of Livonia 12973 Farmington Road Livonia, MI 48150-4202 Attn: Accounts Payable

Ship To
Fire Headquarters Property # 034

P.O. No.	Terms	Rep	Ship Date	Ordered By	Project
	Net 30	FS	10/13/2021	Sammy Lovin	62792 Fire HQ undergr...

Item	Description	Quantity	Rate	Amount
Service	Provide equipment, labor and materials necessary to replace the damaged underground service entrance conduit and wiring feeding the Livonia Fire Headquarters Building.			
Direct Labor	Labor Provided	371	75.00	27,825.00
Job Material	Materials Provided	1	50,347.00	50,347.00
Job Material	Overhead and Profit on Materials		4,968.00	4,968.00
Equipment	Equipment Costs		2,600.00	2,600.00
Please Visit Us At www.rci-electric.com Thank You For The Privilege And Opportunity To Work With You		Balance Due \$85,740.00		

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MARCH 23, 2022**

Meeting was called to order at 8:43 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and Kathleen McIntyre. Absent: None

Elected and appointed officials present: Deputy City Clerk, Lori Miller, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, Paul Bernier; City Attorney, Jeannine Laible, Human Resources Director, Doug Moore, Assistant Director of Public Works, Ted Davis; Superintendent of Parks and Recreation.

Councilmember Scott Bahr wanted to note that he noticed the low amount of people at the Rec Center. He pointed out that it is ok to come back. He loves to see when it is vibrant there and would like to see more people come out to play basketball in the mornings.

4. REQUEST TO ADOPT A RESOLUTION PROCLAIMING FRIDAY, APRIL 29, 2022 AS ARBOR DAY IN THE CITY OF LIVONIA: Bill Craig, Tree City Committee Chairman and Douglas L. Moore, Assistant Director of Public Works re: to be celebrated at 2:30pm at Coolidge Elementary School, 30500 Curtis Street.

Doug Moore, Assistant Director of Public Works, presented the request to Council.

Councilmember, Brandon McCullough, offered an approving resolution on the Consent agenda. He stated that the Tree Committee does amazing work, and they might bring back the tree costume this year. President Jim Jolly asked that this item be on the Regular agenda.

DIRECTION:

APPROVAL

REGULAR



LETTER TO THE LIVONIA CITY COUNCIL

4.

DPW
March 9, 2022

MEETING DATE

Study Meeting of
March 23, 2022

PREPARED BY

Jill Russell, Secretary III

AGENDA ITEM

REQUEST TO ADOPT A RESOLUTION PROCLAIMING FRIDAY, APRIL 29, 2022 AS ARBOR DAY IN THE CITY OF LIVONIA: Bill Craig, Tree City Committee Chairman and Douglas L. Moore, Assistant Director of Public Works re: to be celebrated at 2:30pm at Coolidge Elementary School, 30500 Curtis Street.

BACKGROUND

The Tree City Committee is planning on celebrating Arbor Day on Friday, **April 29, 2022 at 2:30 p.m. at Coolidge Elementary School, located at 30500 Curtis St**, in the Sunset Hills subdivision. It is therefore requested that City Council consider and approve the attached proclamation in commemoration of Arbor Day.

RECOMMENDATION

ARBOR DAY 2022 PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving up paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planting, are a source of joy and spiritual renewal; and

WHEREAS, Livonia has been recognized as a *Tree City USA* by *The National Arbor Day Foundation* for the last seventeen years and desires to continue its tree-planting practices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and members of the City Council of the City of Livonia hereby proclaim Friday, April 29, 2022 as *Arbor Day* in the City of Livonia, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, we urge all citizens to plant trees to promote the well being of this and future generations, and we invite citizens to join in the commemoration of Arbor Day planned by the Tree City Committee at **Coolidge Elementary, 30500 Curtis** at 2:30 pm on **Friday, April 29, 2022**.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Gretchen Whitmer, State Senator Dayna Polehanki, State Representative Laurie Pohotsky, the Michigan Municipal League State and Federal Affairs Division, and the Conference of Western Wayne.

FISCAL CONSIDERATION

Not applicable

ATTACHMENTS

1. Arbor Day 2022

APPROVED BY



Date: March 09, 2022

Douglas L. Moore, MSA, Assistant Director of Public Works



Date: March 10, 2022

Don Rohraff, Director of Public Works



Date: March 11, 2022

Maureen Miller Brosnan, Mayor

DEPARTMENT OF PUBLIC WORKS
PUBLIC SERVICE DIVISION

MAUREEN MILLER BROSNAN
MAYOR

DONALD R. ROHRAFF
DIRECTOR OF PUBLIC WORKS

DOUGLAS L. MOORE, MSA
ASSISTANT DIRECTOR OF PUBLIC WORKS

JACOB A. RUSHLOW, PE
SUPERINTENDENT OF PUBLIC SERVICE



12973 FARMINGTON ROAD
LIVONIA, MICHIGAN 48150-4202
(734) 466-2655
FAX: (734) 466-2660

MAINTENANCE SERVICES

- Roads
- Parks
- Water
- Sewer
- Building
- Animal Control
- Forestry
- Equipment
- Storm Drains
- Traffic Signs
- Solid Waste / Recycling

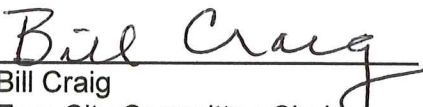
March 8, 2022

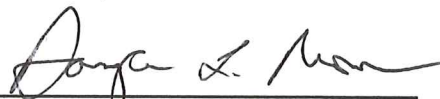
Honorable Members of the Council
City of Livonia

Subject: Commemoration of Arbor Day, Friday, April 29, 2022

Dear Council Members:

The Tree City Committee is planning on celebrating Arbor Day on Friday, **April 29, 2022, at 2:30 p.m. at Coolidge Elementary School, located at 30500 Curtis St**, in the **Sunset Hills** subdivision. It is therefore requested that City Council consider and approve the attached proclamation in commemoration of Arbor Day.


Bill Craig
Tree City Committee Chairman


Douglas L. Moore, MSA
Assistant Director of Public Works

Approved for Submission:


Maureen Miller Brosnan, Mayor

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