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LIVONIA, MICHIGAN 48154-3097
(734) 466-2250
citycouncil@livonia.gov

OFFICE OF THE COUNCIL

ELECTRONIC AGENDA PACKET FOR THE REGULAR MEETING OF MONDAY, AUGUST 23, 2021 7:00 P.M.

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

1927th Regular Meeting of the Council of the City of Livonia
Monday, August 23, 2021

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 1926th Regular Meeting of August 9, 2021

AUDIENCE COMMUNICATION

REPORTS FROM THE MAYOR AND OTHER CITY OFFICIALS

Communication from the Department of Finance, dated July 29, 2021, re: forwarding various financial statements of the City of Livonia for the month ending June 30, 2021.

CONSENT AGENDA

1. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Justin Ellsworth, Old Rosedale Gardens Homeowners Association, re: to show family friendly movies beginning at dusk until the end of the movie on Saturday, September 18, 2021 in Kleinert Park.

2. BLOCK PARTY: Louis Palmer, re: with music, to be held Saturday, September 11, 2021, from 2:00 p.m. to 10:00 p.m. on Beacon Avenue, from Boston Post Road to dead end of Beacon Avenue, with rain date of Saturday, September 18, 2021.

3. REQUEST FOR ADDITIONAL APPROPRIATION AND EXPENDITURE: Department of Public Works, Re: for an additional $25,550.00 to cover the unexpected increase in cost of previously approved vehicles, from budgeted funds. (CR 166-21 and CR 169-21)

4. REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of Seasonal Laborers.

5. REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT BETWEEN SMART AND THE CITY OF LIVONIA: Livonia Housing Commission, re: for the Municipal Credit Contract for the period July 1, 2021 to June 30, 2022, with all Credits to be used for the Livonia Community Transit Program.

6. AUDIT REPORT: Livonia Housing Commission, re: for the fiscal year ending December 31, 2020, excluding Silver Village, Newburgh Village, the Community Development Block Grant Program, and single-family City-Owned properties.

UNFINISHED BUSINESS - MEETINGS OF THE COMMITTEE

7. **COMMITTEE OF THE WHOLE - MEETING OF JUNE 23, 2021**
   a. Subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals. (CR 377-20)

8. **FINANCE AND BUDGET COMMITTEE MEETING OF AUGUST 11, 2021**
   a. Subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting (CR 161-12)

UNFINISHED BUSINESS

9. PROPOSED AMENDMENT TO ZONING ORDIANCE NO. 543, AS AMENDED: Department of Law, re: Petition 2021-06-01-04 submitted by Speedway L.L.C., to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General Business.
   Public Hearing held on August 2, 2021.

10. ROLL CALL: Department of Law, re: Petition 2020-12-06-03, to consider the adoption of a compiled and revised LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.
    First Reading given by Councilmember Jim Jolly on August 9, 2021.

11. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Nick Cornell, General Manager, Supernatural Spirits and Brewing LLC, re: to host the Wildwood Sour Fest event on Saturday, August 28, 2021, from 3:00 p.m. to 10:00 p.m. with live music and DJs on property located at 36685 Plymouth Road.

12. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Nick Cornell, General Manager, Supernatural Spirits and Brewing LLC, re: to host the Oktoberfest event on Saturday, September 25, 2021, from 3:00 p.m. to 10:00 p.m. with live music and DJs on property located at 36685 Plymouth Road.

13. REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of Substitute Librarian.

NEW BUSINESS

14. REQUEST TO APPROVE AN AMENDMENT TO CONTRACT AND AUTHORIZE ADDITIONAL EXPENDITURE: Department of Public Works, re: to include an additional segment of water main replacement on Seven Mile (between Meadowridge and Inkster) under DWRF Project 7453-01, and provide payment to Bidigare Contractors, Inc. and OHM Advisors in an amount not to exceed $568,050.00 for these services, from budgeted funds. (CR 180-21)

15. REQUEST TO FORFEIT LANDSCAPING/ENTRANCE MARKER BOND: Engineering Division, re: for Rosati Industrial Park Subdivision, located on the west side of Stark Road, between Schoolcraft Road and Plymouth Road, in the South 1/2 of Section 28.

AUDIENCE COMMUNICATION

SUSAN M. NASH, CITY CLERK

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.**

LETTER TO THE LIVONIA CITY COUNCIL

Finance
July 29, 2021

MEETING DATE	PREPARED BY
August 23, 2021	DeAnne Bates, Program Supervisor,

AGENDA ITEM

Communication from the Department of Finance, dated July 29, 2021, re: forwarding various financial statements of the City of Livonia for the month ending June 30, 2021.

BACKGROUND

Attached hereto are the various financial statements of the City of Livonia for the month ending June 30, 2021. These statements are summarized so that you may make a quick financial overview of the various funds. Detailed statements, in support of the summarized statements, have been forwarded electronically to the Council Office.

RECOMMENDATION

Receive and file.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. BUDGET TO ACTUAL - COUNCIL SUMMARY - 6_30_2021 07_28_2021 11_10_39 AM_Priebe, Timothy_GMR0B65M

APPROVED BY

Michael T Slater

Date: July 30, 2021

Michael Slater, Finance Director

Maureen Miller Brosnan

Date: July 30, 2021

Maureen Miller Brosnan, Mayor

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund	**101 - GENERAL FUND**									
REVENUE										
Department	**000 - ACCOUNT BALANCES**	63,341,002.00	.00	63,341,002.00	3,379,332.27	.00	50,005,704.22	13,335,297.78	79	49,280,124.53
	REVENUE TOTALS	$63,341,002.00	$0.00	$63,341,002.00	$3,379,332.27	$0.00	$50,005,704.22	$13,335,297.78	79%	$49,280,124.53
EXPENSE										
Department	**101 - CITY COUNCIL**	294,142.00	.00	294,142.00	21,295.23	.00	156,276.04	137,865.96	53	206,764.44
Department	**173 - MAYOR'S OFFICE**	602,660.00	.00	602,660.00	47,446.82	.00	328,466.27	274,193.73	55	334,193.59
Department	**174 - COMMUNICATIONS**	488,422.00	.00	488,422.00	31,111.05	.00	214,914.51	273,507.49	44	.00
Department	**175 - GOVERNMENT AFFAIRS**	.00	.00	.00	.00	.00	.00	.00	+++	.00
Department	**191 - ACCOUNTING**	234,432.00	.00	234,432.00	2,460.59	.00	93,566.40	140,865.60	40	78,689.06
Department	**192 - FINANCE DEPARTMENT**	418,272.00	.00	418,272.00	32,248.27	.00	228,167.90	190,104.10	55	214,880.72
Department	**215 - CITY CLERK**	647,082.00	.00	647,082.00	52,639.87	.00	358,763.86	288,318.14	55	298,806.57
Department	**223 - INDEPENDENT AUDIT**	35,609.00	.00	35,609.00	20,147.95	.00	44,262.04	(8,653.04)	124	36,779.99
Department	**228 - INFORMATION SYSTEMS**	1,194,503.00	.00	1,194,503.00	76,874.04	14,203.88	818,577.11	361,722.01	70	618,664.66
Department	**236 - ETHICS BOARD**	400.00	.00	400.00	.00	.00	177.20	222.80	44	27.52
Department	**238 - NON DEPARTMENTAL**	4,000.00	.00	4,000.00	.00	.00	.00	4,000.00	0	.00
Department	**247 - BOARD OF REVIEW**	3,545.00	.00	3,545.00	.00	.00	2,411.36	1,133.64	68	2,196.06
Department	**253 - TREASURER**	566,689.00	.00	566,689.00	39,417.74	5,803.00	290,595.21	270,290.79	52	282,031.46
Department	**256 - DAMAGE CLAIMS**	950,000.00	.00	950,000.00	104,280.02	.00	716,110.47	233,889.53	75	355,352.32
Department	**257 - ASSESSING**	548,658.00	.00	548,658.00	37,032.99	.00	276,249.68	272,408.32	50	253,964.05
Department	**261 - UTILITIES AND SUPPLIES**	608,247.00	.00	608,247.00	25,553.70	.00	225,953.92	382,293.08	37	188,101.22
Department	**262 - ELECTION COMMISSION**	348,186.00	.00	348,186.00	9,982.11	.00	139,017.20	209,168.80	40	179,930.28
Department	**263 - INSURANCE-GENERAL**	91,711.00	.00	91,711.00	(293,743.36)	.00	98,045.64	(6,334.64)	107	93,133.26
Department	**264 - INSURANCE-WORKERS COMP**	325,299.00	.00	325,299.00	58,255.39	.00	378,643.85	(53,344.85)	116	198,550.68
Department	**266 - LAW DEPARTMENT**	850,822.00	.00	850,822.00	66,695.80	.00	464,394.42	386,427.58	55	442,172.34
Department	**267 - EMPLOYEE BENEFITS CONTROL**	42,000.00	.00	42,000.00	343,535.54	.00	(383,919.49)	425,919.49	-914	(721,453.88)
Department	**268 - NON-DEPT CAPITAL PROJECTS**	531,000.00	.00	531,000.00	.00	.00	525,000.00	6,000.00	99	1,025,000.00
Department	**269 - CIVIL SERVICE**	821,138.00	.00	821,138.00	28,178.56	.00	338,625.79	482,512.21	41	336,158.36
Department	**271 - LABOR RELATIONS**	96,500.00	.00	96,500.00	2,693.75	.00	40,262.50	56,237.50	42	37,954.16
Department	**272 - DUES AND SUBSCRIPTIONS**	51,000.00	.00	51,000.00	.00	.00	12,589.00	38,411.00	25	22,051.00
Department	**286 - 16TH DISTRICT COURT**	3,323,235.00	.00	3,323,235.00	195,473.52	1,498.87	1,692,356.34	1,629,379.79	51	1,448,868.08
Department	**302 - TRAFFIC BUREAU**	1,215,460.00	.00	1,215,460.00	70,015.60	80,595.00	444,859.32	690,005.68	43	542,555.11
Department	**304 - POLICE ADMINISTRATION**	2,734,212.00	71,000.00	2,805,212.00	160,289.53	62,264.36	1,179,289.82	1,563,657.82	44	1,108,904.52
Department	**306 - POLICE DATA PROCESSING**	853,721.00	.00	853,721.00	106,963.98	24,988.94	476,117.06	352,615.00	59	442,575.55
Department	**307 - DETECTIVE BUREAU**	3,400,555.00	12,000.00	3,412,555.00	359,161.35	1,500.00	1,922,958.32	1,488,096.68	56	1,699,015.22
Department	**309 - AUTOMOTIVE SERVICE**	556,150.00	.00	556,150.00	45,184.34	14,245.00	241,681.15	300,223.85	46	164,268.85
Department	**310 - POLICE COMMUNICATIONS**	973,482.00	.00	973,482.00	58,656.32	33,424.00	395,629.37	544,428.63	44	443,407.25
Department	**313 - CROSSING GUARDS**	70,723.00	.00	70,723.00	5,848.01	.00	29,913.45	40,809.55	42	20,832.42
Department	**316 - SCHOOL LIAISON**	411,632.00	.00	411,632.00	31,384.17	.00	207,172.11	204,459.89	50	216,931.09
Department	**318 - OFFICE OF EMERG PREP**	133,515.00	.00	133,515.00	11,741.22	.00	63,704.17	69,810.83	48	60,410.36
Department	**319 - RESERVE POL/SPECIAL EVENT**	342,593.00	.00	342,593.00	29,672.33	.00	152,142.94	190,450.06	44	128,124.31

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **101 - GENERAL FUND**									
EXPENSE									
Department **325 - POLICE PATROL BUREAU**	13,476,216.00	(83,000.00)	13,393,216.00	811,678.89	176,544.26	5,851,045.79	7,365,625.95	45	5,557,343.11
Department **329 - INTELLIGENCE BUREAU**	2,372,561.00	.00	2,372,561.00	159,703.49	92,439.00	892,503.89	1,387,618.11	42	961,876.45
Department **336 - FIRE ADMINISTRATION**	1,260,045.00	.00	1,260,045.00	109,474.88	1,723.36	678,686.38	579,635.26	54	640,870.65
Department **338 - FIRE FIGHTING**	13,357,355.00	.00	13,357,355.00	901,195.36	227,679.00	6,959,742.78	6,169,933.22	54	5,825,014.30
Department **341 - FIRE PREVENTION**	824,309.00	.00	824,309.00	59,350.52	.00	428,895.39	395,413.61	52	381,492.99
Department **371 - INSPECTION**	1,685,617.00	.00	1,685,617.00	113,924.66	.00	807,823.04	877,793.96	48	674,058.98
Department **381 - BLDG CODE BD OF APPEALS**	861.00	.00	861.00	.00	.00	.00	861.00	0	.00
Department **435 - TRAFFIC COMMISSION**	2,353.00	.00	2,353.00	145.32	.00	936.54	1,416.46	40	462.89
Department **441 - PUBLIC SERV ADMIN**	8,391.00	.00	8,391.00	(24,138.61)	.00	(132,019.53)	140,410.53	-1573	(117,517.98)
Department **443 - PUBLIC SERV-EQUIP MAINT**	213,125.00	.00	213,125.00	(26,050.80)	21,283.56	(117,413.52)	309,254.96	-45	(200,982.94)
Department **447 - ENGINEERING**	1,269.00	.00	1,269.00	1,124.81	.00	(79,490.28)	80,759.28	-6264	(109,395.65)
Department **448 - STREET LIGHTING**	231,648.00	.00	231,648.00	15,940.21	.00	121,471.03	110,176.97	52	150,473.06
Department **463 - MAINTENANCE-STREET**	453,716.00	.00	453,716.00	(39,075.58)	13,315.99	59,532.05	380,867.96	16	(36,720.47)
Department **523 - PUBLIC SERV-BLDG MAINT**	1,598,450.00	.00	1,598,450.00	105,343.29	59,310.34	780,135.30	759,004.36	53	619,218.65
Department **524 - PARKS**	1,425,183.00	.00	1,425,183.00	85,810.17	24,786.35	472,281.68	928,114.97	35	388,045.87
Department **701 - PLANNING**	726,945.00	.00	726,945.00	63,524.95	.00	360,812.37	366,132.63	50	305,819.87
Department **702 - ZONING BOARD OF APPEALS**	113,232.00	.00	113,232.00	4,009.87	.00	30,259.53	82,972.47	27	24,276.16
Department **752 - RECREATION ADMINISTRATION**	164,486.00	.00	164,486.00	6,960.00	.00	67,885.99	96,600.01	41	195,368.88
Department **758 - RECREATION FACILITIES**	28,825.00	2,300.00	31,125.00	3,905.66	.00	8,495.62	22,629.38	27	233,260.13
Department **759 - RECREATION ATHLETICS**	89,925.00	(2,300.00)	87,625.00	11,077.73	2,066.10	31,211.42	54,347.48	38	12,692.21
Department **820 - PARKS & REC - SENIOR SERVICES**	610,066.00	.00	610,066.00	40,885.29	.00	304,077.10	305,988.90	50	239,347.55
Department **821 - P&R - GREENMEAD AND CULTURAL**	917,520.00	.00	917,520.00	86,762.96	7,044.34	458,626.29	451,849.37	51	453,309.10
EXPENSE TOTALS	$63,331,693.00	$0.00	$63,331,693.00	$4,272,049.50	$864,715.35	$30,158,473.79	$32,308,503.86	49%	$26,958,154.43
Fund **101 - GENERAL FUND** Totals									
REVENUE TOTALS	63,341,002.00	.00	63,341,002.00	3,379,332.27	.00	50,005,704.22	13,335,297.78	79%	49,280,124.53
EXPENSE TOTALS	63,331,693.00	.00	63,331,693.00	4,272,049.50	864,715.35	30,158,473.79	32,308,503.86	49%	26,958,154.43
Fund **101 - GENERAL FUND** Totals	$9,309.00	$0.00	$9,309.00	($892,717.23)	($864,715.35)	$19,847,230.43	($18,973,206.08)		$22,321,970.10

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **202 - MAJOR STREET FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	8,501,865.00	.00	8,501,865.00	733,077.12	.00	3,502,554.87	4,999,310.13	41	3,330,198.68
REVENUE TOTALS	$8,501,865.00	$0.00	$8,501,865.00	$733,077.12	$0.00	$3,502,554.87	$4,999,310.13	41%	$3,330,198.68
EXPENSE									
Department **448 - STREET LIGHTING**	602,433.00	.00	602,433.00	173,433.00	.00	407,433.00	195,000.00	68	362,737.00
Department **451 - CONST-STREET AND BRIDGES**	60,000.00	.00	60,000.00	.00	.00	.00	60,000.00	0	.00
Department **463 - MAINTENANCE-STREET**	1,202,599.00	277,054.00	1,479,653.00	51,059.40	.00	409,334.05	1,070,318.95	28	589,206.15
Department **475 - MAINTENANCE-TRAFFIC SERV**	.00	.00	.00	.00	.00	.00	.00	+++	.00
Department **478 - MAINT-FREEWAY LIGHTING**	25,000.00	.00	25,000.00	1,291.84	.00	9,231.18	15,768.82	37	9,184.41
Department **479 - SNOW AND ICE REMOVAL**	728,799.00	.00	728,799.00	27,398.00	.00	191,786.00	537,013.00	26	183,897.00
Department **483 - ADMIN, ENGIN RECORD KEEPI**	183,138.00	.00	183,138.00	15,261.00	.00	106,827.00	76,311.00	58	199,790.50
Department **484 - FUND TRANSFERS**	7,200,000.00	.00	7,200,000.00	600,000.00	.00	4,200,000.00	3,000,000.00	58	3,850,000.00
EXPENSE TOTALS	$10,001,969.00	$277,054.00	$10,279,023.00	$868,443.24	$0.00	$5,324,611.23	$4,954,411.77	52%	$5,194,815.06
Fund **202 - MAJOR STREET FUND** Totals									
REVENUE TOTALS	8,501,865.00	.00	8,501,865.00	733,077.12	.00	3,502,554.87	4,999,310.13	41%	3,330,198.68
EXPENSE TOTALS	10,001,969.00	277,054.00	10,279,023.00	868,443.24	.00	5,324,611.23	4,954,411.77	52%	5,194,815.06
Fund **202 - MAJOR STREET FUND** Totals	($1,500,104.00)	($277,054.00)	($1,777,158.00)	($135,366.12)	$0.00	($1,822,056.36)	$44,898.36		($1,864,616.38)

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **203 - LOCAL STREET FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	10,435,624.00	.00	10,435,624.00	877,791.75	.00	5,527,190.03	4,908,433.97	53	5,113,838.60
REVENUE TOTALS	$10,435,624.00	$0.00	$10,435,624.00	$877,791.75	$0.00	$5,527,190.03	$4,908,433.97	53%	$5,113,838.60
EXPENSE									
Department **448 - STREET LIGHTING**	118,000.00	.00	118,000.00	9,833.00	.00	68,831.00	49,169.00	58	59,500.00
Department **451 - CONST-STREET AND BRIDGES**	125,000.00	.00	125,000.00	.00	.00	.00	125,000.00	0	.00
Department **463 - MAINTENANCE-STREET**	1,559,669.00	.00	1,559,669.00	120,596.00	.00	844,172.00	715,497.00	54	636,489.00
Department **475 - MAINTENANCE-TRAFFIC SERV**	.00	.00	.00	.00	.00	.00	.00	+++	.00
Department **479 - SNOW AND ICE REMOVAL**	421,437.00	.00	421,437.00	35,117.00	.00	245,819.00	175,618.00	58	242,389.00
Department **483 - ADMIN, ENGIN RECORD KEEPI**	654,768.00	.00	654,768.00	54,562.00	.00	381,934.00	272,834.00	58	265,937.00
Department **484 - FUND TRANSFERS**	7,900,000.00	.00	7,900,000.00	658,333.00	.00	4,608,331.00	3,291,669.00	58	4,608,331.00
EXPENSE TOTALS	$10,778,874.00	$0.00	$10,778,874.00	$878,441.00	$0.00	$6,149,087.00	$4,629,787.00	57%	$5,812,646.00
Fund **203 - LOCAL STREET FUND** Totals									
REVENUE TOTALS	10,435,624.00	.00	10,435,624.00	877,791.75	.00	5,527,190.03	4,908,433.97	53%	5,113,838.60
EXPENSE TOTALS	10,778,874.00	.00	10,778,874.00	878,441.00	.00	6,149,087.00	4,629,787.00	57%	5,812,646.00
Fund **203 - LOCAL STREET FUND** Totals	($343,250.00)	$0.00	($343,250.00)	($649.25)	$0.00	($621,896.97)	$278,646.97		($698,807.40)

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **204 - ROAD - SIDEWALK & TREE**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	12,222,041.00	.00	12,222,041.00	654,922.68	.00	8,931,130.13	3,290,910.87	73	8,827,523.41
REVENUE TOTALS	$12,222,041.00	$0.00	$12,222,041.00	$654,922.68	$0.00	$8,931,130.13	$3,290,910.87	73%	$8,827,523.41
EXPENSE									
Department **441 - PUBLIC SERV ADMIN**	33,794.00	.00	33,794.00	2,816.00	.00	19,712.00	14,082.00	58	16,135.00
Department **447 - ENGINEERING**	2,287,000.00	211,587.00	2,498,587.00	269,545.69	.00	673,501.23	1,825,085.77	27	454,356.97
Department **463 - MAINTENANCE-STREET**	10,115,000.00	1,707,353.00	11,822,353.00	2,907,819.71	.00	3,646,173.23	8,176,179.77	31	964,733.99
Department **530 - FORESTRY**	125,000.00	5,058.00	130,058.00	.00	.00	.00	130,058.00	0	.00
EXPENSE TOTALS	$12,560,794.00	$1,923,998.00	$14,484,792.00	$3,180,181.40	$0.00	$4,339,386.46	$10,145,405.54	30%	$1,435,225.96
Fund **204 - ROAD - SIDEWALK & TREE** Totals									
REVENUE TOTALS	12,222,041.00	.00	12,222,041.00	654,922.68	.00	8,931,130.13	3,290,910.87	73%	8,827,523.41
EXPENSE TOTALS	12,560,794.00	1,923,998.00	14,484,792.00	3,180,181.40	.00	4,339,386.46	10,145,405.54	30%	1,435,225.96
Fund **204 - ROAD - SIDEWALK & TREE** Totals	($338,753.00)	($1,923,998.00)	($2,262,751.00)	($2,525,258.72)	$0.00	$4,591,743.67	($6,854,494.67)		$7,392,297.45

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **208 - COMMUNITY RECREATION**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	6,956,311.00	22,600.00	6,978,911.00	250,516.41	.00	5,280,600.62	1,698,310.38	76	4,579,670.93
REVENUE TOTALS	$6,956,311.00	$22,600.00	$6,978,911.00	$250,516.41	$0.00	$5,280,600.62	$1,698,310.38	76%	$4,579,670.93
EXPENSE									
Department **755 - RECREATION CENTER**	6,900,217.00	199,013.00	7,099,230.00	297,759.50	304,740.07	3,641,421.27	3,153,068.66	56	3,522,683.78
Department **756 - OTHER RECREATION**	22,100.00	165,000.00	187,100.00	8,988.00	26,250.00	16,521.75	144,328.25	23	19,155.45
Department **757 - ICE RINK**	392,814.00	.00	392,814.00	.00	.00	352,358.53	40,455.47	90	347,239.30
Department **776 - SPECIAL EVENTS**	93,060.00	.00	93,060.00	4,135.87	.00	19,015.58	74,044.42	20	9,362.94
Department **795 - SWIMMING POOL - BOTSFORD**	274,160.00	105,000.00	379,160.00	1,580.62	271,486.00	5,396.74	102,277.26	73	32,426.48
Department **796 - SWIMMING POOL - CLEMENT C**	140,082.00	20,000.00	160,082.00	3,511.59	4,562.00	6,763.44	148,756.56	7	5,848.08
Department **797 - SWIMMING POOL - SHELDON**	162,922.00	(16,000.00)	146,922.00	7,268.17	21,426.00	9,189.98	116,306.02	21	837.77
EXPENSE TOTALS	$7,985,355.00	$473,013.00	$8,458,368.00	$323,243.75	$628,464.07	$4,050,667.29	$3,779,236.64	55%	$3,937,553.80
Fund **208 - COMMUNITY RECREATION** Totals									
REVENUE TOTALS	6,956,311.00	22,600.00	6,978,911.00	250,516.41	.00	5,280,600.62	1,698,310.38	76%	4,579,670.93
EXPENSE TOTALS	7,985,355.00	473,013.00	8,458,368.00	323,243.75	628,464.07	4,050,667.29	3,779,236.64	55%	3,937,553.80
Fund **208 - COMMUNITY RECREATION** Totals	($1,029,044.00)	($450,413.00)	($1,479,457.00)	($72,727.34)	($628,464.07)	$1,229,933.33	($2,080,926.26)		$642,117.13

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **211 - DESIGNATED PURPOSE**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	120,000.00	150.00	120,150.00	305.00	.00	16,826.84	103,323.16	14	32,423.25
REVENUE TOTALS	$120,000.00	$150.00	$120,150.00	$305.00	$0.00	$16,826.84	$103,323.16	14%	$32,423.25
EXPENSE									
Department **000 - ACCOUNT BALANCES**	120,000.00	45,000.00	165,000.00	11,442.47	314.98	18,238.48	146,446.54	11	32,506.76
EXPENSE TOTALS	$120,000.00	$45,000.00	$165,000.00	$11,442.47	$314.98	$18,238.48	$146,446.54	11%	$32,506.76
Fund **211 - DESIGNATED PURPOSE** Totals									
REVENUE TOTALS	120,000.00	150.00	120,150.00	305.00	.00	16,826.84	103,323.16	14%	32,423.25
EXPENSE TOTALS	120,000.00	45,000.00	165,000.00	11,442.47	314.98	18,238.48	146,446.54	11%	32,506.76
Fund **211 - DESIGNATED PURPOSE** Totals	$0.00	($44,850.00)	($44,850.00)	($11,137.47)	($314.98)	($1,411.64)	($43,123.38)		($83.51)

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **226 - MUNICIPAL REFUSE FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	11,986,251.00	.00	11,986,251.00	7,046.98	.00	11,811,037.88	175,213.12	99	11,786,368.13
REVENUE TOTALS	$11,986,251.00	$0.00	$11,986,251.00	$7,046.98	$0.00	$11,811,037.88	$175,213.12	99%	$11,786,368.13
EXPENSE									
Department **521 - SANITATION**	1,159,639.00	28,000.00	1,187,639.00	16,821.38	37,552.00	587,733.22	562,353.78	53	544,671.65
Department **528 - PUBLIC SERVICE**	10,876,144.00	188,584.00	11,064,728.00	1,373,156.56	84,643.20	5,960,326.25	5,019,758.55	55	5,178,982.85
Department **529 - ANIMAL CONTROL**	313,799.00	2,300.00	316,099.00	19,089.86	274.54	127,565.67	188,258.79	40	202,291.96
EXPENSE TOTALS	$12,349,582.00	$218,884.00	$12,568,466.00	$1,409,067.80	$122,469.74	$6,675,625.14	$5,770,371.12	54%	$5,925,946.46
Fund **226 - MUNICIPAL REFUSE FUND** Totals									
REVENUE TOTALS	11,986,251.00	.00	11,986,251.00	7,046.98	.00	11,811,037.88	175,213.12	99%	11,786,368.13
EXPENSE TOTALS	12,349,582.00	218,884.00	12,568,466.00	1,409,067.80	122,469.74	6,675,625.14	5,770,371.12	54%	5,925,946.46
Fund **226 - MUNICIPAL REFUSE FUND** Totals	($363,331.00)	($218,884.00)	($582,215.00)	($1,402,020.82)	($122,469.74)	$5,135,412.74	($5,595,158.00)		$5,860,421.67

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **242 - LIVONIA BROWNFIELD - LSRRF**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	83,000.00	.00	83,000.00	(97.20)	.00	35,494.66	47,505.34	43	28,045.14
REVENUE TOTALS	$83,000.00	$0.00	$83,000.00	($97.20)	$0.00	$35,494.66	$47,505.34	43%	$28,045.14
EXPENSE									
Department **000 - ACCOUNT BALANCES**	40,627.00	.00	40,627.00	2,552.26	.00	17,865.74	22,761.26	44	.00
EXPENSE TOTALS	$40,627.00	$0.00	$40,627.00	$2,552.26	$0.00	$17,865.74	$22,761.26	44%	$0.00
Fund **242 - LIVONIA BROWNFIELD - LSRRF** Totals									
REVENUE TOTALS	83,000.00	.00	83,000.00	(97.20)	.00	35,494.66	47,505.34	43%	28,045.14
EXPENSE TOTALS	40,627.00	.00	40,627.00	2,552.26	.00	17,865.74	22,761.26	44%	.00
Fund **242 - LIVONIA BROWNFIELD - LSRRF** Totals	$42,373.00	$0.00	$42,373.00	($2,649.46)	$0.00	$17,628.92	$24,744.08		$28,045.14

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **243 - LIVONIA BROWNFIELD REDEV AUTH**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	490,000.00	.00	490,000.00	.00	.00	169,055.39	320,944.61	35	129,879.99
REVENUE TOTALS	$490,000.00	$0.00	$490,000.00	$0.00	$0.00	$169,055.39	$320,944.61	35%	$129,879.99
EXPENSE									
Department **000 - ACCOUNT BALANCES**	490,000.00	.00	490,000.00	.00	.00	169,055.39	320,944.61	35	129,879.99
EXPENSE TOTALS	$490,000.00	$0.00	$490,000.00	$0.00	$0.00	$169,055.39	$320,944.61	35%	$129,879.99
Fund **243 - LIVONIA BROWNFIELD REDEV AUTH** Totals									
REVENUE TOTALS	490,000.00	.00	490,000.00	.00	.00	169,055.39	320,944.61	35%	129,879.99
EXPENSE TOTALS	490,000.00	.00	490,000.00	.00	.00	169,055.39	320,944.61	35%	129,879.99
Fund **243 - LIVONIA BROWNFIELD REDEV AUTH** Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$0.00

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **244 - ECONOMIC DEVEL CORP**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	300.00	.00	300.00	(8.40)	.00	(4.95)	304.95	-2	269.88
REVENUE TOTALS	$300.00	$0.00	$300.00	($8.40)	$0.00	($4.95)	$304.95	-2%	$269.88
EXPENSE									
Department **000 - ACCOUNT BALANCES**	.00	.00	.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	+++	$0.00
Fund **244 - ECONOMIC DEVEL CORP** Totals									
REVENUE TOTALS	300.00	.00	300.00	(8.40)	.00	(4.95)	304.95	-2%	269.88
EXPENSE TOTALS	.00	.00	.00	.00	.00	.00	.00	+++	.00
Fund **244 - ECONOMIC DEVEL CORP** Totals	$300.00	$0.00	$300.00	($8.40)	$0.00	($4.95)	$304.95		$269.88

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **248 - PLYMOUTH RD DEV AUTHORITY**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	719,514.00	.00	719,514.00	34.75	.00	1,076.47	718,437.53	0	(4,166.28)
REVENUE TOTALS	$719,514.00	$0.00	$719,514.00	$34.75	$0.00	$1,076.47	$718,437.53	0%	($4,166.28)
EXPENSE									
Department **000 - ACCOUNT BALANCES**	712,925.00	384,996.00	1,097,921.00	(110,209.26)	.00	123,028.43	974,892.57	11	(22,783.68)
EXPENSE TOTALS	$712,925.00	$384,996.00	$1,097,921.00	($110,209.26)	$0.00	$123,028.43	$974,892.57	11%	($22,783.68)
Fund **248 - PLYMOUTH RD DEV AUTHORITY** Totals									
REVENUE TOTALS	719,514.00	.00	719,514.00	34.75	.00	1,076.47	718,437.53	0%	(4,166.28)
EXPENSE TOTALS	712,925.00	384,996.00	1,097,921.00	(110,209.26)	.00	123,028.43	974,892.57	11%	(22,783.68)
Fund **248 - PLYMOUTH RD DEV AUTHORITY** Totals	$6,589.00	($384,996.00)	($378,407.00)	$110,244.01	$0.00	($121,951.96)	($256,455.04)		$18,617.40

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **260 - MIDC GRANT**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	648,952.00	.00	648,952.00	.00	.00	476,527.78	172,424.22	73	289,269.23
REVENUE TOTALS	$648,952.00	$0.00	$648,952.00	$0.00	$0.00	$476,527.78	$172,424.22	73%	$289,269.23
EXPENSE									
Department **000 - ACCOUNT BALANCES**	648,952.00	.00	648,952.00	23,313.92	.00	153,249.23	495,702.77	24	172,912.58
EXPENSE TOTALS	$648,952.00	$0.00	$648,952.00	$23,313.92	$0.00	$153,249.23	$495,702.77	24%	$172,912.58
Fund **260 - MIDC GRANT** Totals									
REVENUE TOTALS	648,952.00	.00	648,952.00	.00	.00	476,527.78	172,424.22	73%	289,269.23
EXPENSE TOTALS	648,952.00	.00	648,952.00	23,313.92	.00	153,249.23	495,702.77	24%	172,912.58
Fund **260 - MIDC GRANT** Totals	$0.00	$0.00	$0.00	($23,313.92)	$0.00	$323,278.55	($323,278.55)		$116,356.65

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **261 - PUB. SAFETY COMMUNICATION**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	545,000.00	.00	545,000.00	(1,419.31)	.00	222,972.88	322,027.12	41	284,559.79
REVENUE TOTALS	$545,000.00	$0.00	$545,000.00	($1,419.31)	$0.00	$222,972.88	$322,027.12	41%	$284,559.79
EXPENSE									
Department **000 - ACCOUNT BALANCES**	1,366,500.00	136,603.00	1,503,103.00	99,809.42	72,805.50	275,662.60	1,154,634.90	23	87,109.69
EXPENSE TOTALS	$1,366,500.00	$136,603.00	$1,503,103.00	$99,809.42	$72,805.50	$275,662.60	$1,154,634.90	23%	$87,109.69
Fund **261 - PUB. SAFETY COMMUNICATION** Totals									
REVENUE TOTALS	545,000.00	.00	545,000.00	(1,419.31)	.00	222,972.88	322,027.12	41%	284,559.79
EXPENSE TOTALS	1,366,500.00	136,603.00	1,503,103.00	99,809.42	72,805.50	275,662.60	1,154,634.90	23%	87,109.69
Fund **261 - PUB. SAFETY COMMUNICATION** Totals	($821,500.00)	($136,603.00)	($958,103.00)	($101,228.73)	($72,805.50)	($52,689.72)	($832,607.78)		$197,450.10

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **262 - ADJUDICATED FORFEITURES**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	225,000.00	.00	225,000.00	33,136.12	.00	197,464.31	27,535.69	88	157,520.63
REVENUE TOTALS	$225,000.00	$0.00	$225,000.00	$33,136.12	$0.00	$197,464.31	$27,535.69	88%	$157,520.63
EXPENSE									
Department **333 - STATE/LOCAL FORFEITURE EX**	516,350.00	.00	516,350.00	700.12	2,705.00	44,749.68	468,895.32	9	34,637.04
Department **334 - FEDERAL FORFEITURE EXP**	301,865.00	1,140.00	303,005.00	4,711.01	.00	65,588.06	237,416.94	22	56,810.83
Department **335 - CONTINUING CRIMINAL ENTERPRISE**	145,000.00	.00	145,000.00	135.30	.00	10,257.13	134,742.87	7	5,167.90
EXPENSE TOTALS	$963,215.00	$1,140.00	$964,355.00	$5,546.43	$2,705.00	$120,594.87	$841,055.13	13%	$96,615.77
Fund **262 - ADJUDICATED FORFEITURES** Totals									
REVENUE TOTALS	225,000.00	.00	225,000.00	33,136.12	.00	197,464.31	27,535.69	88%	157,520.63
EXPENSE TOTALS	963,215.00	1,140.00	964,355.00	5,546.43	2,705.00	120,594.87	841,055.13	13%	96,615.77
Fund **262 - ADJUDICATED FORFEITURES** Totals	($738,215.00)	($1,140.00)	($739,355.00)	$27,589.69	($2,705.00)	$76,869.44	($813,519.44)		$60,904.86

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **270 - HISTORICAL COMMISSION**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	115,200.00	1,787.00	116,987.00	18,911.83	.00	54,695.79	62,291.21	47	14,909.10
REVENUE TOTALS	$115,200.00	$1,787.00	$116,987.00	$18,911.83	$0.00	$54,695.79	$62,291.21	47%	$14,909.10
EXPENSE									
Department **000 - ACCOUNT BALANCES**	84,000.00	39,480.00	123,480.00	2,227.82	37,565.00	4,215.98	81,699.02	34	11,887.09
EXPENSE TOTALS	$84,000.00	$39,480.00	$123,480.00	$2,227.82	$37,565.00	$4,215.98	$81,699.02	34%	$11,887.09
Fund **270 - HISTORICAL COMMISSION** Totals									
REVENUE TOTALS	115,200.00	1,787.00	116,987.00	18,911.83	.00	54,695.79	62,291.21	47%	14,909.10
EXPENSE TOTALS	84,000.00	39,480.00	123,480.00	2,227.82	37,565.00	4,215.98	81,699.02	34%	11,887.09
Fund **270 - HISTORICAL COMMISSION** Totals	$31,200.00	($37,693.00)	($6,493.00)	$16,684.01	($37,565.00)	$50,479.81	($19,407.81)		$3,022.01

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **271 - LIBRARY FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	4,129,019.00	.00	4,129,019.00	767.10	.00	3,995,527.32	133,491.68	97	3,911,303.72
REVENUE TOTALS	$4,129,019.00	$0.00	$4,129,019.00	$767.10	$0.00	$3,995,527.32	$133,491.68	97%	$3,911,303.72
EXPENSE									
Department **778 - CIVIC CENTER LIBRARY**	3,381,149.00	183,500.00	3,564,649.00	190,456.69	60,479.71	1,568,896.70	1,935,272.59	46	1,266,264.74
Department **779 - NOBLE LIBRARY**	.00	20,000.00	20,000.00	512.66	.00	6,988.82	13,011.18	35	72,811.66
Department **780 - SANDBURG LIBRARY**	749,504.00	16,391.00	765,895.00	41,555.85	1,864.37	381,663.11	382,367.52	50	270,912.94
EXPENSE TOTALS	$4,130,653.00	$219,891.00	$4,350,544.00	$232,525.20	$62,344.08	$1,957,548.63	$2,330,651.29	46%	$1,609,989.34
Fund **271 - LIBRARY FUND** Totals									
REVENUE TOTALS	4,129,019.00	.00	4,129,019.00	767.10	.00	3,995,527.32	133,491.68	97%	3,911,303.72
EXPENSE TOTALS	4,130,653.00	219,891.00	4,350,544.00	232,525.20	62,344.08	1,957,548.63	2,330,651.29	46%	1,609,989.34
Fund **271 - LIBRARY FUND** Totals	($1,634.00)	($219,891.00)	($221,525.00)	($231,758.10)	($62,344.08)	$2,037,978.69	($2,197,159.61)		$2,301,314.38

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **272 - ARTS COMMISSION FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	17,000.00	.00	17,000.00	(31.20)	.00	8,740.17	8,259.83	51	6,352.95
REVENUE TOTALS	$17,000.00	$0.00	$17,000.00	($31.20)	$0.00	$8,740.17	$8,259.83	51%	$6,352.95
EXPENSE									
Department **000 - ACCOUNT BALANCES**	13,000.00	.00	13,000.00	.00	.00	.00	13,000.00	0	212.50
EXPENSE TOTALS	$13,000.00	$0.00	$13,000.00	$0.00	$0.00	$0.00	$13,000.00	0%	$212.50
Fund **272 - ARTS COMMISSION FUND** Totals									
REVENUE TOTALS	17,000.00	.00	17,000.00	(31.20)	.00	8,740.17	8,259.83	51%	6,352.95
EXPENSE TOTALS	13,000.00	.00	13,000.00	.00	.00	.00	13,000.00	0%	212.50
Fund **272 - ARTS COMMISSION FUND** Totals	$4,000.00	$0.00	$4,000.00	($31.20)	$0.00	$8,740.17	($4,740.17)		$6,140.45

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **286 - TRANSIT & CAPITAL IMPR**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	2,407,245.00	.00	2,407,245.00	.00	.00	2,431,370.89	(24,125.89)	101	2,339,683.77
REVENUE TOTALS	$2,407,245.00	$0.00	$2,407,245.00	$0.00	$0.00	$2,431,370.89	($24,125.89)	101%	$2,339,683.77
EXPENSE									
Department **000 - ACCOUNT BALANCES**	2,407,245.00	.00	2,407,245.00	.00	.00	2,407,245.00	.00	100	2,308,717.00
EXPENSE TOTALS	$2,407,245.00	$0.00	$2,407,245.00	$0.00	$0.00	$2,407,245.00	$0.00	100%	$2,308,717.00
Fund **286 - TRANSIT & CAPITAL IMPR** Totals									
REVENUE TOTALS	2,407,245.00	.00	2,407,245.00	.00	.00	2,431,370.89	(24,125.89)	101%	2,339,683.77
EXPENSE TOTALS	2,407,245.00	.00	2,407,245.00	.00	.00	2,407,245.00	.00	100%	2,308,717.00
Fund **286 - TRANSIT & CAPITAL IMPR** Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$24,125.89	($24,125.89)		$30,966.77

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **288 - COMMUNITY TRANSIT PROGRAM**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	994,828.00	.00	994,828.00	2,876.97	.00	934,751.65	60,076.35	94	944,436.13
REVENUE TOTALS	$994,828.00	$0.00	$994,828.00	$2,876.97	$0.00	$934,751.65	$60,076.35	94%	$944,436.13
EXPENSE									
Department **606 - COMM TRANSIT DISPATCHERS**	101,050.00	.00	101,050.00	6,248.06	.00	49,528.03	51,521.97	49	45,263.56
Department **607 - COMMUNITY TRANSIT ADMIN**	130,486.00	.00	130,486.00	9,267.91	.00	71,371.24	59,114.76	55	90,761.10
Department **608 - COMMUNITY TRANSIT**	907,863.00	.00	907,863.00	(147,142.20)	83,864.00	251,159.85	572,839.15	37	277,915.51
EXPENSE TOTALS	$1,139,399.00	$0.00	$1,139,399.00	($131,626.23)	$83,864.00	$372,059.12	$683,475.88	40%	$413,940.17
Fund **288 - COMMUNITY TRANSIT PROGRAM** Totals									
REVENUE TOTALS	994,828.00	.00	994,828.00	2,876.97	.00	934,751.65	60,076.35	94%	944,436.13
EXPENSE TOTALS	1,139,399.00	.00	1,139,399.00	(131,626.23)	83,864.00	372,059.12	683,475.88	40%	413,940.17
Fund **288 - COMMUNITY TRANSIT PROGRAM** Totals	($144,571.00)	$0.00	($144,571.00)	$134,503.20	($83,864.00)	$562,692.53	($623,399.53)		$530,495.96

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **297 - CABLE TELEVISION FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	421,100.00	.00	421,100.00	(300.88)	.00	196,016.78	225,083.22	47	212,001.43
REVENUE TOTALS	$421,100.00	$0.00	$421,100.00	($300.88)	$0.00	$196,016.78	$225,083.22	47%	$212,001.43
EXPENSE									
Department **806 - CABLE TELEVISION**	507,616.00	.00	507,616.00	42,970.84	2,638.77	249,392.38	255,584.85	50	200,149.51
EXPENSE TOTALS	$507,616.00	$0.00	$507,616.00	$42,970.84	$2,638.77	$249,392.38	$255,584.85	50%	$200,149.51
Fund **297 - CABLE TELEVISION FUND** Totals									
REVENUE TOTALS	421,100.00	.00	421,100.00	(300.88)	.00	196,016.78	225,083.22	47%	212,001.43
EXPENSE TOTALS	507,616.00	.00	507,616.00	42,970.84	2,638.77	249,392.38	255,584.85	50%	200,149.51
Fund **297 - CABLE TELEVISION FUND** Totals	($86,516.00)	$0.00	($86,516.00)	($43,271.72)	($2,638.77)	($53,375.60)	($30,501.63)		$11,851.92

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **372 - D/S 2015 MBA REFUNDING**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	184,457.00	.00	184,457.00	.00	.00	175,497.50	8,959.50	95	172,473.50
REVENUE TOTALS	$184,457.00	$0.00	$184,457.00	$0.00	$0.00	$175,497.50	$8,959.50	95%	$172,473.50
EXPENSE									
Department **000 - ACCOUNT BALANCES**	184,457.00	.00	184,457.00	.00	.00	175,497.50	8,959.50	95	172,473.50
EXPENSE TOTALS	$184,457.00	$0.00	$184,457.00	$0.00	$0.00	$175,497.50	$8,959.50	95%	$172,473.50
Fund **372 - D/S 2015 MBA REFUNDING** Totals									
REVENUE TOTALS	184,457.00	.00	184,457.00	.00	.00	175,497.50	8,959.50	95%	172,473.50
EXPENSE TOTALS	184,457.00	.00	184,457.00	.00	.00	175,497.50	8,959.50	95%	172,473.50
Fund **372 - D/S 2015 MBA REFUNDING** Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$0.00

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **373 - D/S 2016 MBA REFUNDING**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	551,000.00	.00	551,000.00	.00	.00	446,600.00	104,400.00	81	438,000.00
REVENUE TOTALS	$551,000.00	$0.00	$551,000.00	$0.00	$0.00	$446,600.00	$104,400.00	81%	$438,000.00
EXPENSE									
Department **000 - ACCOUNT BALANCES**	551,000.00	.00	551,000.00	.00	.00	446,600.00	104,400.00	81	438,000.00
EXPENSE TOTALS	$551,000.00	$0.00	$551,000.00	$0.00	$0.00	$446,600.00	$104,400.00	81%	$438,000.00
Fund **373 - D/S 2016 MBA REFUNDING** Totals									
REVENUE TOTALS	551,000.00	.00	551,000.00	.00	.00	446,600.00	104,400.00	81%	438,000.00
EXPENSE TOTALS	551,000.00	.00	551,000.00	.00	.00	446,600.00	104,400.00	81%	438,000.00
Fund **373 - D/S 2016 MBA REFUNDING** Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$0.00

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **374 - D/S 2017 MBA REFUNDING**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	1,993,850.00	.00	1,993,850.00	.00	.00	1,692,450.00	301,400.00	85	1,672,400.00
REVENUE TOTALS	$1,993,850.00	$0.00	$1,993,850.00	$0.00	$0.00	$1,692,450.00	$301,400.00	85%	$1,672,400.00
EXPENSE									
Department **000 - ACCOUNT BALANCES**	1,993,850.00	.00	1,993,850.00	.00	.00	1,692,450.00	301,400.00	85	1,672,400.00
EXPENSE TOTALS	$1,993,850.00	$0.00	$1,993,850.00	$0.00	$0.00	$1,692,450.00	$301,400.00	85%	$1,672,400.00
Fund **374 - D/S 2017 MBA REFUNDING** Totals									
REVENUE TOTALS	1,993,850.00	.00	1,993,850.00	.00	.00	1,692,450.00	301,400.00	85%	1,672,400.00
EXPENSE TOTALS	1,993,850.00	.00	1,993,850.00	.00	.00	1,692,450.00	301,400.00	85%	1,672,400.00
Fund **374 - D/S 2017 MBA REFUNDING** Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$0.00

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **401 - CAPITAL PROJECTS**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	2,182,245.00	.00	2,182,245.00	(3,061.13)	.00	2,130,482.74	51,762.26	98	2,623,233.91
REVENUE TOTALS	$2,182,245.00	$0.00	$2,182,245.00	($3,061.13)	$0.00	$2,130,482.74	$51,762.26	98%	$2,623,233.91
EXPENSE									
Department **000 - ACCOUNT BALANCES**	2,501,450.00	4,654,895.00	7,156,345.00	277,746.24	724,012.59	888,385.01	5,543,947.40	23	1,708,731.18
EXPENSE TOTALS	$2,501,450.00	$4,654,895.00	$7,156,345.00	$277,746.24	$724,012.59	$888,385.01	$5,543,947.40	23%	$1,708,731.18
Fund **401 - CAPITAL PROJECTS** Totals									
REVENUE TOTALS	2,182,245.00	.00	2,182,245.00	(3,061.13)	.00	2,130,482.74	51,762.26	98%	2,623,233.91
EXPENSE TOTALS	2,501,450.00	4,654,895.00	7,156,345.00	277,746.24	724,012.59	888,385.01	5,543,947.40	23%	1,708,731.18
Fund **401 - CAPITAL PROJECTS** Totals	($319,205.00)	($4,654,895.00)	($4,974,100.00)	($280,807.37)	($724,012.59)	$1,242,097.73	($5,492,185.14)		$914,502.73

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **418 - BUILDING IMPROVEMENT FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	5,000.00	.00	5,000.00	(1,111.20)	.00	(656.45)	5,656.45	-13	13,740.43
REVENUE TOTALS	$5,000.00	$0.00	$5,000.00	($1,111.20)	$0.00	($656.45)	$5,656.45	-13%	$13,740.43
EXPENSE									
Department **000 - ACCOUNT BALANCES**	100,000.00	.00	100,000.00	.00	.00	.00	100,000.00	0	.00
EXPENSE TOTALS	$100,000.00	$0.00	$100,000.00	$0.00	$0.00	$0.00	$100,000.00	0%	$0.00
Fund **418 - BUILDING IMPROVEMENT FUND** Totals									
REVENUE TOTALS	5,000.00	.00	5,000.00	(1,111.20)	.00	(656.45)	5,656.45	-13%	13,740.43
EXPENSE TOTALS	100,000.00	.00	100,000.00	.00	.00	.00	100,000.00	0%	.00
Fund **418 - BUILDING IMPROVEMENT FUND** Totals	($95,000.00)	$0.00	($95,000.00)	($1,111.20)	$0.00	($656.45)	($94,343.55)		$13,740.43

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **536 - NEWBURGH VILLAGE**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	838,400.00	.00	838,400.00	66,540.66	.00	482,114.58	356,285.42	58	473,378.80
REVENUE TOTALS	$838,400.00	$0.00	$838,400.00	$66,540.66	$0.00	$482,114.58	$356,285.42	58%	$473,378.80
EXPENSE									
Department **677 - NEWBURGH VILLAGE**	728,084.00	.00	728,084.00	43,941.55	7,847.50	346,974.10	373,262.40	49	302,508.05
EXPENSE TOTALS	$728,084.00	$0.00	$728,084.00	$43,941.55	$7,847.50	$346,974.10	$373,262.40	49%	$302,508.05
Fund **536 - NEWBURGH VILLAGE** Totals									
REVENUE TOTALS	838,400.00	.00	838,400.00	66,540.66	.00	482,114.58	356,285.42	58%	473,378.80
EXPENSE TOTALS	728,084.00	.00	728,084.00	43,941.55	7,847.50	346,974.10	373,262.40	49%	302,508.05
Fund **536 - NEWBURGH VILLAGE** Totals	$110,316.00	$0.00	$110,316.00	$22,599.11	($7,847.50)	$135,140.48	($16,976.98)		$170,870.75

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **538 - SILVER VILLAGE FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	674,210.00	.00	674,210.00	53,285.88	.00	381,629.93	292,580.07	57	396,144.67
REVENUE TOTALS	$674,210.00	$0.00	$674,210.00	$53,285.88	$0.00	$381,629.93	$292,580.07	57%	$396,144.67
EXPENSE									
Department **676 - SILVER VILLAGE**	586,164.00	.00	586,164.00	19,867.12	.00	241,824.92	344,339.08	41	252,107.69
EXPENSE TOTALS	$586,164.00	$0.00	$586,164.00	$19,867.12	$0.00	$241,824.92	$344,339.08	41%	$252,107.69
Fund **538 - SILVER VILLAGE FUND** Totals									
REVENUE TOTALS	674,210.00	.00	674,210.00	53,285.88	.00	381,629.93	292,580.07	57%	396,144.67
EXPENSE TOTALS	586,164.00	.00	586,164.00	19,867.12	.00	241,824.92	344,339.08	41%	252,107.69
Fund **538 - SILVER VILLAGE FUND** Totals	$88,046.00	$0.00	$88,046.00	$33,418.76	$0.00	$139,805.01	($51,759.01)		$144,036.98

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **584 - GOLF COURSE FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	2,055,363.00	.00	2,055,363.00	418,809.88	.00	1,029,144.71	1,026,218.29	50	671,053.08
REVENUE TOTALS	$2,055,363.00	$0.00	$2,055,363.00	$418,809.88	$0.00	$1,029,144.71	$1,026,218.29	50%	$671,053.08
EXPENSE									
Department **000 - ACCOUNT BALANCES**	.00	.00	.00	.00	.00	.00	.00	+++	.00
Department **773 - WHISPERING WILLOWS**	712,974.00	1,404.00	714,378.00	58,091.23	4,804.00	354,620.73	354,953.27	50	330,390.91
Department **774 - IDYL WYLD**	533,974.00	1,404.00	535,378.00	34,107.04	.00	272,771.42	262,606.58	51	231,487.83
Department **775 - FOX CREEK**	779,372.00	1,404.00	780,776.00	45,997.74	.00	350,812.32	429,963.68	45	297,028.86
EXPENSE TOTALS	$2,026,320.00	$4,212.00	$2,030,532.00	$138,196.01	$4,804.00	$978,204.47	$1,047,523.53	48%	$858,907.60
Fund **584 - GOLF COURSE FUND** Totals									
REVENUE TOTALS	2,055,363.00	.00	2,055,363.00	418,809.88	.00	1,029,144.71	1,026,218.29	50%	671,053.08
EXPENSE TOTALS	2,026,320.00	4,212.00	2,030,532.00	138,196.01	4,804.00	978,204.47	1,047,523.53	48%	858,907.60
Fund **584 - GOLF COURSE FUND** Totals	$29,043.00	($4,212.00)	$24,831.00	$280,613.87	($4,804.00)	$50,940.24	($21,305.24)		($187,854.52)

BUDGET TO ACTUAL - COUNCIL SUMMARY - 6/30/2021

Through 06/30/21

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year YTD
Fund **592 - WATER AND SEWER FUND**									
REVENUE									
Department **000 - ACCOUNT BALANCES**	43,652,866.00	.00	43,652,866.00	4,211,562.59	.00	21,769,773.62	21,883,092.38	50	20,818,740.59
REVENUE TOTALS	$43,652,866.00	$0.00	$43,652,866.00	$4,211,562.59	$0.00	$21,769,773.62	$21,883,092.38	50%	$20,818,740.59
EXPENSE									
Department **558 - W & S FINANCIAL ADMIN**	35,034,916.00	3,506.00	35,038,422.00	2,590,996.61	.00	19,564,562.42	15,473,859.58	56	19,311,279.97
Department **559 - W & S FIELD OPERATIONS**	7,087,611.00	150,000.00	7,237,611.00	647,439.79	200,943.39	4,030,688.18	3,005,979.43	58	3,018,737.97
EXPENSE TOTALS	$42,122,527.00	$153,506.00	$42,276,033.00	$3,238,436.40	$200,943.39	$23,595,250.60	$18,479,839.01	56%	$22,330,017.94
Fund **592 - WATER AND SEWER FUND** Totals									
REVENUE TOTALS	43,652,866.00	.00	43,652,866.00	4,211,562.59	.00	21,769,773.62	21,883,092.38	50%	20,818,740.59
EXPENSE TOTALS	42,122,527.00	153,506.00	42,276,033.00	3,238,436.40	200,943.39	23,595,250.60	18,479,839.01	56%	22,330,017.94
Fund **592 - WATER AND SEWER FUND** Totals	$1,530,339.00	($153,506.00)	$1,376,833.00	$973,126.19	($200,943.39)	($1,825,476.98)	$3,403,253.37		($1,511,277.35)
Grand Totals									
REVENUE TOTALS	176,496,643.00	24,537.00	176,521,180.00	10,702,888.67	.00	121,905,770.36	54,615,409.64	69%	118,543,377.99
EXPENSE TOTALS	180,426,251.00	8,532,672.00	188,958,923.00	14,828,166.88	2,815,493.97	90,931,193.36	95,212,235.67	50%	82,040,624.39
Grand Totals	($3,929,608.00)	($8,508,135.00)	($12,437,743.00)	($4,125,278.21)	($2,815,493.97)	$30,974,577.00	($40,596,826.03)		$36,502,753.60

CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 9, 2021

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None.

1. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Justin Ellsworth, Old Rosedale Gardens Homeowners Association, re: to show family friendly movies beginning at dusk until the end of the movie on Saturday, September 18, 2021 in Kleinert Park.

Justin Ellsworth presented this request to Council. He stated we're going to show "The Sandlot" this year.

Councilmember White offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

LETTER TO THE LIVONIA CITY COUNCIL

1.

Council Office
July 20, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Sara Kasprowicz, Council Office Manager

AGENDA ITEM

REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Justin Ellsworth, Old Rosedale Gardens Homeowners Association, re: to show family friendly movies beginning at dusk until the end of the movie on Saturday, September 18, 2021 in Kleinert Park.

BACKGROUND

Justin Ellsworth, Old Rosedale Gardens Homeowners Association, to show family friendly movies beginning at dusk until the end of the movie on Saturday, September 18, 2021 in Kleinert Park.

RECOMMENDATION

As Council decides

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. S080921 - REQUEST TO WAIVE NOISE ORD ORGHA

APPROVED BY

Old Rosedale Gardens Homeowners Association

Justin Ellsworth
Communications Director
Old Rosedale Gardens Homeowners Association
9835 Berwick St
Livonia, MI 48150
July 19, 2021

RECEIVED
OFFICE OF THE CITY CLERK
2021 JUL 20 AM 8:38

Bonnie Murphy
Secretary II
City of Livonia City Clerk Office
33000 Civic Center Drive
Livonia, MI 48154

Dear Bonnie Murphy:

I am representing the Old Rosedale Gardens Homeowners Association to request a neighborhood movie night in Kleinert Park that would go after the hour of 10:00 PM. We would like to be put on the agenda for the upcoming City Council meeting. We have already received approval from the city's Parks and Recs Commission. We will arrange to have a representative attend the meeting.

The planned date is September 18th (Saturday night). The current planned movie is The Sandlot, a family friendly rated PG movie.

If you have further questions, please contact me at 248-259-6748.

Sincerely,
Justin Ellsworth
Communications Director

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

4. BLOCK PARTY: Louis Palmer, re: with music, to be held Saturday, September 11, 2021, from 2:00 p.m. to 10:00 p.m. on Beacon Avenue, from Boston Post Road to dead end of Beacon Avenue, with rain date of Saturday, September 18, 2021.

Louis and Kim Palmer, 11866 Boston Post Street, presented this request to Council. They stated this is in memory of 911 and that their neighborhood has been through a lot in the last couple years and they would like to bring the old and the new neighbors together for this event. Neighbors abutting the area have been contacted.

Councilmember Toy asked if this is the first block party and the Palmers replied yes. She then offered an approving resolution for the Consent Agenda.

Councilmember Jolly commended the Palmers for putting forth the effort to bring the community together

Councilmember Donovic thanked the Palmers for acknowledging 911.

President McIntyre also thanked the Palmers for their leadership.

DIRECTION: APPROVING CONSENT

LETTER TO THE LIVONIA CITY COUNCIL

4.

City Clerk
July 28, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Lori Miller, Deputy City Clerk

AGENDA ITEM

BLOCK PARTY: Louis Palmer, re: with music, to be held Saturday, September 11, 2021, from 2:00 p.m. to 10:00 p.m. on Beacon Avenue, from Boston Post Road to dead end of Beacon Avenue, with rain date of Saturday, September 18, 2021.

BACKGROUND

Request to host block party in Alden Village sub from dead end of Beacon Avenue to cross street of Boston Post Road with pot luck meal, games and music. Approximately 100 guests attending.

RECOMMENDATION

Approve as submitted.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. Boston Post Block Party Request, 08-09-21 Study

APPROVED BY

REQUEST FOR BLOCK PARTY and/or BARRICADING OF CITY STREETS

(To be sent to: Livonia City Council, c/o City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097 **or** hand delivered to the City Clerk's Office **at least 8 weeks prior to the planned event**)

PLEASE PRINT

Date of Application 7-22-2021

LOUIS PALMER
Name of Neighborhood Representative

11866 BOSTON POST LIVONIA MI 48150
Address *(please include zip code)*

Telephone Number: Home 734-355-9559 Email LIVONIAKAY@gmail.com

(please include area code) Office —

Please circle what is being requested – **"BLOCK PARTY"** and/or **"STREET BARRICADING"**

9/11/21
Date of Block Party and/or Barricading

9/18/21
Rain Date

2pm-10pm
Time of Block Party and/or Barricading
(Ending Time – No Later than 10:00 p.m.) (Be as specific as possible)

Location of Block Party and/or Barricading.
(Be as specific as possible – indicate what **streets** as well as what **boundaries**).

Alden Village Sub - DEAD END of Beacon from Cross Street intersection of Boston Post going South - see attached map

Type of Event (Describe briefly activities planned, i.e. music, barbecue, games, etc.)

Pot Luck, games, music

Approximate Number Attending: 100 approximately

Date of Council Approval/Denial: _____

Council Resolution Number: _____

RECEIVED
OFFICE OF THE CITY CLERK
2021 JUL 22 PM 12:07

City Council Office Document
Revised January 2014
A:Block Party Form

Exhibit A

Rosati Industrial Park
Pastana Villa Sub.
ROSATI
CONCORD RD.
CAPITOL AVENUE
Alden Village Sub.
BEACON AVENUE
WADSWORTH AVE.
BOSTON POST ROAD
BREWSTER AVE.
WADSWORTH AVENUE
Newman Wadsworth Farms Sub.
STANDISH AVENUE
PRISCILLA LANE
STARK ROAD
BELDEN COURT
Belden Industrial Park
Walter Dann Sub.
PLYMOUTH ROAD
990018002 1.78 Acres
990018003 1.44 Acres
990010001 5.11 Acres
990012000 1.86 Acres
990013001 1.29 Acres
990013002 1.71 Acres
990014001 1.6 Acres
990014004 0.8 Acres
990014003 0.62 Acres
990015000 2.95 Acres
990017000 2.6 Acres
990018000 0.99 Acres
990019000 1 Acres
990027000 10 Acres
990026000 1.88 Acres
990024001 5.58 Acres
990023004 3.68 Acres
990023003 0.86 Acres
990008001 4.25 Acres
990007000 1.07 Acres
990006000 2.31 Acres
990004000 3.61 Acres
990002001 0.54 Acres
990001000 1.45 Acres
990031000 20.94 Acres
990032000 1.95 Acres
990033000 14.22 Acres
990016000 0.79 Acres
990015001 0.89 Acres
990014002 0.42 Acres
990014001 0.44 Acres
990008001 8.83 Acres
990000900 0.43 Acres
990007000 0.4 Acres
990000066 2.26 Acres
990005000 1.21 Acres
990004000 0.83 Acres
990003000 5.05 Acres
990003006 1.25 Acres
990003002 0.94 Acres
990002000 0.16 Acres
01
02
03

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

5. REQUEST FOR ADDITIONAL APPROPRIATION AND EXPENDITURE: Department of Public Works, Re: for an additional $25,550.00 to cover the unexpected increase in cost of previously approved vehicles, from budgeted funds. (CR 166-21 and CR 169-21)

Doug Moore, Assistant Superintendent of Public Works, presented this request to Council. He stated back on May 24th Council approved the purchase of three dump trucks with Council Resolution #166-21 and #169-21. Two of the dump trucks are for the Road Maintenance Section, one of the dump trucks is for the Water and Sewer Section. Since that time unfortunately the price of steel has gone through the roof and we are faced with an increase of price for the steel bed part of the option of the truck. We own the chassis and the cabs; we don't own the dump part yet. So, there's a cost increase for the three vehicles. The dump truck that is just a regular dump truck is $8,850.00 increase. The dump truck that has the live bottom which has a conveyor belt which helps move material to the back of the truck. The increase for that is $10,510.00 and the increase for the water and sewer dump truck is almost $6,200.00 and we are asking Council to approve the extra funding so we can get the beds put on the dump trucks.

Councilmember Jolly commended Moore for going above and beyond in his efforts for the City. He then stated I understand this is a serious matter and something that I'm going to offer an approving resolution for the Consent Agenda.

Vice President Bahr asked Moore how can we assure that this doesn't happen again and Moore replied that they will ask for a nonveto letter which will get us into the window that the prices are being held for. There always was a window for the price to be held, it was one of those wink/wink handshake kind of things back when times were normal and unfortunately now they aren't. so we know now unfortunately that we've got to expedite things through the process to make sure that we're doing the things that we need to do also.

DIRECTION: APPROVING CONSENT

LETTER TO THE LIVONIA CITY COUNCIL

5.

DPW
July 29, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Jill Russell, Secretary III

AGENDA ITEM

REQUEST FOR ADDITIONAL APPROPRIATION AND EXPENDITURE: Department of Public Works, Re: for an additional $25,550.00 to cover the unexpected increase in cost of previously approved vehicles, from budgeted funds. (CR 166-21 and CR 169-21)

BACKGROUND

Historically, when the City of Livonia purchases vehicles, we get quotes for the vehicle itself and quotes for the up-fitting of said vehicles as well. Typically, these quotes are good for upwards of sixty days. As a result of COVID and major price increases for steel vendors are now only quoting out for thirty days. Depending on when the quote was received, it can take upwards of 6-8 weeks to finalize Council approval on purchase requests, by which time the original quote is obsolete and the prices have gone up.
As a result, the cost of vehicle up-fitting for DPW vehicles has risen beyond what was originally approved by Council. As such, we need additional funds be approved for the following vehicles:

Model	Veh #	CR #	Date	Ori Quote	New Price	Increase Amt.
Dump RDS	27	166-21	5/24/2021	108,140.0	116,990.00	8,850.00
Dump UTS	28	166-21	5/24/2021	94,000.00	104,510.00	10,510.00
Dump	319	169-21	5/24/2021	40,425.00	46,615.00	6,190.00
					TOTAL	**$ 25,550.00**

RECOMMENDATION

The DPW respectfully requests Council approval to increase funds for the up-fitting of three vehicles to Truck & Trailer Specialties, 900 Grand Oaks Dr., Howell, Michigan 48843 in the amount of $25,550.00.

FISCAL CONSIDERATION

Funding for these purchases are budgeted for in the following accounts:
401-000-985-010..... $19,360.00
592-559-142-000..... $6,190.00

ATTACHMENTS

1. Dump Truck Price Incr 2021
2. Truck 27 - Rev Upfitting Quote

3. Truck 28 - Rev Upfitting Quote
4. Truck 319 - Rev Upfitting Quote

APPROVED BY

Date: July 29, 2021

Donald Rohraff, Director of Public Works

Date: July 30, 2021

Michael Slater, Finance Director

Date: July 30, 2021

Maureen Miller Brosnan, Mayor

DPW EQUIPMENT REQUEST COSTS

Make	Model	Veh #	CR#	Date	Veh $	Upfit	Amount	Rev $ Upfit		
								New $	Increase	% Incr
Freightliner	Dump RDS	**27**	166-21	5/24/2021	$ 88,701.00	$ 108,140.00	$ 196,841.00	$ 116,990.00	$ 8,850.00	8.18%
Freightliner	Dump UTS	**28**	166-21	5/24/2021	$ 87,859.00	$ 94,000.00	$ 181,859.00	$ 104,510.00	$ 10,510.00	11.18%
Freightliner	Dump	**319**	169-21	5/24/2021	$ 100,523.00	$ 40,425.00	$ 140,948.00	$ 46,615.00	$ 6,190.00	15.31%
									$ 25,550.00	

#166-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 2021 Freightliner single axle RDS dump truck Model 108SD (#27) at a cost of $88,701.00 and one (1) 2021 Freightliner single axle conventional UTS dump truck Model 108SD (#28) at a cost of $87,859.00, from Wolverine Freightliner 107 S. Groesbeck, Mt. Clemens, MI 48043, for a total amount not to exceed $176,560.00; and the upfitting of said vehicles by Truck and Trailer Specialties, 900 Grand Oaks Drive, Howell, Michigan 48843, in an amount not to exceed $202,140.00; for a grand total not to exceed $378,700.00, to replace vehicles which have surpassed their life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $378,700.00 from funds budgeted for this purpose in Account No. 401-000-985-010; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is being purchased through the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023); and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced vehicles at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicles.

#169-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 2021 Freightliner tandem axle dump truck, in an amount not to exceed $100,523.00, from Wolverine Freightliner, 107 S. Groesbeck, Mt. Clemens, Michigan 48043; and the outfitting of said vehicle by Truck and Trailer Specialties, 900 Grand Oaks Dr., Howell, Michigan 48843, at a cost of $40,425.00, for a total amount not to exceed $140,948.00, to be utilized by the Water Department (Id# 319) and to replace a comparable vehicle which has outlived its life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $140,948.00 from Account No: 592-559-142-000 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is being purchased through the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023); and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced vehicle at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicle.

27

TRUCK & TRAILER Specialties, Inc.

900 Grand Oaks Drive | Howell, MI 48843 | www.ttspec.com | ph: (517) 552-3855 | fx: (517) 552-3666

July 28, 2021

City of Livonia
13405 Surrey Street, Livonia, MI 48150
Gary Garrison, ph: (734) 564-6592 & Buzz Kirby, ph: (734) 564-6594
HQO002538

Equipment Quotation

The following pricing will be based on City of Rochester Hills RFP-RH-20-023 contract awarded September 2020

Chassis: Single Axle, Wolverine Freightliner/Steve Sexton
Truck: #27

Install **Monroe 10' Radius Dump Spreader (RDS) Body including the following:**
Body shell is constructed of unpainted, 3/16" 201 stainless steel
Body longitudinals are ¼" 201 stainless steel
Air-operated tailgate release
Conveyor trough is 34" wide
667XH chain with crossbars on every other link/4.5" centers
High-temp belt-over-chain attached to every bar with minimum of 6 stainless bolts and washers
Heavy-duty chain shields with heavy-duty rubber wipers
Rear tailgate includes a removable rear metering gate and a blank insert
Extended single axle fender kit installed integrally to the body constructed of 7 ga 201 stainless steel
Fold-down ladder constructed of type 201 stainless on passenger side only with grab handle
Mailhot-type double-acting lift cylinder with trunnion mounts on body
Twin Rawson-type 6:1 gear boxes
8-tooth hardened sprockets with 2" drive and idler shafts for the conveyor
Grease extension kit for rear bearings, tailgate pivot arms, front bearings and hoist trunnion
1/2 cab shield constructed of 7 ga 201 stainless steel
Drive motors are each 15 CID one with integral speed sensor
Summer ¼" A1011 steel conveyor cover bolt-in plate
4-hole light wedge boxes on rear pillars for lighting
FMVSS LED body lights included
Install 8" hardwood side boards
Install remote momentary switch mounted at the rear of the body for conveyor on/off in pillar
Install two (2) stainless steel shovel holders on body bulkhead
Install 11 ga. stainless steel carryover chassis frame cover with pins and handles
Install two (2) weld-on grab handles at base of tailgate exact location TBD (10" wide, 2-3" standoff)
Install Livonia-style branch deflector on cabshield, passenger-side, constructed of stainless steel
Install body prop kit on each side of the frame
Install license plate brackets in upper-left corner of tailgate
Install mudflaps in front of and behind drive tires

Install **Monroe Closed-Loop Pre-Wet System including the following:**
Hydraulic-driven 7 GPM bronze pump and Dickey-john flow meter in fiberglass enclosure
Twin (2) 75 gallon pre-wet tanks with crossover kit
Tanks are 3/8" sidewall thickness, molded in tank fittings and built-in baffles
Tanks include stainless steel mounting brackets

TRUCK & TRAILER Specialties, Inc.
900 Grand Oaks Drive | Howell, MI 48843 | www.ttspec.com | ph: (517) 552-3855 | fx: (517) 552-3666

Tanks will be mounted on top of the fenders
Remote vent kit
Flusher kit with check valve
Bulk fill kit included (1-1/2" Female bulk fill)

Install **Monroe model MS966-OW-GB Undertailgate Spreader including the following:**
Type 201 stainless steel construction, unpainted
3-lid top plate with folding center lid and RDS mounting kit
5:1 gear box with direct-mounted motor
6" auger with one-way flighting and 4" flight spacing for left-discharge
Trough-hung self-leveling spinner with 18" poly spinner disc
Spinner motor shall include a seal-saver kit with grease zerk
Extended integral side plates on spreader
Auger spraybar kit
Jumper hoses with stainless steel hydraulic couplers
Application-rate sensor built into auger motor

Install **Roll-Rite Electric Tarp System including the following:**
Aluminum tarp and tension arms with straight arms
TarpMaster aluminum tarp housing model 64000
Direct-drive motor
Mesh-type tarp cover

Install **Central Hydraulic System including the following:**
Rexroth A10VO85 front-mounted load-sensing piston pump
Spicer driveline
12-volt auto shutdown block
Low-oil shutdown valve and override circuit switch in-cab

Install **Monroe Combo Hydraulic Oil/Valve Enclosure including the following:**
7 ga. type 201 stainless steel construction
Valve enclosure will be installed on the driver's side of the combo tank with a lockable "T" handle latch (measuring 18" wide and behind cab)
38 gal oil capacity, filled with 35 gal AW32 hydraulic oil
5 psi pressurized tank cap on hydraulic tank
3" supply port on hydraulic tank with 3" x 2" suction strainer
2" ball valve shut-off for supply line to the hydraulic pump
¾" case drain shut-off
Tank-mounted return line oil filter
Ball valve shut-offs on both fuel supply and return lines
Low-oil sensor mounted in the top of the tank
Install stainless steel step mounted on the end of the tank mounting bracket assembly

Install **Rexroth 8m4-12 closed-center air control hydraulic valve with the following sections:**
DA air section for Dump hoist with 500 PSI A port pressure limit
DA air section for Scraper up/down with 500 PSI A port pressure limit
DA air section for Scraper swing
DA air section for Front plow up/down
SA air section for EPC valve for conveyor
DA air section for EPC valve for cross conveyor
SA air section for EPC valve for spinner
SA air section for EPC valve for pre-wet

Above valves within above frame-mounted stainless steel combo tank enclosure
Apsco air-type single axis levers for a total of 4 levers in position (L-R) from driver:

#1 Scraper up/down
#2 Scraper left/right
#3 Front Plow up/down
#4 Dump Hoist up/down with safety detent

Stainless steel piping to rear for spreader circuit
All necessary hoses and fittings
Stainless steel hydraulic couplers for spinner & front plow circuits with dust caps and plugs
Additional set of stainless steel couplers for backup (4 couplers per truck)

Install **Rexroth CS550 Electric Spreader Controller including the following:**
Touch screen
Closed-loop operation for spreader, spinner and pre-wet operations
Programmable blast and pause
Data download and programming is with a thumb drive
WiFi and GPS capable
Training is included

Install **Monroe 29" Husting Truck-Portion Hitch including the following:**
12" C-channel front bumper with tapered ends
3" DA lift cylinder with Socatri rod
Bumper cut-outs with installed front tow hooks on frame rails
Shall include hitch roller assembly plates
All necessary supports and braces

Install **Monroe 10' model MP36MR10-ISCT Front Plow including the following:**
36" height x 10' length
10 ga. roll-formed moldboard
Six, ½" x 4" tapered one-piece ribs
2" x 3" x 3/8" top moldboard angle, 4" x 4" x ¾" bottom moldboard angle
3-½" x 3-½" x ½" semi-circle
Manual-reversing (no cylinders)
29" Husting hitch plow-portion style pushframe with 6 attachment points
Roller kit
Plastic plow markers
Carbide curbguards, both ends of moldboard
Snow-Wheels System running gear with adjustable crank (part #6509)

Install **Monroe 10' model 4510 Underbody Scraper including the following:**
1" thick x 20" high moldboard
½" thick hanger board with grease manifold brackets installed
2-1/2" O.D. hinge shaft
Two heavy duty shock absorbers
Bolt-in trunnion caps for canisters; Outer arm remains bolt on style
Two 3-½" x 10" actuating cylinders with Socatri 1000 rods
Cushion valve
1" solid circle with 5" centerpin
Centerpin is piloted into hanger board
Two 4" x 12" reversing cylinders with Socatri 1000 rods
Three hinge anchor points
Hydraulic pipes
20.5" x 7" poly hold down blocks
Mounting hardware
Parts-installation manual

TRUCK & TRAILER Specialties, Inc.
900 Grand Oaks Drive | Howell, MI 48843 | www.ttspec.com | ph: (517) 552-3855 | fx: (517) 552-3666

D-rings for safety chains
Tow hooks mounted at the rear
OEM LED taillights recessed into hitch plate
Electronic brake controller
7-way round pin electrical connector

Install **Shrader Valve under driver-side door, with ball-cock at tank**
Install **TigerTough Seat Covers only: driver w/armrests, passenger seat no armrests (mos. 112100A & 112105A)**
Install **Minimizer Floor Mats for Freightliner SD108 (mo. FKFRTL2B)**
Install **Livonia Truck # welded on all removable components: Plow & Spinner**
Paint All body underfloor, frame attachments, hoist, front hitch and rear hitch assembly Black
All stainless steel material non-painted

Above installed, non-stainless painted price: $117,505.00 ea.

Option Install Grote Heated Plow Lights (mo. GR-84661-4) in lieu of Truck-Lite Halogen Plow lights
Option add: $375.00 per pair

Chassis requirements to be confirmed at time of order:
CA: 106"
Highest ground clearance
Delete OEM front bumper
Front frame extension
Front of engine PTO
Stationary grille
Air tanks mounted between the frame rails
Back of cab exhaust
Plow light/Headlight switch and related OEM wiring
Electric disconnect switch
Trailer pre-wiring to the rear for electric trailer brakes
Low-profile 50 gallon fuel tank mounted under the driver's door

Payment Terms: Net 30. Pricing effective for 30 days.
FOB: City of Livonia
Delivery: 360 days ARO

Thank you for the opportunity to quote.

Respectfully submitted by,
Jon Luea/Brian Bouwman

28

TRUCK & TRAILER Specialties, Inc.

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July 28, 2021

City of Livonia
13405 Surrey Street, Livonia, MI 48150
Gary Garrison, ph: (734) 564-6592 & Buzz Kirby, ph: (734) 564-6594
HQO002318

Equipment Quotation

The following pricing will be based on City of Rochester Hills RFP-RH-20-023 contract awarded September 2020

Chassis: Single Axle, Wolverine Freightliner/Steve Sexton
Truck: #28 with Anti-Ice capability

Install **Crysteel 10' Select Dump Body including the following:**
120" body length, 96" outside width, 84" inside width
50" front height, 26" side height, 36" rear height
7 ga. 201 stainless steel front, sides and rear pillars
Single panel, pressed-in horizontal side braces
Construction of the sides include a boxed top rail
Full-depth rear pillar posts constructed of 7 ga. 201 stainless steel
6-panel tailgate design constructed of 7 ga. 201 stainless steel
Air-operated tailgate with Velvac air controller
8" I-beam type Western understructure, crossmemberless
¼" AR450 steel floor with 8" floor-to-side radius
10 gauge x 24" cabshield 201 stainless steel
Install body prop kit on each side of the frame
Install 10" hardwood side boards
Install 4-hole light wedge boxes on rear pillars for lighting
Install Cougar model 3200 DC box vibrator
Install two (2) weld-on grab handles at base of tailgate (10" wide, 2-3" standoff)
Install Livonia-style branch deflector on cabshield, passenger-side, constructed of stainless steel
Install turnbuckles in tailgate
Install license plate brackets in upper-left corner of tailgate
Install side-mounted step, front corner of body, driver-side and grab handle above on cabshield
Install two (2) shovel holders front of dump body, curbside
Install mudflaps in front of and behind drive tires

Install **Mailhot model CS90-4.5-3 DA Telescopic Hoist including the following:**
Greaseable rear hinge and replaceable rear pin
Hoist is double-acting and trunnion-mounted
Install remote lube grease line kit for Mailhot hoists

Install **Roll-Rite Electric Tarp System including the following:**
Aluminum tarp and tension arms with offset elbows
TarpMaster aluminum tarp housing model 63000
Direct-drive motor
Mesh-type tarp cover

Install **Central Hydraulic System including the following:**
Rexroth A10VO85 front-mounted load-sensing piston pump
Spicer driveline

12-volt auto shutdown block
Low-oil shutdown valve and override circuit switch in-cab

Install **Monroe Combo Hydraulic Oil/Valve Enclosure including the following:**
7 ga. type 201 stainless steel construction
Valve enclosure will be installed on the driver's side of the combo tank with a lockable "T" handle latch (measuring 18" wide and behind cab)
38 gal oil capacity, filled with 35 gal AW32 hydraulic oil
5 psi pressurized tank cap on hydraulic tank
3" supply port on hydraulic tank with 3" x 2" suction strainer
2" ball valve shut-off for supply line to the hydraulic pump & ¾" case drain shut-off
Tank-mounted return line oil filter
Ball valve shut-offs on both fuel supply and return lines
Low-oil sensor mounted in the top of the tank
Install stainless steel step mounted on the end of the tank mounting bracket assembly

Install **Rexroth 7m4-12 closed-center air control hydraulic valve with the following sections:**
Dump Hoist with 500 PSI A port pressure limit
Scraper up/down with 500 PSI A port pressure limit
Scraper swing
Front plow up/down
12-volt EPC valve for auger
12-volt EPC valve for spinner
12-volt EPC valve 4-way asymmetrical section for pre-wet/anti-ice
Above valves within above frame-mounted stainless steel combo tank enclosure
Apsco air-type single axis levers for a total of 4 levers in position (L-R) from driver:
#1 Scraper up/down
#2 Scraper left/right
#3 Front Plow up/down
#4 Dump Hoist up/down with safety detent
Stainless steel piping to rear for spreader circuit
All necessary hoses and fittings
Stainless steel hydraulic couplers for spinner, anti-ice & front plow circuits with dust caps and plugs
Additional set of stainless steel couplers for backup (4 couplers per truck)

Install **Rexroth CS550 Electric Spreader Controller including the following:**
Touch screen
Closed-loop operation for spreader, spinner, pre-wet and anti-ice operations
Programmable blast and pause
Data download and programming is with a thumb drive and WiFi and GPS capable
Training is included

Install **Monroe 29" Husting Truck-Portion Hitch including the following:**
12" C-channel front bumper with tapered ends
3" DA lift cylinder with Socatri rod
Bumper cut-outs with installed front tow hooks on frame rails
Shall include hitch roller assembly plates
All necessary supports and braces

Install **Monroe 10' model MP36MR10-ISCT Front Plow including the following:**
36" height x 10' length
10 ga. roll-formed moldboard
Six, ½" x 4" tapered one-piece ribs
2" x 3" x 3/8" top moldboard angle, 4" x 4" x ¾" bottom moldboard angle
3-½" x 3-½" x ½" semi-circle

Manual-reversing (no cylinders)
29" Husting hitch plow-portion style pushframe with 6 attachment points
Roller kit
Rubber snow deflector
Plastic plow markers
Carbide curbguards, both ends of moldboard
Snow-Wheels System running gear with adjustable crank (part #6509)

Install Monroe 10' model MS4510 Underbody Scraper including the following:
1" thick x 20" high moldboard
½" thick hanger board with grease manifold brackets installed
2-1/2" O.D. hinge shaft
Two heavy-duty shock absorbers
Bolt-in trunnion caps for canisters; Outer arm remains bolt-on style
Two 3-½" x 10" actuating cylinders with Socatri 1000 rods
Cushion valve
1" solid circle with 5" centerpin
Centerpin is piloted into hanger board
Two 4" x 12" reversing cylinders with Socatri 1000 rods
Three hinge anchor points
Hydraulic pipes
20.5" x 7" poly hold-down blocks
Mounting hardware
Parts-installation manual
Hose kit and j-50 type relief valve
¾" solid hanger plates
Grease line kit with manifolds
Install protective stainless steel guards on grease manifolds, both sides
Install serrated grating step on driver-side of scraper, include spacers behind for stand-off aiding cleaning
Install two (2) Bucyrus (mo. GB52103) flame-hardened cutting edges
Install two (2) Kennametal (mo. KCWB-0307A) carbide curbguards, one on each end of the moldboard

Install Monroe model MS966-OW-GB Undertailgate Spreader including the following:
Type 201 stainless steel construction, unpainted
5:1 gear box with direct-mounted motor
6" auger with one-way flighting and 4" flight spacing for left-discharge
Trough-hung self-leveling spinner with 18" poly spinner disc
Spinner motor shall include a seal-saver kit with grease zerk
Extended integral side plates on spreader
Auger spraybar kit
Jumper hoses with stainless steel hydraulic couplers
Application-rate sensor built into auger motor

Install Monroe Closed-Loop Pre-Wet System including the following:
One (1) 120 gal poly pre-wet tank behind cab (measuring 36" long x 60" high x 14" wide)
Secured on the passenger side with stainless steel mounting brackets
Hydraulic driven motor/pump motor with application rate sensor installed inside a poly enclosure, and mounted alongside the frame
Stainless steel piping to the rear for pre-wet liquid
Nozzle bar mounted inside the auger trough
One-way check in the pre-wet hose with a Y-type strainer
Ball valve shut-off on pre-wet tank
All weather pack connectors for electrical disconnects

Bulk fill and flusher kit included (1-1/2" Female bulk fill)

Install **Custom Lighting & Electrical including the following:**

Wired-Rite switch box with the following switches:

- Off/on switch labeled "front flashers"
- Off/on switch labeled "rear flashers" (this switch feeds power to the next switch)
- Off/on switch labeled "rear flashers 2" for green LED Flashers
- Off/on switch labeled "air puffers"
- Off/on switch labeled "blade light"
- Off/on switch labeled "sander light"
- Off/on switch with guard labeled "tailgate open/close"
- Momentary on/off/momentary on labeled "tarp open/close"
- On/momentary off, labeled "low oil override" (includes low oil shutdown)
- Off/ momentary off switch labeled "box vibrator"

Standalone console toggle switch for Pause & Blast

Heads-up Indicator lights for the following:

- low-oil, pump shut down, body-up light & tailgate open

Maxxima heated truck lights (mo. MHLE-07HILO-MH)

Plow lights with aluminum brackets

One (1) SoundOff Pinnacle (mo. EPL7PDPC) amber/green mini lightbar with guard on cabshield front

Four (4) SoundOff mPower (mo. EMPC2SMS4) amber/green LED flashers flush-mounted:

- Two (2) mounted in chassis grille
- Two (2) cabshield-mounted side-facing at bottom of cabshield

4-hole stainless steel light wedge boxes including:

- Two (2) SoundOff LED amber warning lights in top of light boxes
- Two (2) Maxxima (mo. M63348R-MH) heated LED STT lights in 2nd hole of light boxes
- Two (2) SoundOff LED backup lights in 3rd hole of light boxes
- Two (2) SoundOff LED green warning lights in bottom of light boxes
  - Note: green warning lights powered only when amber warning lights are in-use

Two (2) LED scraper work lights mounted above scraper, one each side

One (1) LED spreader work light rear of dump, driverside

LED body marker lights

Ground wire for lights will be routed to firewall and connect to a protected independent ground point

Proximity switch for dump body-up light

Proximity switch for scraper-down 12V type switch for 12v input in city gps unit

Install pwm slave switch on auger section to supply 12v signal for spreader "ON" input into city GPS unit

Label and supply scraper and spreader inputs in cab counsel

Betts junction box mounted at the rear of the dump body

ECCO EC-SA901 smart backup alarm with variable decibel control

Electric brake controller with 7-way round post plug

Install **Pro-Vision IA-TV-220 Camera Light System (without wash system) including the following:**

Infrared camera and 5" LCD screen

Install puffer lens cleaner for camera

Mounted in streetside rear pillar with cover above

Five (5) air puffers, two (2) each side rear on light wedges, one (1) on camera with switch in-cab

Install **Rear ¾" Steel Hitch Plate with side supports including the following:**

PH20 Pintle hook – 20-ton rated set at multiple heights from ground, 18" setting

D-rings for safety chains

Tow hooks mounted at the rear

Heated LED taillights recessed into hitch plate

Electronic brake controller

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	7-way round pin electrical connector
	7-way RV plug mounted on curbside of hitch plate for Anti-Ice trailer
Install	**Shrader Valve under driver-side door, with ball-cock at tank**
Install	**TigerTough Seat Covers only: driver w/armrests, passenger seat no armrests (mos. 112100A & 112105A)**
Install	**Minimizer Floor Mats for Freightliner SD108 (mo. FKFRTL2B)**
Install	**Livonia Truck # welded onto all removable components: Tailgate Spreader & Plow**
Paint	All body underfloor, frame attachments, hoist, front hitch and rear hitch assembly Black
	All stainless steel material non-painted

Above installed, non-stainless painted price: $104,735.00 ea.

Option Install Grote Heated Plow Lights (mo. GR-84661-4) in lieu of Truck-Lite Halogen Plow lights
Option add: $375.00 per pair

Chassis requirements to be confirmed at time of order:
CA: 106"
Highest ground clearance
Delete OEM front bumper
Front frame extension
Front of engine PTO
Stationary grille
Air tanks mounted between the frame rails
Horizontal DPF mounted under the curbside door with a vertical tailpipe
Under-cab exhaust
Plow light/Headlight switch and related OEM wiring
Electric disconnect switch
Trailer wiring to the rear for electric brake controller
Low-profile 50 gallon fuel tank mounted under the driver's door

Payment Terms: Net 30. Pricing effective for 30 days.
FOB: City of Livonia
Delivery: 360 days ARO

Thank you for the opportunity to quote.

Respectfully submitted by,
Jon Luea/Brian Bouwman

319

TRUCK & TRAILER Specialties, Inc.

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July 28, 2021

City of Livonia
13405 Surrey Street, Livonia, MI 48150
Gary Garrison, ph: (734) 564-6592 & Buzz Kirby, ph: (734) 564-6594
HQO002521

Equipment Quotation

The following pricing will be based on City of Rochester Hills RFP-RH-20-023 contract awarded September 2020

Chassis: Tandem Axle, Wolverine Freightliner/Steve Sexton
Truck: #319

Install **Crysteel 12' Select Heated Dump Body including the following:**
144" long, 84" inside width
10.5 cubic yard capacity
62" front height, 40" side height, 40" rear height
Single panel, pressed-in horizontal side braces
Body construction throughout is AR450 steel
3/16" sides and ends including tailgate and ¼" floor with 8" radius
18" wide rear pillar
8" floor-to-sides radius
8" Western understructure, crossmemberless with ¼" A1011 trapezoidal longsills
Air-operated tailgate with Velvac air controller
9-panel tailgate design constructed of 7 gauge type A1011 steel
Tailgate finger latches and pivot plate are mild steel
10 gauge x 24" cabshield A1011 steel
Install body prop kit on each side of the frame
Install 3-hole light wedge boxes on rear pillars for lighting
Install Cougar model 3200 DC box vibrator
Install two (2) weld-on grab handles at base of tailgate exact location TBD (10" wide, 2-3" standoff)
Install Livonia-style branch deflector on cabshield, passenger-side
Install turnbuckles in tailgate
Install license plate brackets in upper-left corner of tailgate
Install side & front-mounted steps, front corner of body, driver-side and grab handle above on cabshield
Install two (2) shovel holders front of dump body, one on each side
Install mudflaps behind the rear drive tires

Install **Heated Body Design including:** trapezoidal longsills and floor/side radius shall be heated design with exit at top of rear pillars with dirt-shedding covers. **Heated Body Kit includes:** Diverter box, spring box, air cylinder/ and on/off switch. Using 12v output from Freightliner to dis-engage heated box when truck is in re-gen mode. Includes an air cylinder, a relay and an airvalve. No linear actuator.

Install **Mailhot CS120-5.5-3 DA Telescopic Hoist including the following:**
Greaseable rear hinge and replaceable rear pin
Hoist is double-acting and trunnion-mounted
Install remote lube grease line kit for Mailhot hoists

Install **Roll-Rite Electric Tarp System including the following:**
Aluminum tarp and tension arms with offset elbows

TarpMaster aluminum tarp housing model 64000
Direct-drive motor
Mesh-type tarp cover

Install **Custom Lighting & Electrical including the following:**

Using chassis switches in dash for:
- Work light
- Rear strobes
- Front strobes

Center console switches:
- PTO on/off
- Tarp in/out
- Air tailgate release with separate in-cab air valve
- Box vibrator momentary switch
- Low oil override momentary switch
- Heated dump switch and temperature monitor

Heads-up Display with indicator lights for:
- Tailgate Open
- Low Oil
- Body Up
- PTO
- Pump Shutdown

Solenoid controlled fuse box for accessory circuits
Maxxima heated truck lights (mo. MHLE-07HILO-MH)
3-hole stainless steel light wedge boxes including:
- Two (2) SoundOff LED amber warning lights in top of light boxes
- Two (2) Maxxima (mo. M63348R-MH) heated LED STT lights in middle of light boxes
- Two (2) SoundOff LED backup lights in bottom of light boxes

One (1) SoundOff Pinnacle (mo. EPL7PDPC) amber/green mini lightbar mounted on cab roof on a riser
Four (4) SoundOff mPower (mo. EMPC2SMS4) amber/green LED flashers flush-mounted:
- Two (2) mounted in chassis grille
- Two (2) cabshield-mounted side-facing at bottom of cabshield

One (1) Maxxima (mo. MWL-19-A-MH) heated LED work light with diode (on-in-reverse), rear driver-side
LED body marker lights
Ground wire for lights will be routed to firewall and connect to a protected independent ground point
Proximity switch for dump body-up light
Betts junction box mounted at the rear of the dump body, driver-side
ECCO EC-SA901 smart backup alarm with variable decibel control
Electric brake controller with 7-way round post plug

Install **Hydraulic System including the following:**

Hotshift PTO with gear pump/dump valve/J-50 relief valve
Low oil shutdown system wired into the PTO to disengage the PTO when a low oil situation exists
Single lever air controller with safety detent for up/down of hoist in center console
32 gallon Slimline (part# TPH30210) oil reservoir with filter, shut-offs, temp and volume gauge
Low oil sensor in tank

Install **Rear Hitch Plate ¾" Steel including the following:**

PH20 Pintle hook – 20-ton rated multiple heights 18", 20", 22" from ground
D-rings for safety chains
OEM LED taillights recessed into hitch plate
7-way round pins electrical connector

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Install	**Shrader Valve under driver-side door, with ball-cock at tank**
Install	**TigerTough Seat Covers only: driver w/armrests, passenger seat no armrests (mos. 112100A & 112105A)**
Install	**Minimizer Floor Mats for Freightliner SD108 (mo. FKFRTL2B)**
Install	**Minimizer Spray Control Fenders for tandem chassis including the following:**
	Min900B minimizer tandem fender kit - black
	B4578BTPA plastic fender mounting kit
Paint	Dump body Livonia Blue (same color as 2015 TA heated dump)
Paint	Bottom of the body, body hinge, body props, oil tank and attaching hardware painted Black

Above installed and painted price: **$46,845.00 ea.**

Chassis requirements to be confirmed at time of order:
CT: 98"
Chassis fuel tank
Under cab exhaust acceptable
PTO provision
Stationary grille
OEM front bumper
Trailer wiring to rear
4-pack of switches
12v Output when truck is in Re-gen mode, programmed by Freightliner

Payment Terms:	Net 30. Pricing effective for 30 days.
FOB:	City of Livonia
Delivery:	240-280 days ARO

Thank you for the opportunity to quote.

Respectfully submitted by,
Jon Luea/Brian Bouwman

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

6. REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of Seasonal Laborers.

Denise Maier, Director of Human Resources, presented this request to Council. She stated she is requesting consideration of a pay increase for our seasonal laborers. Our seasonal laborers perform a critical role in the Department of Public Works during the warmer weather months. They supplement our regular work force and perform a variety of duties including grass cutting, laying sod, planting flowers, weeding beds, cleaning parks, patching roads, washing windows, painting, branch and brush chipping, athletic field maintenance and the list goes on. This classification has not had a pay increase since 2016 so we are seeking this evening to increase their pay and if Council approves, we would like to increase the pay rates immediately. The original request that was sent to Commission was actually for the rates to be increased January 2022 and the Commission thought that that was waiting too long so their resolution includes an amendment to the original request seeking that the hourly rate increase be effective the first pay period after City Council approval, so we would also be seeking a nonveto letter.

Councilmember Jolly asked what the pay increases would be and Maier replied the current pay rate for season one, because as they return to us, we've had some very loyal seasonal laborers that return year after year, the first season currently is $11.00 an hour; the second season is $11.50; and the third season is $12.00. What we're seeking is $12.00 for the first season, $12.50 for the second season; $13.00 for the third season. And then another increase January of 2023 to $12.50, $13.00, and $13.50. And then January 2024, $13.00 an hour, $13.50, and $14.00 an hour the third year.

Jolly stated I think those amounts make sense, particularly as we get further down the road here. Did you do benchmarking with other communities in terms of what they pay for similar and is it in line with those parameters and Maier replied yes, it is.

Jolly then offered an approving resolution for the Consent Agenda.

Vice President Bahr asked if the information included in their packets reflecting 20 to 25 down, has that been the case all summer and Maier replied yes, that not only are we having difficulty hiring them but we're also losing them, so it's both ways. Bahr asked if Maier has a sense of where they're going, a certain sector or something?

Doug Moore replied our loyal seasonals did not, because of the Corona virus, didn't come back last year and then we've lost them this year. This time of year we always lost them to go back to college anyway, so we were always running up against the wall this time of year. We have ten this year compared to probably thirty-five in 2019, and twenty go back to college. This year we had ten and two are leaving, so the percentage is even more. I don't know where they went, I just don't think they came back.

Bahr asked what types of jobs are these, some examples and Moore replied they'd be out with the mowing crew mowing parks, lining athletic fields, working at Bicentennial Park, doing the field prep, that kind of thing.

Bahr said you talked about wanting this immediately, even with a nonveto letter we're looking at this being the end of August, is it still even relevant at this point, is there a major hazard in waiting until January of 2022.

Maier replied major hazard, no. You're not hiring them right now and Moore replied no. We always had difficulties finding them in September/October anyway because the applications we looked at were old, people weren't applying.

Bahr said the reason I asked that is ultimately leading to this: We obviously just voted in our Regular Meeting tonight on this for Parks and Rec, we've got this on here, the next item is a similar type of thing, in your judgment are we going to be seeing a number of more of these and Maier replied yes. Bahr said with that in mind, the rationale all makes sense, but I think it would behoove us as a Council rather than piece mealing this, is to look at this all at once. I'd like to propose that we put in Committee of the Whole this topic to look at this cohesively and see if we can just understand what all we're going to be looking at. I understand the market realities, but rather than doing this piecemeal every meeting, I think it would behoove us to look at it all at once. So I'd offer to put it in Committee of the Whole, the subject of wage increase due to current market realities.

Maier stated we're basically done with the temporary type positions, as far as getting them through and getting them adjusted. The other classifications are union or unrepresented and those are all part of Collective Bargaining.

Bahr then asked to your knowledge you don't anticipate any more of these with temporary --- or I'm getting ahead of myself --- but we've got a substitute librarian one coming up; in your judgment is that the last of these that we're going to see in the near future.

Maier replied when I answered affirmatively to are you going to see me again, yes, that's because we do have another department but it's actually full-time positions that we will be bringing forward to you. But other than that, and also Transit will be coming forward but we're almost through the temporary positions.

Bahr said if that's the case, I'll withdraw my motion, thanks.

Councilmember McCullough stated he has probably more of a statement, being on the other side during my day job, we would always have to hire twenty seasonals and it was a game. Honestly, you would want to fill that up and anybody that could fill out the application and want to come to work and go through the background, they're going to get a job. And to listen that we have ten out of a potential thirty-five, and looking at these numbers, they're significantly low compared to the surrounding areas. I know at my former employer that there was an offering of incentives when the college kids went back to school for any of them that were local. I think it was 100 bucks extra on a paycheck if they stayed. So, just to put it in perspective having that knowledge base, I think these are, even Mr. Moore, I think that you might want to be able to pick up some people if there is someone out there and this might help, at least to pick up two or three people to help you with the winter. So, I think these are imperative, I think they're great moves, and I'm happy to support.

Councilmember Jolly said I had mentioned when we talked about the Rec Center employees and you were talking about giving them a temporary pay increase, exploring possible options for creative solutions here, right. This is primarily relying upon college students to fill these summer positions and I'm going back fifteen years, I remember seeing them, they're around the municipal campus and everywhere else, has there been an exploration at all possibly offering them if they start with us at the beginning of the summer and they make it all the way through, they return to college, we give them potentially sort of like a small scholarship incentive, that either we could pay for, or maybe we could partner with a community organization to pay for or something like that because I mean we hear about he lack of it's not necessarily connected in a way but these people are doing significant work for us as a City but they're also pursuing their different educational paths as well, kind of put them more hand in hand there to give them something to kind of return to and have an incentive to stay for the whole year, just a thought.

Maier replied it's a very good thought and I think we have time because this season is coming to an end for the seasonal laborers, we do have time to discuss that and to look at options that are similar to that so I think that's a really good idea.

Jolly said I know we're always cautious about money coming out of the City coffers, taxpayer funds and stuff like that, but as we saw earlier tonight there are a lot of generous people and organizations in the community who may have an interest in doing that as well because this is how we get our younger people, our college students, and other people involved early on in our community having some kind of connection with the City and maybe staying and adding more value in the future.

Maier replied exactly and to Doug's point of the loyal seasonal laborers that we've had, they didn't come back after Covid 19 but that doesn't mean that we couldn't get that repeat again going.

Councilmember Donovic asked how often do we have our seasonal employees that decide they want to continue working with the City of Livonia and maybe become the next Doug Moore, do we have those seasonal employees?

Moore replied we have a couple that have been with us ten years that have returned. We have a handful, well, it's more than a handful, it was always about ten, fifteen, that would start with us right at the beginning of May and work through until just at the end of leaf season. And we counted on them every year, every year they were back. And most of them were retirees and they got to the point where they just aged out of being able to do that.

Donovic stated that recently we had a Committee meeting with both Chiefs from the PD and FD about programs to attract youth to come into that profession and I just wondered there are young people that are going to school and maybe they want to work future careers in DPW and what not, I just didn't know if there were any programs or any sort of incentives where that discussion with these college students hey, you can have a really great career in DPW and municipal work; I was just wondering if there was any thought to any program or any discussion, any educational opportunities for those young people that hey, I know you're raking leaves and picking up trash right now but one day you can be sitting in our office presenting before City Council.

Councilmember Toy asked if they have ever thought about privatizing that part of the lawn mowing or whatever. I mean I understand that you want to give all these incentives, I understand the lack of employment, I also understand that there's people out there that do want to work. I've had two of them come in my store in the last week. So, it's weak and I get that and I get other cities are having problems, but have you ever thought of new venues to do rather than give, give, give more money, a lot of times that's not the total answer, it may be but I think as Councilman Bahr just said, we're kind of looking at this, we're looking at that, and it's almost like we need to take it and get our arms around it somehow and I know it's frustrating for you guys, too, I'm not trying to pass bad dispersions on it, I'm just saying I don't want to say privatization but I do because mowing lawns is something that a lot of folks do and I realize some of these landscaping places are busy and you can't get them and all that. But there's individuals and groups out there that do it just for extra money right now, you know, so have we looked at anything like that in the past or present.

Moore replied one/third of our parks are cut by contractor. The parks that do not have, most of them do not have recreational features, they're just open area, that we do that with. We're trying to keep a handle on the parks where people are visiting because we know we can take care of them better and revisit them more frequently.

Toy said and I know it's frustrating for you, don't get me wrong, I empathize and all that, I'm just trying to say can we move that to other venues so that you don't have to keep coming back here, is that sensible, I don't know, you run your program, not me, but I just wondered.

DIRECTION: APPROVING CONSENT

LETTER TO THE LIVONIA CITY COUNCIL

6.

Civil Service
July 27, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Jillian Emmitt, Personel Clerk

AGENDA ITEM

REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of Seasonal Laborers.

BACKGROUND

July 26, 2021

Honorable Members of City Council
City of Livonia

Subject: Request for Hourly Wage Increase for Seasonal Laborers

Dear Council Members:

At the Civil Service Commission meeting of July 21, 2021, with Chairperson Roger L. Spence, Commissioners Charlotte S. Mahoney, and James Wenson being present, with minutes to be approved on August 18, 2021, the Civil Service Commission approved the following resolution:

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

> **21-98** RESOLVED, that having reviewed the letter dated June 10, 2021, from Donald Rohraff, Director of Public Works and Doug Moore, Assistant Director of Public Works, requesting an hourly rate increase for Seasonal Laborers, the Civil Service Commission does hereby amend and approve the request for an hourly rate increase for the classification of Seasonal Laborers effective the first pay period after City Council approval. The Civil Service Commission submits the same to City Council for their review and consideration.

Attached is a copy of Mr. Rohraff and Mr. Moore's letter for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

Denise C. Maier
Human Resources Director

RECOMMENDATION

Approve as submitted

FISCAL CONSIDERATION

Projected cost increase of $32,000 in 2022, $48,000 in 2023 and $64,000 in 2024. Will be included in the DPW departmental budget.

ATTACHMENTS

1. Packet to Council Transmitting Hourly Wage Increase for Seasonal Laborers

APPROVED BY

Denise C. Maier

Date: July 27, 2021

Denise C. Maier, SPHR, Human Resources Director

Michael T Slater

Date: July 27, 2021

Michael Slater, Finance Director

Date: July 27, 2021

Paul Bernier, City Attorney

Maureen Miller Brosnan

Date: July 29, 2021

Maureen Miller Brosnan, Mayor

CIVIL SERVICE DEPARTMENT

MAUREEN MILLER BROSNAN
MAYOR

CIVIL SERVICE COMMISSION

ROGER L. SPENCE, CHAIRPERSON
CHARLOTTE S. MAHONEY, COMMISSIONER
JAMES WENSON, COMMISSIONER

MEMBER IPMA-HR /SHRM
International Public Management Association
for Human Resources
Society for Human Resources Management

DENISE C. MAIER, SPHR
HUMAN RESOURCES DIRECTOR

July 26, 2021

Honorable Members of City Council
City of Livonia

Subject: Request for Hourly Wage Increase for Seasonal Laborers

Dear Council Members:

At the Civil Service Commission meeting of July 21, 2021, with Chairperson Roger L. Spence, Commissioners Charlotte S. Mahoney, and James Wenson being present, with minutes to be approved on August 18, 2021, the Civil Service Commission approved the following resolution:

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

> **21-98** RESOLVED, that having reviewed the letter dated June 10, 2021, from Donald Rohraff, Director of Public Works and Doug Moore, Assistant Director of Public Works, requesting an hourly rate increase for Seasonal Laborers, the Civil Service Commission does hereby amend and approve the request for an hourly rate increase for the classification of Seasonal Laborers effective the first pay period after City Council approval. The Civil Service Commission submits the same to City Council for their review and consideration.

Attached is a copy of Mr. Rohraff and Mr. Moore's letter for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

Denise C. Maier

Denise C. Maier
Human Resources Director

je
cc: Mayor; City Clerk; City Attorney; Director of Finance; Civil Service Commission; Donald Rohraff, Director of Public Works; Doug Moore, Assistant Director of Public Works; File

MEMORANDUM

TO: Denise C. Maier, SPHR, Human Resources Director
FROM: Walt Pytlak, PHR, Personnel Analyst II WP
DATE: July 12, 2021
SUBJECT: Seasonal Laborer Hourly Wage Rate Increase for 2022-2024

In correspondence dated June 10, 2021, Douglas Moore, Assistant Director of Public Works, and Donald R. Rohraff, Director of Public Works, request that the Civil Service Commission consider approving an hourly wage rate increase for Seasonal Laborers starting with the 2022 Season.

The current hourly wage rate schedule is as follows:

SEASONAL LABORER	April 2019	January 2020	January 2021
Season 1	$11.00	$11.00	$11.00
Season 2	$11.50	$11.50	$11.50
Season 3+	$12.00	$12.00	$12.00

The proposed hourly wage rate effective January 1, 2022, would be as follows:

SEASONAL LABORER	January 2022	January 2023	January 2024
Season 1	$12.00	$12.50	$13.00
Season 2	$12.50	$13.00	$13.50
Season 3+	$13.00	$13.50	$14.00

Approximately 40 seasonal laborers are needed each season, which typically runs about 16-20 weeks (approximately May through August). DPW is currently short by approximately 20-25 seasonal workers. Seasonal wage rates from neighboring municipalities were gathered and included with the attached DPW proposal. The requested increase is in keeping with neighboring wage rates and is being made to continue to attract quality candidates.

Mr. Moore estimates that the impact to the budget will be an increase of approximately $32,000 in 2022; approximately $48,000 in 2023; and, approximately $64,000 in 2024. He reported that funding will be available in the annual DPW budget to cover the increased cost for calendar year 2022. This request was reviewed and approved by the Personnel Review Committee and Mayor Brosnan.

Per the City of Livonia Charter, CHAPTER V, EXECUTIVE DIVISION, Section 16(b)(1) Powers and Duties of the Commission, the Civil Service Commission is given the authority to "establish and administer…, a schedule of compensation…"

It is recommended that the proposed wage rate increase for Seasonal Laborers effective January 1, 2022, be considered for adoption.

COMMENTS BY THE HUMAN RESOURCES DIRECTOR:

Concur.
Denise C. Maier
7-12-2021

DEPARTMENT OF PUBLIC WORKS

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 WORKS

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

June 10, 2021

Civil Service Commission
City of Livonia

Subject: Seasonal Laborer Pay Rates

Dear Commissioners,

Seasonal Laborer perform a critical role in the Department of Public Works during the warm weather months. Employees in this classification supplement the regular work force and perform tasks including grass cutting, laying sod, planting flowers and weeding beds, cleaning parks, patching roads, washing windows, painting, branch and brush chipping, athletic field maintenance, etc.

At the current pay rates, we have encountered difficulties in attracting applicants. While the Department has had a loyal contingent of seasonal employees who have returned each year, we have been losing some of those employees. Each year we have the need to hire to new employees to carry out the maintenance responsibilities of the Department.

The current pay rates for the Seasonal Laborer classification are as follows:

First Season	-	$11.00
Second Season	-	$11.50
Third Season	-	$12.00

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A survey of neighboring communities who utilize seasonal laborers and who we compete with to attract applicants, indicates the following pay rates:

Farmington Hills	-$12.50/hour
Southfield	-$10.00-$13.00/hour
Plymouth Twp.	-$15.00/hour
Redford Township	-$12.00/hour
Canton Township	-$11.00/hour
Garden City	-$14.00/hour

Additionally, we compete for labor with private sector and positions in the fast-food industry or retail establishments such as Wal-Mart where starting pay rates have risen above our current pay rates. We are not keeping pace with the going labor rate in our area.

The Department is proposing the following pay schedule for Seasonal Laborers for the period of 2022 through 2024.

<u>2022</u>

First Season	-	$12.00
Second Season	-	$12.50
Third Season	-	$13.00

<u>2023</u>

First Season	-	$12.50
Second Season	-	$13.00
Third Season	-	$13.50

<u>2024</u>

First Season	-	$13.00
Second Season	-	$13.50
Third Season	-	$14.00

The Department believes that the entry level rate will improve our applicant numbers and the third+ season rates will assist us with keeping loyal employees who come back year after year.

Sincerely,

Douglas Moore
Assistant Director of Public Works

Donald R. Rohraff
Director of Public Works

DLM/th

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2021 Seasonal Laborer Comparisons

City/Township	Job Title	Pay Range
City of Southfield	Seasonal - Park Maintenance	$10.00 - $13.00/hour
City of Birmingham	Spring/Summer Seasonal Maintenance	$10.00-$15.00/hour
City of Sterling Heights	Seasonal Laborer - Summer	$10.50/hour
Canton Township	Operator - Parks Dept - Seasonal	$11.00/hour
City of Wyandotte	Seasonal Laborer - DPW (PT)	$11.00/hour
City of Livonia	**Seasonal Laborer**	**$11.00-$12.00/hour**
Oakland County	Summer Seasonal Laborer	$11.3149-$13.199/hour
Northville Township	Seasonal	$11.50/hour
City of Farmington	Seasonal Worker - DPW	$11.50 - $13.00/hour
Rochester Hills	Seasonal Laborer - 2021	$11.70/hour
City of Sterling Heights	Seasonal Laborer - Year Round	$12.00/hour w/ incremental raises upon evaluation and approval
Redford Township	Seasonal Parks Maintenance	$12.00/hour
City of Novi	Seasonal Park Laborer & DPW	$12.00/ hr 1st season, $12.50/hr 2nd, $13.00/hour 3rd
City of Taylor	DPW General Labor	$12.00-$13.00/hour
Farmington Hills	Seasonal Laborer (Parks & Golf)	$12.00 - $14.00/ hour (D.O.Q.)
Farmington Hills	DPW Seasonal Laborers	$12.50/hour
Garden City	Seasonal Laborer	$14.00/hour
City of Romulus	Seasonal/Part Time Laborer	$14.00/hour
Plymouth Township	Seasonal Parks Employee	$15.00/hour

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City of Birmingham
A Walkable Community

The City of Birmingham is an Equal Opportunity Employer seeking qualified applicants, without regard to race or other protected status.

SEASONAL SPRING/SUMMER POSITIONS

The City of Birmingham (EOE) is hiring qualified applicants for multiple Spring/Summer Seasonal positions with the City's Department of Public Services and Golf Courses. Application materials are currently being accepted for the following positions:

	Job Functions	Minimum Requirements
Golf Course Clubhouse	Schedule tee times, answer phones, prepare hot and cold food items maintaining quality and standards, and monitor pace of play and merchandise.	Strong customer service skills. A basic knowledge of the game of golf is helpful, but not required. Food Preparation/Line Cook experience preferred.
Golf Course Maintenance	Seeking individuals who like to work outdoors with a general knowledge of small power tools and mowing equipment.	A basic knowledge of the game of golf is helpful, but not required. Skills and experience in inspection, repair, and maintenance of golf course equipment a plus.
Parks Maintenance	Seeking detail-oriented individuals with an interest in landscaping or horticulture. Work in various city parks and athletic fields around the City to make the grounds look great.	Parks & recreation and/or landscape experience a plus. Some training provided.
Ice Arena (Concessions/ Zamboni)	Concessions: Greet public, inventory, cash handling, balance cash register, and prepare & serve food products. Zamboni: Operate resurfacer, ice edger, and other related equipment to prepare facilities for practices, games and other events. Monitor temperature and humidity levels; complete mechanical and general maintenance tasks; & performing other duties as assigned.	Zamboni: High School Diploma, or equiv, & valid State of Michigan Operator's License with good driving record. Previous Ice Rink and Zamboni operation experience preferred. Ability to: * Safely operate mechanical equipment * Ascend/descend 12-foot ladder * Stand/walk for long periods of time * Withstand working in cold temperatures * Lift arms above head (i.e. change light bulbs, wash windows, etc.) * Lift up to 60 pounds
Rate of Pay	Pay range of $10 - $15 per hour, Depending on Qualifications.	
Work Week	These are seasonal positions, offering a schedule of up to 40 hours per week, which may include evening and weekend hours.	

City of Birmingham Employment Applications are available online at www.bhamgov.org/jobs or in the City of Birmingham Human Resources Department, located at 151 Martin, Birmingham, MI 48009.
The Human Resources Department is open Monday - Friday from 8:00 a.m. - 5:00 p.m.

TO APPLY: SUBMIT A COMPLETED APPLICATION FOR EMPLOYMENT TO THE HUMAN RESOURCES DEPARTMENT.

DON'T DELAY! APPLICATIONS ARE ACCEPTED UNTIL POSITIONS ARE FILLED

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Vendor Inquiry | REDISCOVER THE '80s: New | Cityworks | Operator - Parks Department (P
canton.applicantpro.com/jobs/1680091.html
Apps | Managed bookmarks | Dictionary.com | M... | Cityworks | New Tab | Gasboy | WO #134479 447-0... | Imported | GCH vaccine-Michi... | 2020 new appoint... | METER INSTALL SE...

OPERATOR

PARKS DEPARTMENT

(Seasonal or Part-Time)

Pay Rate: $11.00 per hour

SEASONAL: May through October. Monday through Friday from 6:30AM until 2:30PM with occasional Saturdays.

PART-TIME: Year-round employment. Shifts may be scheduled between the hours of 6:30AM and 11:00PM.

JOB DESCRIPTION

DESCRIPTION OF DUTIES

This is routine manual labor and maintenance work in a variety of parks and ground functions. An employee in this class works seasonally for a defined period of time during the calendar year. This position is under the direct supervision of the Park Technician or Irrigation Technician or a lead worker. The employee may also perform routine or repetitive tasks without supervision. This employee will spend most of his time operating power mowers and equipment.

EXAMPLES OF WORK: *(Note: These examples are intended merely as illustrations of the various types of work performed)*

- Assists in custodial and general maintenance of park buildings and facilities.
- Performs general grounds keeping duties.
- Performs manual labor, snow shoveling, and salting.
- Assists in the set-up and take down of special events.
- Ability to operate tractors, sweepers, power mowers of all types.
- Ability to operate all maintenance equipment.

ESSENTIAL JOB FUNCTIONS - KNOWLEDGE, SKILLS, AND ABILITIES:

- Must be at least 18 years of age.
- Graduation from accredited high school or its equivalent; or any combination of experience and training, which will provide the minimum qualifications.
- A minimum of one full season of verifiable work experience operating power equipment such as mowers, tractors, or other equipment. Recent experience preferred.
- Ability to drive a van or truck.
- Ability to perform manual labor for extended periods of time, often under adverse climatic conditions.
- Ability to communicate effectively and establish good working relationships with the public and other employees.
- Ability to understand and follow oral and written instructions.
- Some knowledge of hand and power tools and the ability to use those tools properly and safely.

Email*

Phone Number* | Cell

What is your preferred method of communication?

Text Message

Please indicate if you agree to ApplicantPro's Applicant Communication Policy.

☐ **I agree to ApplicantPro's Applicant Information Use Policy.***

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Livonia, MI US

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Need Help? Search the FAQ here | Go | Common Job Questions

11:11 AM
4/29/2021

Thursday, Apr 29, 2021 11:11 AM

Vendor Inquiry | REDISCOVER THE '80s: New | Cityworks | Farmington, MI - Seasonal Work
ci.farmington.mi.us/City-Services/Employment-Opportunities/Seasonal-Worker-Department-of-Public-Services.aspx
Apps | Managed bookmarks | Dictionary.com | M... | Cityworks | New Tab | Gasboy | WO #134479 447-0... | Imported | GCH vaccine-Michi... | 2020 new appoint... | METER INSTALL SE...

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Employment Opportunities

Seasonal Worker - Department of Public Works

Job Description:

ESSENTIAL DUTIES AND RESPONSIBILITIES

Mows and maintains parks and open space areas; mows lawns; weeds; plants; cleans and maintains courts and appurtenances; maintains sprinkler systems and assists in the repair and installation of sprinkler lines and heads; assists in the routine maintenance of buildings, vehicles, roads, sidewalks, water lines and sewers; performs some basic painting in the parks, cemeteries and other City facilities.

Performs routine maintenance on lawn and power equipment.

Carries out the seeding, top dressing, soil conditioning and watering.

Maintains and adjusts specialized turf care equipment and tools, including electric motors, pumps, sprinklers, tractors, mowers, and irrigation systems.

Operates tractors, mowers, jack hammers, trucks, steam cleaners, buffers, washers, and other listed equipment as needed. Maintains current skills and knowledge in the proper and safe techniques of building and grounds maintenance functions.

Assists in setting up and taking down equipment for various functions and programs, prepares facilities for program use.

Assists in the construction of new open space facilities, including clearing, grading, drainage, and foundation work.

Keeps records of work completed.

Please see detailed description, requirements, and qualifications preferred by opening the "Detailed Job Description" link below.

Job Compensation

$11.50-$13/hour

How To Apply

Applications can be obtained at the Dept of Public Works, 33720 W. 9 Mile Rd, Farmington, MI 48335 or Farmington City Hall, 23600 Liberty St, Farmington, MI 48335 or from the link below.

Please submit the completed application to the Department of Public Works at the above address.

Employment Application

11:12 AM
4/29/2021

FARMINGTON HILLS Michigan

JOB OPENING

JOB TITLE	**Seasonal Laborer (Parks & Golf)**
POSTING DATE	February 25, 2021
CLOSING DATE	**Open until filled.**
DEPARTMENT/DIVISION	Special Services/Parks and Golf Divisions
EMPLOYEE GROUP	General
EMPLOYMENT STATUS	Temporary, Part-Time
START DATE & WORK SCHEDULE	**March 15, 2021**. Monday through Sunday; hours vary depending on seasonal demand. Weekend and evening work may be required.
PAY RATE	$12.00 - $14.00 (D.O.Q.)
PREVIOUS WORK EXPERIENCE	Prior athletic field preparation, mowing, landscaping, snow removal, building/site maintenance or janitorial experience desired, but not required.
EDUCATION:	High School graduate or equivalent. Must be at least 18 years old.
SPECIAL SKILLS & TRAINING	Must have a valid Michigan Driver's license with a good driving record. Ability to communicate effectively and establish good working relationships with the public and other employees. Must be able to understand and follow oral instructions. Pesticide license and CDL desired, but not required.
BASIC RESPONSIBILITIES	Various maintenance tasks on Parks & Golf facilities including mowing, weed whipping, athletic field preparation, maintenance of landscape beds, special event setup and operation, painting, trash pickup, and cleaning of buildings and sites. May extend work through winter months for snow removal. Work involves working outside in all weather conditions.
HOW TO APPLY	All candidates must complete a City of Farmington Hills employment application. Applications are located at www.fhgov.com or in the Human Resources Department at City Hall (31555 West Eleven Mile Road Farmington Hills, MI 48336). Please email the completed application and supporting documents to hr@fhgov.com or in person to the HR Department for consideration.

EQUAL OPPORTUNITY EMPLOYER

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FARMINGTON HILLS Michigan

JOB OPENING

JOB TITLE	**DPW Seasonal Laborers**
POSTING DATE	February 18, 2021
CLOSING DATE	**Open until filled.**
DEPARTMENT/DIVISION	Public Services/Division of Public Works (DPW)
EMPLOYEE GROUP	General
EMPLOYMENT STATUS	Temporary full-time positions; 37.5 hours per week
START DATE & WORK SCHEDULE	**April 1, 2021 (throughout the spring and summer)** Monday – Friday, 7:00 a.m. – 3:00 p.m.
PAY RATE	$12.50 per hour
PREVIOUS WORK EXPERIENCE	Prior landscaping, grounds maintenance and/or construction experience helpful, but is not required.
EDUCATION:	Must be 18 years of age. High School graduate or equivalent preferred.
SPECIAL SKILLS & TRAINING	Must have a valid Michigan Driver's license with good driving record. Good customer service skills. CDL or chauffeur driver's license and previous experience are preferred, but not required.
BASIC RESPONSIBILITIES	Under the supervision of DPW maintenance supervisors, responsibilities include: pavement replacement, litter control, mowing, weed cutting, traffic counts, and cemetery maintenance.
HOW TO APPLY	All candidates must complete a City of Farmington Hills employment application. Applications are located at www.fhgov.com or in the Human Resources Department at City Hall (31555 West Eleven Mile Road Farmington Hills, MI 48336). You may also apply at the Farmington Hills D.P.W. office, 27245 Halsted Road (south of 12 Mile), Farmington Hills, MI 48331. Please email the completed application and supporting documents to hr@fhgov.com or in person to the HR Department for consideration.

EQUAL OPPORTUNITY EMPLOYER

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Job Bulletin
agency.governmentjobs.com/gardencitymi/job_bulletin.cfm?jobID=3101525&sharedWindow=0
Apps Managed bookmarks Dictionary.com | M... Cityworks New Tab Gasboy WO #134479 447-0... Imported GCH vaccine-Michi... 2020 new appoint... METER INSTALL SE... Reading list

CITY OF GARDEN CITY
invites applications for the position of:

SEASONAL LABORER

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SALARY: $14.00 Hourly

DEPARTMENT: Department of Public Service

OPENING DATE: 06/01/21

DESCRIPTION:

Seasonal Labor for the Garden City Department of Public Works performs manual labor in the construction, maintenance, repair, and cleaning of streets, sewers and water systems, city buildings, park grounds and lawns, and recreation equipment. Operates trucks/equipment incidental to the work such as mowers, cleaners, sweepers, and compressors. This position will be for a maximum of six months, up to forty (40) hours per week during the duration of employment

This position is seasonal only, and filled from April 1 through October 15

EXAMPLES OF ESSENTIAL DUTIES:

Work is performed under the supervision of an assigned Crew Leader or their designee

TYPICAL QUALIFICATIONS:

Applicant must be 18 years old and have a valid Michigan Driver License with a good driving record.

SUPPLEMENTAL INFORMATION:

Candidates for this position must successfully pass a drug screen and City background check.

The City of Garden City is a drug-free workplace.

APPLICATIONS MAY BE FILED ONLINE AT:
http://www.gardencitymi.org

Position #2021001
SEASONAL LABORER
MG

6000 Middlebelt
Garden City, MI 48135
734-793-1660

marthag@gardencitymi.org

8:46 AM
6/4/2021

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Seasonal Laborer - Department of Public Works

Novi, MI, USA | $ $12 | Hourly | Seasonal

Email Me Similar Jobs | Email Me This Job

Description: Duties include performing traditional and innovative DPW maintenance, such as asphalt repair and replacement, concrete work, and storm drain maintenance, hydrant maintenance, sewer jetting and Cross-Connection Program. This team-oriented position shall also have the ability to assist with small equipment field repairs. Team members will work closely with other City departments to assist with maintenance activities and investigate citizen complaints or concerns. The desirable candidate must have knowledge of basic mechanical repair practices used to properly maintain assigned equipment, general knowledge of hand tools, and have exceptional communication and interpersonal skills, be 18 years of age or older. A valid driver's license, Chauffeurs License preferred.

EOE

Compensation:

$12.00/per hour; Seasonal Laborers First Season $12.50/per hour; Seasonal Laborer Second Season $13.00/per hour; Seasonal Laborer Third Season

Hours of work would be 7:30am 3:30pm Monday through Friday.

No Nights or Weekends.

Full Job Description

Apply Now

** Fields Are Required*

What is your full name?

First Name* | Last Name*

How can we contact you?

Email*

Phone Number* | Cell

What is your preferred method of communication?

Text Message

Please indicate if you agree to ApplicantPro's Applicant Communication Policy.

☐ **I agree to ApplicantPro's Applicant Information Use Policy.***

Apply for this Position

Friday, Jun 04, 2021 10:00 AM

Seasonal

Job Description

Parks Laborer – Integrated Solutions

cityofnovi.org

SUMMARY

The Seasonal Parks Laborer for the City of Novi is responsible for general maintenance duties within the Parks Management seasonal maintenance program. Those duties include landscaping, cleaning park grounds or buildings, operating commercial mowers, utilizing landscape equipment, setting up athletic fields, and assisting with special events or projects.

SUPERVISION RECEIVED

Work is performed under the direction and guidance of Parks Management Seasonal Supervisor.

RESPONSIBILITIES, ESSENTIAL DUTIES AND FUNCTIONS

An employee in this classification may be called upon to do any or all of the following: (These examples do not include all of the tasks which the employee may be expected to perform.) To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

- Assist with construction and landscape projects.
- Perform athletic field setup and maintenance on a daily basis.
- Move supplies, picnic tables, and equipment as directed.
- Clean bathrooms, pavilions, and other public use areas.
- Collect and dispose of garbage and litter as directed.
- Operating light equipment or small engine equipment safely and in accordance with City policies.
- Responsible and accountable for general maintenance, cleanup duties, safety checks, and work completion.
- Assisting the public with their concerns and complaints when possible.
- Report any accident, incident, or injury immediately to supervisor.
- Assist with setup, teardown, and operation of special events or tournaments.
- Perform other related duties as directed by Parks Management full-time staff or the Seasonal Supervisor.

ESSENTIAL KNOWLEDGE, SKILLS AND ABILITIES

All of the following functions, qualifications, duties and KSA's (knowledge, skills and abilities) are essential. An employee in this class, upon appointment, must have the equivalent of the following:

- Ability to work both independently and in a team environment.
- Excellent communication and customer service skills.

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- Ability to adapt to the daily changes associated with a busy work environment.
- Strong problem solving, conflict management, and customer service skills.
- Ability to work in a variety of weather conditions.
- Capacity to operate a variety of landscape and park maintenance equipment.
- Ability to develop and sustain effective working relationships, provide leadership and direction to other City staff and subordinates.
- Capable of lifting equipment, tables, and a variety of heavy objects.
- Ability to work flexible hours and days, including weekends if needed.

QUALIFICATIONS FOR EMPLOYMENT

An employee in this class, upon appointment, should have the equivalent of the following training and experience:

- Valid Driver's license and driving record satisfactory to the City.
- 18 years of age or older
- Ability to lift and carry greater than 50 pounds and have good physical mobility
- Previous experience in a facility/park maintenance role is preferred.
- Experience with small engine equipment operation, landscaping, and turf maintenance.
- Knowledge in sports field management and playground operations is preferred.
- Working knowledge of Novi properties and programs preferred.

PHYSICAL DEMANDS and WORK ENVIRONMENT

The physical demands and work environment described herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions.

Duties entail physical work utilizing large and small equipment, small tools, lawn maintenance equipment, and tractors. Duties involve considerable periods of sitting and standing, moderate to heavy lifting, pushing and pulling at times, and moderate physical exertion. Mental and visual concentration/alertness and ability to move and lift objects up to 50 pounds is required.

While performing the duties of this job, the employee is regularly required to use his/her hands to handle, or feel; reach with hands and arms; and talk or hear. The employee is frequently required to stand and walk for extended periods of time. Specific vision abilities required by this job include close vision, color vision, distance vision, depth perception, and the ability to adjust focus. The employee is occasionally required to kneel, crawl, crouch, run, climb, or stoop. The employee must occasionally lift and/or move heavy objects.

- Ability to adapt to the daily changes associated with a busy work environment.
- Strong problem solving, conflict management, and customer service skills.
- Ability to work in a variety of weather conditions.
- Capacity to operate a variety of landscape and park maintenance equipment.
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GCH vaccine-Michigan guidelines: GCH vaccine following Michigan guidelines
https://www.signupgenius.com/index.cfm?go=s.signup&urlid=9040a48a4ab2eabfc0-gchfamily&view=standard

DPW General Labor

Job Details

Level	Entry	Salary Range	$12.00 - $13.00 Hourly
Job Location	Department of Public Works - , MI	Job Shift	Day
Position Type	Seasonal	Job Category	General Labor
Education Level	High School		

The City is seeking candidates for temporary positions to perform grass cutting and various related entry level labor duties as assigned. Candidates must be able to operate various landscaping tools including the operation of a zero turn riding lawn mower and be at least 18 years of age and possess a valid driver's license. Candidates need to be available Monday through Friday from 8:00 a.m.-4:00 p.m.

Your application will be reviewed to determine if you meet the minimum qualifications. Candidates who meet the minimum qualifications will be contacted regarding the next steps in the application process. Thank you for your interest in the City of Taylor.

The City of Taylor is an Equal Opportunity Employer

Apply Now

Legal First Name*

Legal Last Name*

Email*

Confirm Email*

Phone*

ATTACH RESUME

SUBMIT

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JUN 17 2021
LIVONIA CIVIL SERVICE

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Type: Seasonal (May-October)

Salary/Pay Rate: $11.50/hour

Posted Date: 1/08/2021

Position Announcement

Charter Township of Northville is recruiting for the following position:

TITLE: Parks Maintenance

REPORTS TO: Parks & Facilities Supervisor

SUMMARY OF DUTIES: Under the direction of the Parks & Facilities Supervisor, performs a variety of routine and skilled maintenance, activity set-up/preparation, and custodial duties in support of parks and recreation buildings and grounds. Typical maintenance, repair, set-up, and cleaning duties include work in park restrooms, pavilions, ball fields, playgrounds, and landscape areas. Operates trucks, utility vehicles, and other equipment and tools.

REQUIREMENTS

EDUCATION: A High School diploma or GED; or any combination of experience and training which meet the minimum qualifications. Must possess a current, valid Michigan Driver's License with a driving history that does not create liability concerns.

EXPERIENCE: Grounds, facility maintenance, or custodial experience is preferred.

SCHEDULE: Hourly, up 40 hours/week, day shift 7a-3:30p, M-F

SKILLS: Ability to critically assess situations, solve problems, and work independently with minimal supervision. Ability to understand and follow oral and written instructions and ability to perform requirements of trash removal, equipment operation, and park maintenance duties.

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CLOSING DATE: Open until filled.

Job Description

Job Application

Applications are available and should be submitted, along with resume and cover letter to:

Charter Township of Northville
Attn: Human Resources
44405 Six Mile Road
Northville, Michigan 48168

or email to: humanresources@twp.northville.mi.us

The successful candidate will be required to take and pass a pre-employment physical and background check.

Northville Township is an equal opportunity employer.

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CHARTER TOWNSHIP OF PLYMOUTH

Parks – Summer Seasonal Employment

Job Title: Seasonal Parks Employee

Anticipated Start Date: April 2021

Issued By: Parks Department

FSLA: Part-Time, Non-Exempt

Posting Date: March 2021

Reports to: Parks Manager

Job Summary:

The Seasonal Parks Employees are responsible for a wide range of maintenance-based duties that contribute to the general upkeep of Plymouth Township's parks to ensure they are well-manicured and cleaned for public use. Seasonal work will begin around April and will slow down in September and October. This job is perfect for a college student or age-eligible high school student looking for a competitively paying summer job!

Experience, Skills and Abilities:

- Must be 18 years of age or older.
- High School Diploma or equivalent preferred but not required.
- A valid driver's license and the ability to maintain validity during employment is required.
- Ability to drive machinery and vehicles.
- Must require some knowledge to operate power vehicles, lawn equipment and tools associated with the park maintenance.
- Ability to work constructively and interact professionally with other employees and the general public.
- The ability to lift up to 50 pounds.
- Ability to work some evenings, weekends or early mornings.
- Ability to work outdoors and be able to stand and walk through out the shift.

The experience, skills and abilities listed above are intended to represent the minimum skills and experience levels associated with performing the duties and responsibilities related to the Building Department Administrative Assistant position. The qualifications should not be viewed as expressing absolute employment or promotional standards, but as general guidelines that will be considered along with other job-related selection decisions.

Supplemental Information:

Starting hourly rate will be $15.00. Working hours will fluctuate from 20-40 hours per week.

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REDFORD TOWNSHIP EMPLOYEES' CIVIL SERVICE COMMISSION

15145 BEECH DALY ROAD
REDFORD, MICHIGAN 48239
(313) 387-2760
FAX (313) 387-2711
www.redfordtwp.com

PERSONNEL DIRECTOR
Derrick Washington

SEASONAL PARKS MAINTENANCE

The Charter Township of Redford is accepting applications for the position of seasonal parks maintenance employees. Seasonal parks maintenance positions run through mid-November and include maintenance of Township parks and various projects within the Leisure Services Department. Candidates must be at least 18 years of age and have a high school diploma or GED and a valid driver's license.

Salary: $12.00 per hour

Among the Requirements: Candidates must be at least 18 years of age and have a high school diploma or GED and a valid driver's license.

Only completed applications **along with a copy** of your high school diploma or G.E.D. will be considered. Resumes will **NOT** be accepted. Apply in person from 9:00 AM to 4:00 PM or you may download our application from our website at www.redfordtwp.com. Return completed applications to:

REDFORD TOWNSHIP PERSONNEL OFFICE
15145 BEECH DALY RD.
REDFORD, MICHIGAN 48239
(313) 387-2760

Or via email to personnel@redfordtwp.com

CLOSING DATE FOR FILING: Open until filled

The Charter Township of Redford is an Equal Employment Opportunity Employer

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Job Bulletin
agency.governmentjobs.com/rochesterhillsmi/job_bulletin.cfm?jobID=2938971&sharedWindow=0
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ROCHESTER HILLS
MICHIGAN

CITY OF ROCHESTER HILLS
invites applications for the position of:

Seasonal Laborer - 2021

SALARY: $11.70 Hourly

OPENING DATE: 12/22/20

GENERAL DESCRIPTION:

An employee in this classification, under the general direction of the Park Ranger and direct supervision of the Summer Assistant (Parks & Natural Resources) or Crew Leader (Department of Public Services), is responsible for routine maintenance duties related to Parks/DPS operations. Employees employed with the Parks Department will be assigned to a specific City Park but may be required to work in alternative City Parks, as needed. Work is generally performed on day shifts but may occasionally include evenings, weekends and holidays.

This job narrative is for informational purposes only and is not intended to be all-inclusive or limiting relative to specific job duties.

ESSENTIAL FUNCTIONS:

1. Ground maintenance including mowing, trimming and digging.
2. Turf maintenance.
3. Assist road crews.
4. Paint fire hydrants.
5. May assist in concession stand (Parks).

REQUIRED MINIMUM QUALIFICATIONS/DESIRABLE QUALIFICATIONS:

1. At least 18 years of age.
2. Valid Michigan Driver's License with no more than four points currently on record.
3. Acceptable Criminal History.

SUPPLEMENTAL INFORMATION:

Examination Information:
Review of Application Materials: To determine possession of minimum qualifications.

Oral Evaluation of Qualifications (Interview): To evaluate employment history, communication skills and other factors related to successful performance in this position. (Minimum Passing Score: 70%)

9:06 AM
6/4/2021

CITY OF ROMULUS
Job Description

JOB TITLE: SEASONAL / PART-TIME LABORER

EXEMPT: No
SALARY LEVEL: $14.00/hour
DEPARTMENT: DPW
BENEFITS: Non-Benefitted / Part-Time

JOB CODE: C35D
DIVISION:
LOCATION: Varied

CONTACT: Human Resources | (734) 942-7512

SUMMARY:

Under the supervision of a higher classified employee, performs a variety of maintenance or construction tasks which often require physical strength and effort and a relatively low level of complexity and responsibility. Operates various hand or small power tools and pieces of equipment to perform activities.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

1. Performs a variety of unskilled and semi-skilled repair and maintenance tasks as part of a work crew in city parks and cemetery.

2. Participates in the clean-up of work projects such as picking up debris and leftover materials, filling and excavating holes and ditches, laying sod and removing any extra dirt and materials.

3. Picks up litter from streets, rights-of-way, alleys and other roadways as part of a crew.

4. Mows and trims grass, trees, and shrubs on various City grounds and parks, using various hand and power tools and mowers. Seeds and fertilizes grass areas, weeds flower and shrub areas. Rakes and hauls leaves using rakes and leaf blowers, moves dirt and rocks as instructed. The position is not restricted to use of equipment other than ones that require a CDL, equipment use includes riding mower, gas powered trimmers, blowers, and driving non-CDL requirement vehicles. The position cannot use tracked or rubber tired backhoes.

5. May assist in performing basic carpentry, masonry, and painting in the construction of new and the restoration and maintenance of existing parks and City buildings, and facilities.

6. Sets new trees, assists in pruning and trimming new and existing trees to promote healthy growth, utilizing ropes, chain saws and various small grooming tools. In addition, cuts and cleans dead trees

Prepared in compliance with:
Romulus Policies and Procedures Manual
Americans with Disabilities Act
Equal Employment Opportunity Act

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and brush which may involve the use of brush chipping equipment.

7. Installs and maintains park equipment and facilities such as ice rinks, park benches, and playground equipment, and other items and areas associated with city parks.

8. Removes snow from around City owned facilities, plowing parking lots and clearing sidewalks to keep cement and pavement free from ice.

9. May perform other related maintenance duties in a training capacity or as necessary due to excessive workloads, temporary absences or emergencies. May operate various pieces of equipment and vehicles in a learning capacity.

10. Performs other duties as assigned.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

SUPERVISORY RESPONSIBILITIES:

Directly supervises zero employees in the DPW.

QUALIFICATION REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily with or without a reasonable accommodation. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE:

Education:	Possession of a high school diploma or its equivalent.
Experience:	This is an entry level classification; no specific prior experience is required. Three (3) months break-in period.

LANGUAGE SKILLS:

Ability to read and comprehend simple instructions, short correspondence, and memos. Ability to write simple correspondence. Ability to effectively present information in one-on-one and small group situations to

and brush which may involve the use of brush chipping equipment.

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customers, clients, and other employees of organization.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply and divide in all units of measure, using whole numbers, common fractions and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to apply commonsense understanding to carry out detailed but uninvolved written or oral instructions. Ability to deal with problems involving a few concrete variables in standardized situations.

CERTIFICATES, LICENSES, REGISTRATIONS:

Possession of a valid Michigan vehicle operator's license.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; and stoop, kneel, crouch, or crawl. The employee frequently is required to talk or hear. The employee is occasionally required to sit.

The employee must regularly lift and/or move up to 25 pounds, frequently lift and/or move up to 50 pounds, and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in outside weather conditions. The employee frequently works near moving mechanical parts and in high, precarious places and is frequently exposed to fumes or airborne particles and toxic or caustic chemicals. The employee is occasionally exposed to wet and/or humid conditions and risk of electrical shock.

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Romulus Policies and Procedures Manual
Americans with Disabilities Act
Equal Employment Opportunity Act

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The noise level in the work environment is usually moderate.

COMMENTS:

The qualifications listed above are guidelines. Other combinations of educations and experience which could provide the necessary knowledge, skills, and abilities to perform the job should be considered.

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Americans with Disabilities Act
Equal Employment Opportunity Act

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CITY OF SOUTHFIELD PARKS AND RECREATION
JOB OPPORTUNITY ANNOUNCEMENT

JOB TITLE: Park Maintenance

CLASSIFICATION: Non-Career/Seasonal

PAY RATE: $10.00 - $13.00 per/hr

LOCATION: Park Service
26000 Evergreen RD, Southfield, Michigan 48076

WORK SCHEDULE: 40 hours weekly, 9 months a year

JOB DUTIES:

- Outside ground maintenance of City of sites.
- Operate vehicles and other powered equipment.
- Changing trash liners, liter pick up, and general up keep of parks grounds.
- Athletic field maintenance and set up.
- Lawn maintenance, using power mowers, trimmers, and edger.
- Weeding, watering and planting flowers.
- Must wear steel-toed shoes.
- Other duties as assigned.

JOB REQUIREMENTS:

- Must be a high school graduate or equivalent, with a valid driver's license.
- Must possess a valid Michigan driver's license and a good driving record as determined by the City.
- Previous experience helpful.

APPLY AT: City of Southfield Parks and Recreation Department,
26000 Evergreen Road, Southfield, MI 48076,
or e-mailed to Cathy Fresia at cfresia@cityofsouthfield.com.
Applications can be downloaded from the City of Southfield's web site at www.cityofsouthfield.com.

This is a "continuous" recruitment. Applications will be accepted until there are sufficient applicants to meet the City's recruitment needs. As such, interested persons should make application promptly.

This announcement is only a summary of the position, its duties, job requirements and compensation. Further information is available from the Human Resources Department. The City of Southfield does not discriminate in its employment or any other programs or activities on the basis, of sex, race, color, age, height, weight, marital status, national origin, religion, arrest record, physical or mental disability, family status, sexual orientation, gender identity or any other protected category. We provide reasonable accommodation for qualified individuals with a disability if requested.

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AN EQUAL OPPORTUNITY EMPLOYER M/F/V/H, DRUG FREE WORKPLACE

caf/02.24.2021

Individuals with special needs who may require assistance with the application process should contact the Human Resources Department at (248) 796-4700 (voice) or via email at hrsupport@cityofsouthfield.com if auxiliary aids or services are needed. Reasonable advance notice is required.

City of Sterling Heights, MI | Job

mi-sterlingheights.civicplushrms.com/careers/JobDetail.aspx?enc=QPQDKqwXNuJybHyCBjvzp/bHXvtfQaQV07LnhsPRT1E3U0NcJE6Uo/av3Sj1HLEe

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City of Sterling Heights, MI

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Welcome to the City of Sterling Heights Career Center!

Job Detail

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SEASONAL LABORER-SUMMER

Apply Now

Location: 40555 Utica Rd, Sterling Heights, MI 48311
Department: General
Division: General
Job Status: Part-Time
Status: Until Filled

Job Description

The Seasonal Laborer position is summer only position. Work may be performed in any of four divisions of the Department of Public Works Department: Roads, Water, Sewer, and Fleet Maintenance.

- Performs various unskilled manual tasks
- Assignments last no longer than 6 months
- Requires good physical condition with the ability to perform hard physical labor

Pay $10.50/hr Must be minimum of 18 years old and possess a valid Michigan Driver's License with a good driving record.

Open until filled.

EOE/M/F/D

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CIVICHR

Select Language

9:04 AM
6/4/2021

Friday, Jun 04, 2021 09:04 AM

City of Sterling Heights, MI | Job
mi-sterlingheights.civicplushrms.com/careers/JobDetail.aspx?enc=QPQDKqwXNuJybHyCBjvzp/bHXvtfQaQV07LnhsPRT1Gbhct7jCYoM7OgUwq3CHly
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SEASONAL LABORER - YEAR ROUND

Apply Now

Location: 40555 Utica Rd, Sterling Heights, MI 48311
Department: DPW - General
Division: General
Job Status: Full-Time
Status: Until Filled

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Job Description

...The City of Sterling Heights is currently seeking a full time year round seasonal Laborer. This position starts at $12.00/hr. with increases every six months and opportunity to grow within the Department of Public Works .

Department Overview

The City of Sterling Heights Department of Public Works "DPW" is responsible for maintenance and repair of various items throughout the City. It is the intent of the DPW to provide quality of life services to the residents of the city with little to no disturbance caused by these maintenance practices.

Position Summary

The non-unionized DPW Laborer position is a 40 hour per week position. Employees will be expected to perform non-skilled general labor tasks throughout the year in any of the following maintenance divisions of the DPW: Streets, Water, Sewer, Refuse, and/or Fleet Maintenance. DPW is looking for efficient, safety minded, and enthusiastic candidates that have the ability to follow directions both written and verbal.

Position Responsibilities

- Good communication skills and willingness to follow direction from senior staff to aid in the completion of non-skilled manual labor tasks.
- General clean-up of work sites using brooms, shovels, landscaping trimmers, wheel barrows, small equipment, and other hand tools as needed.
- Operation of City vehicles to and from job-sites.

Position Requirements:

- High School Graduate or GED equivalent.
- Minimum of 18 years of age with a valid Michigan Driver's License and a good driving record.
- Ability to follow oral and written directions.
- Requires good physical condition with the ability to perform physical labor.
- Assignments are in six month increments, assignment may be extended upon supervisor written approval.

Position starts at $12/hr with incremental raises upon evaluation and approval

EOE/M/F/D

Select Language
9:01 AM
6/4/2021

NOTICE FOR
SEASONAL LABORER AT
WYANDOTTE DEPARTMENT OF PUBLIC SERVICES

The City of Wyandotte is accepting applications for Department of Public Services Part-Time Seasonal Laborer. The rate of pay will be $11.00 per hour. Working hours will be Monday thru Friday from 7:30 a.m. to 3:30 p.m., with a maximum of thirty (30) hours per week.

If you are interested in applying, applications are available at the City's website www.wyandotte.net. Please complete the application and return it to Anne Goudy, Human Resources, at Wyandotte City Hall, 3200 Biddle Avenue, Wyandotte, Michigan from 8:00 a.m. to 5:00 p.m. Monday thru Friday.

If you have any questions please contact Anne Goudy, Human Resources, at 734-324-4543, or by email at cityjobs@wyandottemi.gov, or Jon Allen, Superintendent Department of Public Service, at 734-324-4585, or by email at jallen@wyandottemi.gov.

Supervision: Employee will be under the direction of a DPS Supervisor

General Statement of Duties: Employees in this class work under close supervision of a department head to be knowledgeable about the facets of work which may include simple manual labor, operation of certain equipment and perform related duties.

Examples of Duties Which May Be Performed:

Gardening with the use of hand equipment.
Watering of grass and trees.
Cutting grass with the use of hand mowers.
Cleaning and maintenance of DPS garage.
Pickup of litter in public areas.
Painting of fences, buildings, etc.
Maintenance of public facilities in parks.
Assist, in a training capacity, in street patching, such as raking and shoveling concrete or asphalt cold patch, use of air hose, removal of cement and use of jackhammer.
Assist, in a training capacity, in minor building repair work.
Assist, in a training capacity, in the maintenance and installation of traffic and street signs.
Manual Laborers may be asked to operate/drive the following stated equipment: Dump trucks, tractors, cars, vans, pick-up and sign trucks. NOTE: Other equipment may be included if agreed upon by the Supervisor and employee.

Qualifications:

Physical condition adequate to perform work.
Ability to follow simple oral and written instructions.
Valid drivers license.

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JOB NUMBER	JOB TITLE AND QUALIFICATIONS	HOURLY FIRST YEAR RATE	HOURLY RETURNING 6TH YEAR RATE
2021 – 12	**SUMMER BUSINESS CLERK -** Must be at least 16 years old.	$11.3149	$13.1990
2021 – 13	**SUMMER SEASONAL LABORER** – Must be at least 18 years old, possess a valid driver's license and may be required to provide safety shoes.	$11.3149	$13.1990
2020 – 159	**LAW CLERK** – Must be enrolled in Law School.	$15.9212	$18.5726
2021 – 14	**SUMMER ANIMAL CENSUS WORKER** – Must be at least 18 years old, possess a valid driver's license and have no convictions of a criminal nature.	$11.3149	$13.1990
Applicants for the following positions are not required to be students, but must have completed the educational requirements.			
2021 – 15	**SUMMER BUSINESS ASSISTANT** – 48 credit hours including 9 credit hours of coursework in Business Administration, Computer Science, Planning, Architecture, Economics, Education, Communications, Engineering or a related area (credits must be completed at the time of application).	$11.8803	$13.8591
2021 – 16	**SUMMER CRIMINAL JUSTICE/CASEWORK ASSISTANT** – 48 credit hours including 9 credit hours of coursework in Sociology, Psychology, Criminal Justice or related area (credits must be completed at the time of application).	$11.8803	$13.8591
2021 – 17	**SUMMER HEALTH EDUCATION ASSISTANT** – 48 credit hours including 9 credit hours of coursework in Community Health, Education, Biology, Nutrition, or related area (credits must be completed at the time of application).	$11.8803	$13.8591
2021 – 18	**STUDENT EPIDEMIOLOGIST** – Enrolled in a Master of Public Health program at an accredited college or university.	$15.9212	$18.5726
2020 – 160	**STUDENT SANITARIAN** – Currently enrolled in an accredited college or university majoring in Public Health, Sanitary Science, or Environmental Health or a closely related area. Possess a valid driver's license.	$15.9212	$18.5726

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***Part-time positions for the Parks and Recreation Department are posted on-line at www.oakgov.com/jobs.**

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

8. REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT BETWEEN SMART AND THE CITY OF LIVONIA: Livonia Housing Commission, re: for the Municipal Credit Contract for the period July 1, 2020 to June 30, 2021, with all Credits to be used for the Livonia Community Transit Program.

Brandie Isaacson, Director of Housing, presented this request to Council. She stated that we are able to receive municipal credits of approximately $95,000.00. This is a grant that goes to support our Community Transit Department which operates twenty-two busses and provides transportation to Livonia seniors to go to shopping, medical appointments, the VA in Ann Arbor, both by appointment and nonappointment.

Councilmember Toy stated this program is just super worthwhile for seniors and others that need it and I will ask that we renew this contract and give it our blessings on Consent.

Councilmember Donovic said recently he was at the VFW and one of the veterans that had walked in there said that him and a friend of his had used the transportation system to actually get to the hospital, they're dropped off somewhere and there's like a carpool or bus pool or some other area and another bus picks them up from there and takes them out. So I heard some good things about it and I know sometimes our veterans have a difficult time getting out to either Ann Arbor. So my question was does this bus route, do they also have an option to go to Detroit or is it only Ann Arbor and Isaacson replied only Ann Arbor and Donovic asked why that is and Isaacson replied I think that's how it was originally set up. I don't know that we've had a demand to go to the Detroit VA.

Councilmember Jolly thanked Isaacson for being there and bringing this before us, it's obviously a good program, it's been working. I want to thank Mr. Diehl for all the work that he does for our community. We oftentimes have these people who serve on commissions and they attend some meetings here and there and that's very valuable. Mr. Diehl was a frequent volunteer at the vaccination clinic at the Senior Center almost throughout, he was very noticeable in assisting people in the waiting room before they could leave. I know myself and some other people on Council had an opportunity to volunteer with them and he was just a great spirit and very encouraging to everybody so I just want to take a moment to thank him for being here tonight and also for everything that he does for our community.

Vice President Bahr stated I have no issues with it, Brandie, but I asked this question shortly after I came on Council and I need to ask it again because I need a refresher. This is just for my education; I don't have any issues with approving this. Can you help me understand and anybody that might be interested that's watching, why do we get funding for this through SMART when we're not paying into SMART, what exactly is going on here?

Isaacson replied it's to supplement our operating expenses so we do receive money through the millage but that only supports about $800,000.00 and our operating expenses are over $1,000,000.00. So we do receive from special grants through SMART to help support our operations.

Bahr asked if those extra $300,000.00, is SMART providing some of those services for us and Isaacson replied no, we provide all the services, they do assist us with vehicles, to purchase vehicles, last year we received a grant to purchase a mobility vehicle to assist those that are physically disabled.

Bahr asked so we're getting grants through SMART; is that Federal funding that's just coming through SMART and Isaacson replied yes, we operate our entire transit program, but we do receive some additional funding that helps support it.

DIRECTION: APPROVING CONSENT

LETTER TO THE LIVONIA CITY COUNCIL

8.

Housing
July 26, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Brandie Isaacson, Director of Housing

AGENDA ITEM

REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT BETWEEN SMART AND THE CITY OF LIVONIA: Livonia Housing Commission, re: for the Municipal Credit Contract for the period July 1, 2021 to June 30, 2022, with all Credits to be used for the Livonia Community Transit Program.

BACKGROUND

The Livonia Community Transit Program has received Municipal and Community Credits from Suburban Mobility Authority for Regional Transportation (SMART) in the amount of $95,342.00. This resource will be used to support the operating needs of the Livonia Community Transit Program.

RECOMMENDATION

Authorize the Mayor and the City Clerk to execute the Funding Agreement between the City of Livonia and the Suburban Mobility Authority for Regional Transportation (SMART) for FY 2022 so that the Livonia Community Transit Program can receive Municipal and Community Credits and to do all things necessary or incidental to the full performance of this resolution.

FISCAL CONSIDERATION

Funds to be deposited to Community Transit account 288.000.582.000

ATTACHMENTS

1. Livonia FY 22 MCCC Annual Agreement

APPROVED BY

Date: July 26, 2021

Brandie Isaacson, Director of Housing

Michael T Slater

Date: July 26, 2021

Michael Slater, Finance Director

Maureen Miller Brosnan

Date: July 29, 2021

Maureen Miller Brosnan, Mayor

MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT FOR FY 2022

I, Maureen Miller Brosnan, as the Mayor of City of Livonia (hereinafter, the "Community") hereby apply to SMART and agree to the terms and conditions herein, for the receipt and expenditure of **Municipal Credits** available for the period July1, 2021 through June 30, 2022 (Section 1 below), and **Community Credits** available for the period July 1, 2021 to June 30, 2022 (Section 2 below); and further agree that the **Municipal and Community Credits Master Agreement** between the parties is incorporated herein by reference. A description of the service the Community shall provide hereunder is set forth in **Exhibit A**, and the operating budget for that service is set forth in **Exhibit B**, both of which are attached hereto and incorporated herein.

1. The Community agrees to use $95,342 in **Municipal Credit** funds as follows:

(a) Transfer to _____ Funding of: $ _____
TRANSFEREE COMMUNITY

(b) Van/Bus Operations At the cost of: $ _____
(Including Charter and Taxi services)

(c) Services Purchased from SMART At the cost of: $ _____
(Including Tickets, Shuttle Services/Dial-a-Ride)

(d) Services Purchased from Subcontractor At the cost of: $ _____
_____
(NAME OF SUBCONTRACTOR)
(See attached Subcontractor Service Agreement)

Total **$**95,342

SMART intends to provide Municipal Credit funds under this contract to the extent funds for the program are made available to it by the Michigan Legislature pursuant to Michigan Public Act 51 of 1951. Municipal Credit funds made available to SMART through legislative appropriation are based on the State's approved budget. In the event that revenue actually received is insufficient to support the Legislature's appropriation, it will result in an equivalent reduction in funding provided to the Community pursuant to this Contract. In such event, SMART reserves the right, without notice, to reduce the payment of Municipal Credit funds by the amount of any reduction by the legislature to SMART. All Municipal Credit funding must be spent by June 30, 2024; all funds not spent by that date will revert back to SMART pursuant to Michigan Public Act 51 of 1951, for expenditure consistent with Michigan law and SMART policy.

2. The Community agrees to use $0 in **Community Credit** funds available as follows:

(a) Transfer to _____ Funding of: $ _____
TRANSFEREE COMMUNITY

(b) Van/Bus Operations At the cost of: $ _____
(Including Charter and Taxi services)

(c) Services Purchased from SMART At the cost of: $ _____
(Including Tickets, Shuttle Services/Dial-a-Ride)

(d) Capital Purchases At the cost of: $ _____

(e) Services Purchased from Subcontractor At the cost of: $ _____

_____
(NAME OF SUBCONTRACTOR)
(See attached Subcontractor Service Agreement)

Total $0

To the extent that this Contract calls for a payment of funds directly from SMART to a subcontractor, Community hereby acknowledges that it is the party entitled to receive such funds and is affirmatively authorizing and directing SMART to pay such funds directly to the subcontractor on its behalf. Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART policy, including procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by Community requires submission of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Community Credit dollars available in FY 2022, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement. All Community Credit funds must be spent by June 30, 2025; any funds not spent by that date may revert back to SMART for expenditure consistent with SMART policy.

The Parties acknowledge and agree that this Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. The Parties agree that the electronic signatures appearing on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability and admissibility. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

This agreement shall be binding once signed by both parties.

SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION	**CITY OF LIVONIA**
Signature	Signature
Printed Name	Maureen Miller Brosnan Printed Name
Title	Mayor Title
Date	Date

Signature page cont.

CITY OF LIVONIA

Signature

Susan Nash

Printed Name

City Clerk

Title

Date

CITY OF LIVONIA

Signature

Michael Slater

Printed Name

Director of Finance

Title

Date

EXHIBIT A

PROJECT DESCRIPTION

Overall Project Description (Provide a descriptive narrative):

Livonia Community Transit (LCT) is a transportation service for Livonia residents. Individual rides can be scheduled for doctor appointments, grocery stores, employment, hair salons, or anywhere you have business or recreation in Livonia. Cost is $2.00 each way. We also coordinate organized shopping trips to designated shopping areas and a medical van strictly used for medical appointments. Both of these services are based on donations.

Service Area (Provide geographic boundaries):

Service area includes all of Livonia and up to one mile outside the city limits for medical appointments.

Service Times (Provide days and hours of service):

Monday through Friday 7:00 a.m.-12:15p.m. and 1:15p.m.- 6:30p.m. Saturdays 8:00a.m.- 2:30p.m. Closed on holidays.

Eligible User Groups (Users eligible to use the service):

Eligible users are Livonia residents 60 year old and older and those with disabilities.

Fare Structure: (Cost to use service)

Cost $2.00/$4.00 round-trip and donations

Service Mode (Describe the amount and type of vehicles available, and whether they are wheelchair lift-equipped):

Livonia Transit has 22-vehicles. Vehicles are a combination of Transit vans and 13-passenger buses and are equipped with wheelchair lifts.

EXHIBIT B

PROJECT OPERATING BUDGET

Municipality: City of Livonia

Contract Period: July 1, 2021 through June 30, 2022

Account Number: 48140

OPERATING EXPENSES:

Administrative Fee: *(All employees other than drivers and dispatchers)* (10% max. of MC & CC funds)	208,586	
Driver Wages	354,466	
Fringe Benefits	66,470	
Gasoline & Lubricants	incl w/parts & maint. supplies	
Vehicle Insurance	60,000	
Parts, Maintenance Supplies	269,000	
Mechanic Wages	incl w/parts & maint. supplies	
Fringe Benefits	incl above	
Dispatch Wages	95,746	
Other (Specify)	77,850 (medical, uniforms, comp maint, of supplies, etc.)	
Sub-Total (Operating Expenses)		1,132,118

PURCHASED SERVICE:

Taxi Service		
Charter Service		
SMART Bus Tickets		
SMART Shuttle Service		
SMART Dial-A-Ride		
Other (Specify) _____		
Sub-Total (Purchased Service)		0

CAPITAL EQUIPMENT:

(Only list purchases to be made with Community Credits)

Computer Equipment		
Software		
Vehicle		
Maintenance Equipment		
Other (Specify)		
Sub-Total (Capital Equipment)		0

TOTAL EXPENSES _____Operating Expenses, Purchased Service, and Capital Equipment: $1,132,118

EXHIBIT B, continued (Page 2)

REVENUES:

Municipal Credit Funds	95,342
Community Credit Funds	
Specialized Services Funds	22,103
CARES Funds	75,270
General Funds	890,403
Farebox Revenue	42,000
In-Kind Service	
Special Fares (Contracted Service)	
Other (Specify)	7,000 - Sale of fixed assets

TOTAL REVENUE: $1,132,118

(Note: *TOTAL EXPENSES* must equal *TOTAL REVENUE*)

Agency/Community Information		
Program Type: Community Partnership Program (CPP) ☐ Specialized Service ☒ New Freedom ☐ JARC ☐ 5310 ☐		
Name of Agency/Community: **City of Livonia – Livonia Community Transit**		
Address: **15218 Farmington Rd**		
City: **Livonia**	State: **MI**	Zip: **48154**
Agency/Community Data		
1) Has your agency/community completed in excess of $1,000,000 in DOT federally-funded contracts from SMART in the past year?		Yes ☐ No ☒
2) Does your agency/community employ over fifty (50) transit related employees?		Yes ☐ No ☒
If the answers to the previous two questions were both "Yes", Please forward your agency's/community's Affirmative Action plan to the address below: Buhl Building 535 Griswold Street, Suite 600 Detroit, MI 48226 Attn: EEO Coordinator		
Have all subcontractors been informed of their responsibility to file an EEO Compliance Report A form? Yes☐No☐N/A ☒		
Testing Program Requirements		
Does your agency/community have a DOT Drug and Alcohol testing program for Safety-sensitive employees? (Vehicle operators, dispatchers, mechanics and armed security)		Yes ☒ No ☐
Who is your testing program manager? **Doug Moore**	Contact Number: **(734) 466-2617**	
Please Proceed to Employment Data Section on Back		

Employment Data

Report all **Transit** related permanent, temporary, or part-time employees including apprentices and on-the-job trainees.
Enter the appropriate figures in the boxes below relating to an employee's race and gender.

Job Classification	Total				Race													
					Non Minority		Minority											
					White		African American		Hispanic		Asian		Pacific Islander		American Indian		Multi Race	
	Employees	Male	Female	Minority	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Officials/Manager	**2**		**2**	**1**		**1**		**1**										
Professionals																		
Technicians (Bus Drivers)	24	**21**	**3**		**21**	**3**												
Sales Workers																		
Office and Clerical Staff	**3**		**3**			**3**												
Craftsmen (Skilled)																		
Operators (Semi-Skilled)																		
Laborers (Unskilled)																		
Service Workers																		
Journey Workers																		
Apprentices																		
Total	**29**																	

Certification

How was this information obtained? Visual Survey: Yes ☐ No ☐ Employment Records: Yes ☐ No ☐		
Name of Authorizing Official(Print): **Felicia Cross**		Title: **Program Supervisor**
Signature:		Date: **July 19, 2021**
Contact Person for report: **same as above**		Title:
Telephone: **(734) 466-2537**	Ext:	Email: **fcross@livonia.gov**

City/Agency Name: **City of Livonia – Livonia Community Transit**

**Primary Contact:

Name: **Felicia Cross**

Title: **Program Supervisor**

Office Telephone Number: **734-466-2537**

Cell Phone Number:

Email Address: **fcross@livonia.gov**

Street Address, City, Zip Code: **15218 Farmington Rd, Livonia, MI 48154**

Secondary Contact:

Name: **Brandie Isaacson**

Title: **Director of Housing**

Office Telephone Number: **(734) 421-6450 or (248) 477-9539 x5**

Cell Phone Number:

Email Address: **bisaacson@livonia.gov**

Street Address, City, Zip Code:

Other Name(s):

Title:

Office Telephone Number:

Cell Phone Number:

Email Address:

Street Address, City, Zip Code:

Please indicate the staff person who sends the weekly and quarterly reports

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

9. AUDIT REPORT: Livonia Housing Commission, re: for the fiscal year ending December 31, 2020, excluding Silver Village, Newburgh Village, the Community Development Block Grant Program, and single-family City-Owned properties.

Brandie Isaacson, Director of Housing, presented this request to Council. She stated many of you guys know all of our programs that we operate through Silver Village, Community Development, our foods program, transportation, but the Housing Commission also operates a public housing program, a Section 8 program, a Capital Funds Program, and we did receive some CARES Act money this year. So, those programs are actually audited under the Housing Commission Independent Audit and not under Plante & Moran. So once a year we go through an audit, this year it was in June, to evaluate our revenues and expenditures and we have no findings so I am just going to just present this to you to receive and file.

President McIntyre asked if we do the audit ourselves and Isaacson replied we actually hire an independent company to come in and audit.

DIRECTION: RECEIVE & FILE

LETTER TO THE LIVONIA CITY COUNCIL

9.

Housing
July 26, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Brandie Isaacson, Director of Housing

AGENDA ITEM

AUDIT REPORT: Livonia Housing Commission, re: for the fiscal year ending December 31, 2020, excluding Silver Village, Newburgh Village, the Community Development Block Grant Program, and single-family City-Owned properties.

BACKGROUND

The Livonia Housing Commission respectfully submits the attached audit report and management letter for the twelve-month period ending December 31, 2020. The audit report covers the following federal programs administered by the Livonia Housing Commission.

- Low Rent Public Housing Contract C-885 (McNamara Towers, Single Family Homes)
- Housing Choice Voucher Contract C-3189-V (Rent Subsidy)
- 2018 Capital Fund Program MI-28-P05550118, 2019 Capital Fund Program MI-28-P05550119, 2020 Capital Fund Program MI-28-P05550120, and Capital Fund Financing Bond/Loan #968
- Public Housing CARES Act Program
- Housing Choice Voucher CARES Act Program

Please be advised that the Silver Village and Newburgh Village senior citizen housing communities, Community Development Block Grant Program, CDBG CARES Act Program, single-family City-Owned properties, and the Transportation programs are contained in the City of Livonia audit report prepared by Plante Moran for the fiscal year ending November 30, 2020.

The Livonia Housing Commission is required to prepare its financial statements and reports in accordance with accounting practices prescribed by the U.S. Department of Housing and Urban Development and Generally Accepted Accounting Practices. The audit is in accordance with the Single Audit Act and has been submitted to the HUD Inspector General for audit, HUD Real Estate Assessment Center, and the State of Michigan Department of Treasury for their information and review. The independant auditor rendered a clean and unmodified opinion with no audit findings or concerns.

Additionally, the Livonia Housing Commission advises City Council of the fiscal year HUD Public Housing Assessment (PHAS) and the Housing Choice Voucher Assessment (SEMAP) which evaluates the Commission's performance of these federal housing programs. For the FY 2020, as a result of the COVID-19 pandemic, HUD offered Public Housing Agencies an opportunity to waive

annual PHAS and SEMAP reporting requirements; therefore, the Livonia Housing Commission was permitted to use FY 2019 PHAS score of 98 (high performer) and SEMAP score of 74 (standard performer) in assessing the performance of its federal housing programs.

RECOMMENDATION

The Livonia Housing Commission would respectfully request that the attached audit report be received and filed for the information of the City Council.

FISCAL CONSIDERATION

Livonia Housing Commission

ATTACHMENTS

1. Livonia HC 2020 audit

APPROVED BY

Date: July 26, 2021

Brandie Isaacson, Director of Housing

Date: July 26, 2021

Michael Slater, Finance Director

Date: July 29, 2021

Maureen Miller Brosnan, Mayor

LIVONIA HOUSING COMMISSION

(A Component Unit of the City of Livonia, Michigan)

Financial Statements

(With Supplementary Information)

For the Year Ended December 31, 2020

SMITH & KLACZKIEWICZ, PC
CERTIFIED PUBLIC ACCOUNTANTS

Livonia Housing Commission

Table of Contents

	Page
Independent Auditor's Report	1-3
Management's Discussion and Analysis	4-14
Financial Statements for the Year Ended December 31, 2020	
Statement of Net Position	15
Statement of Revenues, Expenses and Changes in Fund Net Position	16
Statement of Cash Flows	17
Notes to Financial Statements	18-25
Other Supplementary Information	
Financial Data Schedules	26-32
Single Audit	
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*	33-34
Independent Auditor's Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by the Uniform Guidance	35-36
Schedule of Expenditures of Federal Awards	37
Notes to Schedule of Expenditures of Federal Awards	38
Schedule of Findings and Questioned Costs	39-40

SMITH & KLACZKIEWICZ, PC
CERTIFIED PUBLIC ACCOUNTANTS

THOMAS J. SMITH, CPA
(989) 751-1167

ROBERT R. KLACZKIEWICZ, CPA
(989) 751-3064

A VETERAN OWNED BUSINESS

INDEPENDENT AUDITOR'S REPORT

To the Board of Commissioners
Livonia Housing Commission
Livonia, Michigan

Report on the Financial Statements
We have audited the accompanying financial statements of the business-type activities of the ***Livonia Housing Commission***, a component unit of the City of Livonia, as of and for the year ended December 31, 2020, and the related notes to the financial statements, which collectively comprise the Housing Commission's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements
Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility
Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

P.O. Box 6688 ~ Saginaw, MI 48608-6688 ~ Fax (989) 791-0374
www.smithkcpas.com

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the ***Livonia Housing Commission***, as of December 31, 2020, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis (pages 4 to 14) be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the ***Livonia Housing Commission's*** basic financial statements. The financial data schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards*, and is also not a required part of the basic financial statements.

The financial data schedules and the schedule of expenditures of federal awards are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the financial data schedules and the schedule of expenditures of federal awards are fairly stated, in all material respects in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated June 17, 2021 on our consideration of the ***Livonia Housing Commission's*** control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the ***Livonia Housing Commission's*** internal control over financial reporting and compliance.

Smith + Klaczkiewicz PC

Saginaw, Michigan
June 17, 2021

MANAGEMENT DISCUSSION & ANALYSIS REPORT

FYE 12/31/20

Livonia Housing Commission
19300 Purlingbrook Rd.
Livonia, MI 48152

Brandie Isaacson, Executive Director

As management of the Livonia Housing Commission we offer reviewers of this audit report this narrative discussion and analysis of the Livonia Housing Commission's financial activities for the FYE 12/31/20. This discussion and analysis letter of the Livonia Housing Commission's financial performance should be read in conjunction with the auditor's opinion letter and the following Financial Statements.

The combined financial statements reflect all of the Commission's federally funded programs and activities in one place. The Commission reports all its activities and programs using the Enterprise Fund type model. HUD encourages PHAs to use this accounting method as it is normally used to account for "business-type activities" – activities similar to those found in the private sector. Enterprise Fund types use the accrual method of accounting, the same accounting method employed by most private-sector businesses. Under this method, revenues are recognized as earned (but not necessarily received) and expenditures when incurred (but not necessarily paid) per reporting period.

Entity-Wide Financial Highlights

The term "Net Position" refers to the difference between Assets and Liabilities. The Commission's total Net Position as of 12/31/20 was $2,230,748. The Net Position as of 12/31/19 was $2,349,134. This represents a decrease of $118,386 or 5.04% from the prior year.

Revenues generated by the Commission were $637,706 for the year ended 12/31/20. Revenues for FYE 12/31/19 were $787,220. This represents a decrease of $149,514 or 19% from the prior year.

HUD Operating Grants were $6,066,309 for the FYE 12/31/20 whereas they were $4,742,151 for FYE 12/31/19. This represents an increase of $1,324,158 or 27.9% from the prior year. HUD Capital Grants were $36,776 for the FYE 12/31/20 whereas they were $112,534 for FYE 12/31/19. This represents a decrease of $75,758 or 67.3% from the prior year.

Expenses for the Commission were $6,859,177 for the FYE 12/31/20; they were $6,041,772 for the FYE 12/31/19. This represents an increase of $817,405 or 13.5% from the prior year.

Please see the section entitled "Entity-Wide Financial Analysis" later in this report for more details on these changes.

Overview of the Financial Statements

This annual report contains this *Management & Discussion Analysis* report, the *Basic Financial Statements* and the *Notes to the Financial Statements*. This report also contains the Financial Data Schedule (FDS) as referenced in the section of *Supplemental Information*. The Commission's financial statements are presented as fund financial statements because the Commission only has proprietary funds.

Required Financial Statements

The Statement of Net Position includes the Commission's assets and liabilities and provides information about the nature and amounts of investments in resources (assets) and obligations of the Commission creditors (liabilities). It also provides the basis for evaluating the liquidity and financial flexibility of the Commission.

All of the current year's revenues and expenses are accounted for in the Statement of Revenues, Expenses, and Changes in Net Position. This statement measures the success of the Commission's operations over the past year and can be used to determine whether the Commission has successfully recovered all its costs through its user fees and other charges, profitability and credit worthiness.

The final required financial statement is the Statement of Cash Flows. The statement reports cash receipts, cash payments, and net changes in cash resulting from operations, investing and financing activities and provides answers to such questions as where did cash come from, what was cash used for, and what was the change in the cash balance during the reporting period.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the basic financial statements and provide more detailed data.

Supplemental Information

This report also contains the Financial Data Schedule (FDS) as referenced in the section of *Supplemental Information*. HUD has established Uniform Financial Reporting Standards that require Housing Commissions to submit financial information electronically to HUD using the FDS format. This financial information is electronically transmitted to the Real Estate Assessment Center (REAC) and is required to be included in the audit reporting package.

The Financial Data Schedule reports the Commission's operations in more detail. The Commission reports all its activities using Enterprise fund types. These funds are used to show activities that operate more like commercial enterprises. The Financial Data Schedule is organized by the government Catalogue of Financial Domestic Assistance (CFDA) numbers.

Livonia Housing Commission Programs:

Low Rent Public Housing: Under this program, the Housing Commission rents units that it owns to low-income elderly and family households. This program is operated under an Annual Contributions Contract with HUD. HUD provides Operating Subsidies to enable the Housing Commission to lease these units at a rate that is based on 30% or less of the household income.

Capital Fund Program: Under this program, the Housing Commission is awarded funds each year to use for Capital Needs. The Housing Commission also has the ability to use up to 100% of these funds, if need be, to supplement Operating Subsidies. This program is the primary funding source for physical improvements to its properties.

PH CARES Act Program: Under this program, the Housing Commission has been awarded separate funds with which to combat the Coronavirus Pandemic caused by COVID-19. These funds were awarded in the Spring of 2020. The primary purpose of this program is to provide funding to PHAs to prepare, prevent, and respond to Coronavirus, but it is not limited to that purpose. These funds may also be used to support Normal Operating Costs. This program has a limited time period; all funds must be spent December 31, 2021 or returned to HUD.

Housing Choice Voucher Program (HCV):
The Livonia Housing Commission administers contracts with independent property owners to provide housing for low-income households. These properties are not owned by the Livonia Housing Commission. The Livonia Housing Commission provides housing assistance to the participants via a Housing Assistance Payment, paid directly to the owner. HUD provides subsidy to the Livonia Housing Commission to enable participants to pay approximately 30 percent of their income for rent.

HCV CARES Act Program, Administrative Funding: Under this program, the Housing Commission has been awarded separate administrative funds with which to combat the Coronavirus Pandemic caused by COVID-19. These funds were awarded in the Spring of 2020. The primary purpose of this program is to provide funding to PHAs to prepare, prevent, and respond to Coronavirus, but it is not limited to that purpose. These funds may also be used to support Normal Operating Costs. This program has a limited time period; all funds must be spent December 31, 2021 or returned to HUD.

Entity-Wide Financial Analysis:

The following Federal Assistance was received during FYE 12/31/20:

	FYE 12/31/20	FYE 12/31/19	Dollar Change	Per Cent Change
Public Housing Operating Subsidy	234,655	224,555	10,100	4.50%
Capital Fund Program Grants	52,689	130,237	(77,548)	-59.54%
CARES Act Administrative Subsidy	157,423	0	157,423	
Sec. 8 Voucher	5,658,318	4,499,893	1,158,425	25.74%
Total	6,103,085	4,854,685	1,248,400	25.72%

- The Operating Subsidy for Public Housing increased slightly overall. Two factors explain the increase: 2019 subsidy was paid at 97.77% of eligibility. 2020 subsidy was paid at 97%. Slightly offsetting this nominal decrease in the pro-ration, our eligibility increased from 2019 to 2020. These two situations combined to create the small increase stated in the above table. Congressional funding is a factor in funding amounts.

- Capital Fund Program Grants reflect grant funds spent, not funds awarded in a given year. The decrease is due to the fact that we slowed down our capital project spending during FYE 12/31/20. Details of our capital improvements follow later in this report under the section entitled “Entity-Wide Operational Highlights”.

- The CARES Act Funding is a funding source authorized by Congress in early 2020 as a response to the COVID-19 Coronavirus pandemic. These funds were made available to PHAs in the Spring of 2020. We were awarded a total of $278,780. These funds must be spent by Dec. 31, 2021. For FYE 12/31/20 we used $160,913 of these funds in our response to the Coronavirus Pandemic.

- The subsidy for Housing Choice Voucher is calculated for us by HUD, based on a congressionally mandated formula. HUD uses the Voucher Management

System (VMS) as the basis for this calculation. VMS is a monthly report that Housing Commissions are required to submit that details both HAP and administrative costs. HUD also considers the amount of HAP reserves we already have on hand and may reduce the current years' subsidy proportionate to what HUD calculates is the usable amount of this reserve. The final amount we are awarded may or may not be pro-rated. Our VMS reported increased utilization, in both dollars and unit months leased, indicated to HUD that we needed more HAP subsidy for this fiscal year.

The following represents changes in the Balance Sheet:

	FYE 12/31/20	FYE 12/31/19	Dollar Change	Per Cent Change
Cash & Investments	1,003,641	733,058	270,583	36.91%
Total Current Assets	1,075,681	754,323	321,358	42.60%
Capital Assets, Net of Depreciation	1,939,862	2,168,109	(228,247)	-10.53%
Total Assets	3,015,543	2,922,432	93,111	3.19%
Total Current Liabilities	516,856	264,176	252,680	95.65%
Total Long-Term Liabilities	267,939	309,122	(41,183)	-13.32%
Total Liabilities	784,795	573,298	211,497	36.89%
Invested In Capital Assets, Net of related debt	1,641,671	1,830,368	(188,697)	-10.31%
Restricted Net Position	150,825	28,278	122,547	433.37%
Unrestricted Net Position	438,252	490,488	(52,236)	-10.65%
Total Equity/Net Position	2,230,748	2,349,134	(118,386)	-5.04%

- The increase in Cash and Investments is explained primarily by the receipt of the HCV CARES Act Administrative Fee subsidy. As of 12.31.20 we had $121,357 of these funds still on hand, classified as unearned revenue. In addition, the HAP Reserve also increased by over $120,000 from the 12/31/19 level.

- Total Current Assets increased mainly due to the increase in Cash and Investments. We also had a substantial increase in our Tenants Accounts Receivable due to the Eviction Moratorium imposed by the CDC in response to the COVID-19 pandemic.

- Capital Assets increased by $36,719. Although Capital Assets increased by $36,719, this was more than offset by depreciation/equipment disposal charges which resulted in the net decrease stated in the above table.

- Total Assets increased due to the discussions above.

- Total Current Liabilities increased mainly due to a timing issue with our Payroll. Our Payroll and Benefits are administered for us by the City and they bill us retroactively for each calendar quarter. At 12/31/19 we received that bill before the end of December and paid it prior to 12/31/19 so that as of 12/31/19 we had almost no payroll-related liability. For 12/31/20 we were still waiting for the City to bill us properly for the November and December payroll and benefits. This resulted in the accrual of more than $130,000 whereas there was just $14,000 of liability last year. It also increased due to the unexpended portion as of 12/31/20 of the CARES Funds received; these funds are classified as unearned revenue, a Current Liability.

- Total Long-Term Liabilities is comprised of two components: the presumed long-term portion of Compensated Absences and the Long-Term Liability portion of our CFFP loan. This category decreased over the prior year.

- Total Liabilities increased overall due to the discussions above.

- Net Investment in Capital Assets decreased in concert with the decrease in the Capital Asset account (see above discussion). However the decrease is not exactly the same amount due to the related CFFP Debt liability.

- Restricted Net Position is comprised of two components:

    1. In the Public Housing Program it is the remaining amount of CFFP funds that are restricted to future Capital activities. This amount remained relatively unchanged from 12/31/20.
    2. In the Sec. 8 Voucher Program the Restricted Net Position represents the cumulative amount of HAP subsidy received that exceeds HAP costs. This is more commonly referred to as the HAP Reserve. It is restricted because the funds can only be used for HAP costs. This amount increased from the 12/31/19 level.

- Unrestricted Net Position (formerly known as Operating Reserves) decreased commensurate with the Operating Loss (excluding depreciation charges) posted by the Public Housing Program. This was offset by an increase in the UNP for our Sec. 8 program, resulting in the net decrease in the above table.

- Total Net Position decreased overall due to the above discussions.

The following schedule compares the Revenues and Expenses for the current and prior fiscal years:

Statement of Revenues, Expenses and Changes in Fund Net Position

	FYE 12/31/20	FYE 12/31/19	Dollar Change	Per Cent Change
Revenues:				
Tenant Revenue	591,331	611,109	(19,778)	-3.2%
Other Revenue	46,375	176,111	(129,736)	-73.7%
Total PHA generated Revenue	637,706	787,220	(149,514)	-19.0%
Operating Subsidies/Soft Cost Grant Revenue	6,066,309	4,742,151	1,324,158	27.9%
Capital Grants (Hard costs)	36,776	112,534	(75,758)	-67.3%
Total Revenue	6,740,791	5,641,905	1,098,886	19.5%
Expenses:				
Administrative	742,742	682,778	59,964	8.8%
Tenant Services	118,684	48,289	70,395	145.8%
Utilities	160,130	171,195	(11,065)	-6.5%
Maintenance	381,284	433,151	(51,867)	-12.0%
General	106,121	117,113	(10,992)	-9.4%
Casualty Losses	645		645	
Housing Assistance Payments	5,084,606	4,302,571	782,035	18.2%
Depreciation	264,965	286,675	(21,710)	-7.6%
Total Expenses	6,859,177	6,041,772	817,405	13.5%
Net Increase (Decrease)	(118,386)	(399,867)		

Revenues:

Livonia Housing Commission's primary revenue sources are subsidies and grants received by HUD. For FYE 12/31/20, revenue generated by the Commission accounted for $637,706 (or 9.5% of total revenue), while HUD contributions accounted for $6,103,085 (or 90.5% of total revenue). Other Income decreased primarily due to a non-recurring event in FYE 12/31/19 that resulted in $75,000 of Other Income (generated by CDBG contributions). Interest income decrease due to falling interest rates as well as depleted amounts of principal to invest. Other Income also decreased due to the Sec. 8 Voucher program Fraud Recovery collections. For FYE 12/31/19 we collected $53,626; but that revenue dropped to just $18,152 during FYE 12/31/20.

Expenses:

Total Expenses for FYE 12/31/20 were $6,859,177 while for FYE 12/31/19 the total was $6,041,772. This represents a 13.5% increase in our Operating Costs. The driving factor of this increase was HAP payments: we were undertaking a lease-up program during 2020 and successfully increased both lease-up numbers and HAP dollars spent. The increase in HAP cost represents $782,035 of the total cost increase from 2019 to 2020 of $817,405.

In addition to the HAP increase, we had some other areas that increased beyond a normal inflationary level:

	FYE 12/31/20	FYE 12/31/19	Dollar Change	Per Cent Change
Other Operating - Administrative	218,861	169,090	49,771	29.4%
Tenant Services Salaries & Benefits	83,172	48,031	35,141	73.2%
Tenant Services - Other	35,512	258	35,254	13664.3%

- Other Operating – Administrative: This increase can be attributed primarily to two factors:
    - Telephone expense increased by 71% over the prior year. This was a result from a contract termination with AT&T which caused an substantial increase in monthly expenses (tariffs). When investigating the increase in cost, it was initially determined to be from the rise in utilizing conference calling during the COVID pandemic shut down. It wasn't until the conference calling was no longer being used that this expense was a result of the termination of the contract. Efforts are being made to recoup some of the extraordinary cost.
    - We also spent $11,500 on non-capital office and computer equipment upgrades through the CARES Act Program.

- Tenant Services Salaries and Benefits increased due to an increase in hours worked from 2019 to 2020. We've had two people allocated to this budget for the past couple of years (Property Manager 50%, Tenant Services Coordinator 100%). During 2017 the tenant services employee worked between 25-29 hours per week; however, during 2018-2019 she required a substantial amount of time off due to a family illness which is why there was such a decrease in expense. When this employee transitioned to another division to accommodate her scheduling needs, the LHC decided to replace this person with a full time individual. This person was hired 12/2019; therefore, a real change in expense wouldn't show until 2020. It really wasn't in increase in people, it was an increase in hours works and eventually entitled FT benefits.#

- Tenant Services – Other. This expense category increased because this is where HUD designated that all direct COVID-19 related expenses be reported.

Budget Analysis:

Low Rent Public Housing and HCV Operating Budgets for FYE 12/31/20 were presented to and approved by the Board of Commissioners. Budget Revisions were also prepared and approved by the Board later in the fiscal year. Even though the Revisions were prepared late in the year, we still had some budget overruns. We are working to improve our budgeting in the 2020 fiscal year so that it will better represent actual results.

Entity-Wide Operational Highlights:

The Livonia Housing Commission provided the following housing for low- income elderly and low-income families:

	FYE 12/31/20	FYE 12/31/19
Public Housing	1,776	1,776
Sec. 8 Voucher	10,908	10,908

During FYE 12/31/20, Livonia Housing Commission maintained a lease-up rate of 98% in its Public Housing Program. This lease-up rate is in excess of HUD guidelines.

During FYE 12/31/20, Livonia Housing Commission maintained a lease-up rate of 92.6% in its Housing Voucher Program. This is below the HUD benchmark of 97%. However, Livonia Housing Commission spent 115% of Budget Authority. The Housing Voucher Program is judged on either the actual lease-up rate (based upon the number of vouchers) or the percentage of Budget Authority used. Livonia Housing Commission is working to increase the voucher utilization rate but we may be constricted in this venture based upon available funding.

Fixed Asset Activity and Debt:

The following table summarizes fixed asset activity for the fiscal year:

	1/1/20	Additions	Deletions	12/31/20
Land	308,946			308,946
Buildings	5,076,255			5,076,255
F,F,&E - Dwelling Units	288,945		(10,675)	278,270
F,F,&E - Administration	287,954	36,719	(16,216)	308,457
Capital Improvements (reported on the FDS under "Buildings"	4,491,711	-	-	4,491,711
	10,453,811	36,719	(26,891)	10,463,639
Less:				
Accumulated Depreciation	(8,285,703)	(264,965)	26,891	(8,523,777)
	2,168,108	(228,246)	0	1,939,862

During FYE 12/31/20, our Capital work projects included:

- New maintenance vehicle, including snow plow

The Livonia Housing Commission carries debt related to the CFFP. The total amount of this debt payable as of 12/31/20 was $298,191. This is detailed on the LRPH Balance sheet under both Current liabilities and Long-Term liabilities. This debt is paid for via our current CFP programs; a certain portion of each CFP program is dedicated to debt service until it is paid in full.

Economic Factors and Next Year's Budget and Rates

The Housing Commission is primarily dependent upon HUD for the funding of operations as well as capital needs. Therefore, the Housing Commission is affected more by the Federal Budget than by local economic conditions. The funding of programs could be significantly affected by the Federal Budget.

A fundamental finding of the Harvard Cost Study is that Public Housing Agencies have been, and continue to be, woefully underfunded by HUD. Yet, due to the federal budget crunch, HUD continues to only pay us only a portion of the subsidy that we are entitled to. Since we fully expect this inadequate funding pattern to continue it is inevitable that cuts in services to our residents will have to be made.

Although the Housing Commission remains concerned about the future levels of HUD funding due to the State of the Federal budget, we feel that, in the short term, we are both financially and operationally in a strong position to continue to provide safe, sanitary, and decent housing to our residents.

Request for Information

This financial report is designed to provide a general overview of the Commission's finances for all those with an interest in its finances. Questions or comments concerning any of the information contained in this report or request for additional information should be directed to:

Brandie Isaacson, Executive Director
Livonia Housing Commission
19300 Purlingbrook Rd.
Livonia, MI 48152

Livonia Housing Commission
Statement of Net Position
December 31, 2020

Current assets	
Cash and cash equivalents - unrestricted	$ 667,829
Cash and cash equivalents - restricted	272,182
Cash - tenant security deposits	63,630
Accounts receivable, net	72,040
Total current assets	1,075,681
Noncurrent assets	
Nondepreciable capital assets	308,946
Depreciable capital assets, net	1,630,916
Total noncurrent assets	1,939,862
Total assets	3,015,543
Current liabilities	
Accounts payable	27,684
Accrued liabilities	163,388
Due to other governmental units	6,254
Tenant security deposits	63,630
Unearned revenue	2,262
Unearned revenue - payable from restricted assets	121,357
Accrued compensated absences	93,624
HUD loan - long-term debt	38,657
Total current liabilities	516,856
Noncurrent liabilities	
HUD loan - long-term debt, net of current portion	259,534
Accrued compensated absences, net of current portion	8,405
Total noncurrent liabilities	267,939
Total liabilities	784,795
Net position	
Net investment in capital assets	1,641,671
Restricted	150,825
Unrestricted	438,252
Total net position	$ 2,230,748

The accompanying notes are an integral part of these financial statements.

Livonia Housing Commission
Statement of Revenues, Expenses and Changes in Fund Net Position
For the Year Ended December 31, 2020

Operating revenues	
Tenant revenue	$ 591,331
HUD PHA operating grants	6,066,309
Other revenue	22,801
Total operating revenues	6,680,441
Operating expenses	
Administration	742,742
Tenant services	118,684
Utilities	160,130
Maintenance	381,284
Insurance	44,451
General	45,652
Housing assistance payments	5,084,606
Depreciation	264,965
Total operating expenses	6,842,514
Operating income (loss)	(162,073)
Nonoperating revenues and (expenses)	
Interest earned on deposits - unrestricted	1,951
Fraud recovery	18,152
Casualty Losses - noncapitalized	(645)
Gain on sale of capital assets	3,425
Interest earned on deposits - restricted	46
Interest expense	(16,018)
Total nonoperating revenues and (expenses)	6,911
Income (loss) before contributions	(155,162)
Capital contributions	36,776
Change in net position	(118,386)
Net position - Beginning of year	2,349,134
Net position - End of year	$ 2,230,748

The accompanying notes are an integral part of these financial statements.

Livonia Housing Commission
Statement of Cash Flows
For the Year Ended December 31, 2020

Cash flows from operating activities	
Cash received from customers	$ 686,617
Cash received from grants and subsidie	6,066,309
Cash payments to suppliers for goods and service	(5,788,663)
Cash payments for wages and related benefit	(661,099)
Net cash provided by (used in) operating activitie	303,164
Cash flows from noncapital and related financing activities	
Fraud recovery	18,152
Casualty Losses - noncapitalize	(645)
Net cash provided by (used in) noncapital and related financing activiti	17,507
Cash flows from capital and related financing activities	
Capital contributions	36,776
Acquisition of capital asset	(36,718)
Proceeds from sale of capital asset	3,425
Interest paid on deb	(16,018)
Principal paid on deb	(39,550)
Net cash provided by (used in) capital and related financing activiti	(52,085)
Cash flows from investing activities	
Interest received on deposits and investment	1,997
Net increase (decrease) in cash and cash equivalent	270,583
Cash and cash equivalents - beginning of yea	733,058
Cash and cash equivalents - end of yea	$ 1,003,641
Reconciliation of operating income (loss) to ne cash provided by (used in) operating activities	
Operating income (loss)	$ (162,073)
Adjustments to reconcile operating income (loss) to n cash provided by (used in) operating activitie	
Depreciation	264,965
Changes in assets and liabilitie	
Decrease (increase) in receivable	(50,775)
Increase (decrease) in payable	360
Increase (decrease) in accrued liabilitie	127,427
Increase (decrease) in tenant security deposit	580
Increase (decrease) in unearned revenu	122,680
Net cash provided by (used in) operating activitie	$ 303,164
Reconciliation of cash and cash equivalents per the Statement o Net Position to the Statement of Cash Flows	
Cash and cash equivalents	$ 667,829
Cash and cash equivalents - restricte	272,182
Cash - tenant security deposits	63,630
Cash and cash equivalents - end of yea	$ 1,003,641

The accompanying notes are an integral part of these financial statement

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies adopted by the ***Livonia Housing Commission*** (the "*Housing Commission*") conform to accounting principles generally accepted in the United States of America (U.S. GAAP) as applied to governmental entities.

The Housing Commission reports as a business-type activity, as defined by the Governmental Accounting Standards Board Statement No. 34, with programs and projects.

Reporting Entity

The Housing Commission is a Public Housing Agency created by the City of Livonia. The Housing Commission operates under a five member Board of Commissioners appointed by the City Mayor and charged with the responsibility to provide low-rent housing, under the low rent program Annual Contributions Contract for qualified individuals in accordance with the rules and regulations prescribed by the U.S. Department of Housing and Urban Development (HUD) and other Federal agencies. Members of the Housing Commission Board may be removed by the City only for cause. The Housing Commission determines its own budget (subject to Federal approval), sets rental rates and may issue debt in its own name. The City is not responsible for deficits or liabilities of the Housing Commission. However, the Housing Commission makes annual payments "in lieu of taxes" to the City. Therefore, a financial benefit exists for the City, thereby requiring that the ***Livonia Housing Commission*** be reported as a discrete component unit of the City of Livonia, Michigan.

These financial statements include all activities of the Housing Commission, which include a Low Income Housing Program (151 units) and a Section 8 Housing Choice Voucher Program (909 units). These programs receive subsidies and annual contributions from HUD.

In determining the financial reporting entity the Housing Commission complies with the provisions of GASB Statement No. 14 as amended by GASB No. 39, "The Financial Reporting Entity", and includes all component units, if any, of which the Housing Commission appointed a voting majority of the units' Board; the Housing commission is either able to impose its will on the unit or a financial benefit or burden relationship exists. There are no agencies, organizations or activities meeting these criteria.

Measurement Focus and Basis of Presentation

The economic resources measurement focus and the accrual basis of accounting are used in preparing the financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Housing Commission are Federal grants and charges to customers for services. Operating expenses include housing assistance payments, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses. Following is a description of the Housing Commission's programs:

Project MI055000100 accounts for the revenue and related operations of the Public and Indian Housing grant and the Capital Fund Program.

14.871 Section 8 Housing Choice Vouchers accounts for the revenue and related operations of the Section 8 vouchers grant program.

Business Activities program accounts for the revenue and related operations of the Housing Commission's nonfederal funds.

14.HCC HCV CARES Act Funding accounts for the revenue and related operations pertaining to CARES Act funding for the Section 8 Housing Choice Vouchers Program.

14.PHC Public Housing CARES Act Funding accounts for the revenue and related operations pertaining to CARES Act funding for the Public and Indian Housing program.

When both restricted and unrestricted resources are available for use, it is the Housing Commission's policy to use restricted resources first, then unrestricted resources as they are needed.

Assets, Liabilities and Equity

Cash and Cash Equivalents

Cash and cash equivalents consist of cash on hand, deposits in demand and time deposit accounts, money market deposits, and certificates of deposits with original maturities of less than 90 days.

Cash and cash equivalents – restricted recorded on the Statement of Net Position has been restricted since it can only be used for future housing assistance payments to landlords ($122,552), unexpended bond proceeds that can only be used on approved projects ($28,273) and the remaining amount of ($121,357) can only be used for expenses related to the CARES Act.

Receivables and Payables

All receivables and payables are reported at their gross value and, where appropriate, are reduced by the estimated portion that is expected to be uncollectible.

Capital Assets
Capital assets, which include property, buildings and equipment are reported in the financial statements. Capital assets are defined by the Housing Commission as assets with an initial, individual cost of more than $2,500 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

Depreciation is recorded over the estimated useful lives of the assets, using the straight-line method as follows:

Buildings	15 to 40 years
Furniture, equipment and machinery – dwelling	3 to 15 years
Furniture, equipment and machinery – administration	3 to 15 years

Compensated Absences
It is the Housing Commission's policy to permit employees to accumulate a limited amount of earned but unused sick leave and vacation days. Employees of the Housing Commission are permitted to accumulate and carry over a maximum of unused sick days from one year to the next based upon hire date in accordance with the employee handbook. Employees hired prior to January 19, 1977 are subject to a maximum amount of 225 days, employees hire on or after January 19, 1977 are subject to a maximum amount of 100 days and employees hired on or after September 8, 2011 are subject to a maximum amount of 75 days. Employees are allowed to accrue a maximum 456 hours unused vacation hours. Liabilities are recorded based on historical trends using short-term and long-term liabilities. Upon separation from the Housing Commission, employees will be paid their balance of unused vacation hours. Upon separation from the Housing Commission and 10 years of service, employees will be paid their balance of unused sick hours. Unused sick hours are paid at 60% of the employee's current rate of pay and unused vacation hours are paid at 100%.

Unearned Revenue
Unearned revenue represents tenant revenue for the subsequent year that was collected prior to the end of the current fiscal year and the unexpended amount related to the CARES Act funding.

Equity
Equity is classified as net position and reported as the following components:

Net investment in capital assets – Consists of capital assets at historical cost, net of accumulated depreciation.

Restricted – Consists of Housing Assistance Payments received from HUD in excess of payments made to landlords in the amount of $122,552. These excess funds may only be used for future payments to landlords. The remaining $28,273 consists of unexpended bond proceeds that can only be used on approved projects.

Unrestricted – Consists of all other equity that does not meet the definition of "restricted" or "net investment in capital assets".

Revenues and Expenses
Operating revenues and expenses are those that result from providing services and producing and delivering goods and/or services. Also included, all revenue and expenses not related to capital and related financing, noncapital financing, or investing activities. Expenses are classified as operating and nonoperating and are sub-classified by function, such as salaries, supplies, and contracted services.

Estimates and Assumptions
In preparing financial statements in conformity with U.S. GAAP, management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosures of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

NOTE B - DETAILED NOTES ON TRANSACTION CLASSES / ACCOUNTS

Deposits
At year-end, the carrying amounts of the Housing Commission's deposits were as follows:

	Carrying Amount
Financial Statement Captions	
Cash and cash equivalents	$ 667,829
Cash and cash equivalents – restricted	272,182
Cash – tenant security deposits	63,630
Total	$ 1,003,641
Notes to Financial Statements	
Cash on hand	$ 275
Deposits	80,132
Money market fund	28,273
Sweep accounts	894,961
Total	$ 1,003,641

Deposit and Investment Risk

State law limits the allowable investments and the maturities of some of the allowable investments as identified in the following list of authorized investments.

- Bonds, securities, other obligations and repurchase agreements of the United States, or an agency or instrumentality of the United States
- Certificates of deposit, savings accounts, deposit accounts or depository receipts of a qualified financial institution
- Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase
- Bankers acceptances of United States banks
- Obligations of the State of Michigan and its political subdivisions that, at the time of purchase are rated as investment grade by at least one standard rating service
- Mutual funds registered under the investment company act of 1940 with the authority to purchase only investment vehicles that are legal for direct investment by a public corporation
- External investment pools as authorized by Public Act 20 as amended through December 31, 1997

Interest Rate Risk

The Housing Commission's investment policy does not have specific limits in excess of State law on investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

Credit Risk

The Housing Commission's investment policy does not have specific limits in excess of State law on investment credit risk. At year-end, the Housing Commission had no investments and was therefore, not exposed to credit risk.

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the Housing Commission's deposits may not be returned. State law does not require and the Housing Commission does not have a policy for deposit custodial credit risk. At year-end, the Housing Commission's entire bank balance of $1,011,322 was not exposed to custodial credit risk because it was insured under FDIC.

Concentration of Credit Risk

State law limits allowable investments but does not limit concentration of credit risk. The Housing Commission's investment policy does not have specific limits in excess of State law on concentration of credit risk. At year-end, the Housing Commission had no investments and was therefore, not exposed to concentration of credit risk.

Accounts Receivable
The balance in accounts receivable consisted of the following:

Due from HUD	$ 71,287
Tenant accounts receivable	5,020
Allowance for doubtful accounts	(4,267)
Total	$ 72,040

Capital Assets
Capital asset activity for the year was as follows:

	Beginning Balance	Additions	Disposals	Ending Balance
Capital assets not being depreciated				
Land	$ 308,946	$ -	$ -	$ 308,946
Capital assets being depreciated				
Buildings	9,567,966	-	-	9,567,966
Furniture, equipment and Machinery – dwellings	288,946	-	(10,676)	278,270
Furniture, equipment and machinery – administration	289,455	36,718	(16,216)	309,957
Total capital assets being depreciated	10,146,367	36,718	(26,892)	10,156,193
Less accumulated depreciation				
Buildings	(7,759,542)	(247,890)	-	(8,007,432)
Furniture, equipment and Machinery – dwellings	(260,364)	(8,242)	10,676	(257,930)
Furniture, equipment and machinery – administration	(267,298)	(8,833)	16,216	(259,915)
Total accumulated depreciation	(8,287,204)	(264,965)	26,892	(8,525,277)
Net capital assets being depreciated	1,859,163	(228,247)	-	1,630,916
Total net capital assets	$ 2,168,109	$ (228,247)	$ -	$ 1,939,862

Long-term Debt

Following is a summary of changes in long-term debt for the year:

	Beginning Balance	Additions	Deductions	Ending Balance	Amount Due Within One Year
HUD loan	$ 334,968	$ -	$ (36,777)	$ 298,191	$ 38,657
Capital leases:					
Ricoh MPC4504 copier, monthly payments of $192, which include interest of 11.32%, through July 2020	1,291	-	(1,291)	-	-
Ricoh MPC6004 copier, monthly payments of $220, which include interest of 11.32%, through July 2020	1,482	-	(1,482)	-	-
Accrued compensated absences	109,320	-	(7,291)	102,029	93,624
Total	$ 447,061	$ -	$ (46,841)	$ 400,220	$ 132,281

The HUD loan was entered into in 2007, has an interest rate of 5% and matures in 2027.

The annual requirements to pay future principal and interest on the HUD loan are as follows:

Year Ending December 31,	Principal	Interest
2021	$ 38,657	$ 14,032
2022	40,635	12,054
2023	42,714	9,975
2024	45,087	7,602
2025	47,017	5,492
2026-2027	84,081	3,727
	$ 298,191	$ 52,882

NOTE C - OTHER INFORMATION

Employee Benefit Pan

The Housing Commission participates in a Deferred Compensated Pension Plan covering all full-time employees not already participating in another plan. At December 31, 2020, there were 10 plan members. The employer's contribution percentage is 13% for those employees hired prior to March 31, 1997 and 9% for those employees hired on or after April 1, 1997. Employees that participate in the Plan are required to contribute 4% of their gross wages. Upon separation, accrued funds remain the property of that individual. During the year, the Housing Commission's contributions amounted to $63,186. Employees made contributions of $25,044 to the Plan.

Concentration of Revenue

The Housing Commission is dependent upon the HUD to fund its operations through operating subsidies and capital funding grants. Total revenue received from HUD for the fiscal year ended 2020 and 2019 was $6,103,085 or 91% and $4,854,685 or 86% of total revenue.

Contingencies

Under the terms of certain Federal grants, periodic audits are required and certain costs may be questioned as not representing appropriate expenditures under the terms of the grants. Such audits could lead to reimbursement to the grantor agencies. Housing Commission management believes disallowances, if any, would be minimal.

Risk Management

The Housing Commission is exposed to various risks of loss related to torts, theft of, damage to and destruction of assets, errors and omissions, injuries to employees and natural disasters. The Housing Commission maintains commercial insurance covering each of these risks of loss. Management believes such coverage is sufficient to preclude any significant uninsured losses to the Housing Commission. Settled claims have not exceeded this commercial coverage in any of the past three fiscal years.

Capital Fund Program

The Housing Commission is awarded Capital Fund Program (CFP) grants on a calendar year basis from HUD. The Housing Commission is required to obligate each of the CFP grant years within two years of receiving the award and is required to expend those funds within four years. The following CFP grant years were expended and recognized as revenue and / or capital contributions during the year:

CFP Grant Year	Amount Expended
2018	$ 52,689

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Livonia Housing Commission
Financial Data Schedule
Project Balance Sheet
December 31, 2020

Line Item #	Account Description	Project MI055000100
111	Cash - Unrestricted	$ 189,508
112	Cash - Restricted - Modernization and Development	28,273
114	Cash - Tenant Security Deposits	63,630
100	Total Cash	281,411
122	Accounts Receivable - HUD Other Projects	71,287
126	Accounts Receivable - Tenants	5,020
126.1	Allowance for Doubtful Accounts - Tenants	(4,267)
120	Total Receivables, Net of Allowances for Doubtful Account	72,040
150	Total Current Assets	353,451
161	Land	308,946
162	Buildings	9,526,122
163	Furniture, Equipment & Machinery - Dwellings	278,270
164	Furniture, Equipment & Machinery - Administration	204,989
166	Accumulated Depreciation	(8,385,342)
160	Total Capital Assets, Net of Accumulated Depreciation	1,932,985
180	Total Noncurrent Assets	1,932,985
290	Total Assets and Deferred Outflows of Resources	$ 2,286,436
312	Accounts Payable <= 90 Days	$ 16,136
321	Accrued Wage/Payroll Taxes Payable	69,387
322	Accrued Compensated Absences - Current Portion	63,593
333	Accounts Payable - Other Governmen	6,254
341	Tenant Security Deposits	63,630
342	Unearned Revenues	2,262
343	Current Portion of Long-Term Debt - Capital Projects/Mortgag	38,657
346	Accrued Liabilities - Other	28,084
310	Total Current Liabilities	288,003
351	Long-Term Debt, Net of Current - Capital Projects/Mortgag	259,534
354	Accrued Compensated Absences - Noncurren	7,066
350	Total Noncurrent Liabilities	266,600
300	Total Liabilities	554,603
508.4	Net Investment in Capital Assets	1,634,794
511.4	Restricted Net Position	28,273
512.4	Unrestricted Net Position	68,766
513	Total Equity - Net Assets / Position	1,731,833
600	Total Liab., Def. Inflow of Res., and Equity - Net Assets / Positio	$ 2,286,436

Livonia Housing Commission
Financial Data Schedule
Project Income Statement
For the Year Ended December 31, 2020

Line Item #	Account Description	Total Projects	Project MI055000100	Operating Fund Program	Capital Fund Program	14.PHC Public Housing CARES Act Funding
70300	Net Tenant Rental Revenue	$ 568,603	$ 568,603	$ 568,603	$ -	$ -
70400	Tenant Revenue - Other	22,728	22,728	22,728	-	-
70500	Total Tenant Revenue	591,331	591,331	591,331	-	-
70600	HUD PHA Operating Grants	286,716	250,568	234,655	15,913	36,148
70610	Capital Grants	36,776	36,776	-	36,776	-
71100	Investment Income - Unrestricted	828	828	828	-	-
71500	Other Revenue	22,801	22,801	22,801	-	-
72000	Investment Income - Restricted	46	46	46	-	-
70000	Total Revenue	938,498	902,350	849,661	52,689	36,148
91100	Administrative Salaries	99,666	99,666	99,666	-	-
91200	Auditing Fees	9,150	9,150	9,150	-	-
91500	Employee Benefit Contributions - Administrative	53,974	53,974	53,974	-	-
91600	Office Expenses	99,565	88,041	88,041	-	11,524
91800	Travel	397	397	397	-	-
91900	Other	15,135	15,135	15,135	-	-
91000	Total Operating - Administrative	277,887	266,363	266,363	-	11,524
92100	Tenant Services - Salaries	58,740	58,740	58,740	-	-
92300	Employee Benefit Contributions - Tenant Services	24,432	24,432	24,432	-	-
92400	Tenant Services - Other	29,322	1,208	1,208	-	28,114
92500	Total Tenant Services	112,494	84,380	84,380	-	28,114
93100	Water	32,022	32,022	32,022	-	-
93200	Electricity	75,457	75,457	75,457	-	-
93300	Gas	48,575	48,575	48,575	-	-
93000	Total Utilities	156,054	156,054	156,054	-	-
94100	Ordinary Maintenance and Operations - Labor	112,241	112,241	112,241	-	-
94200	Ordinary Maintenance and Operations - Materials and Other	25,929	25,929	25,929	-	-
94300	Ordinary Maintenance and Operations - Contracts	139,959	139,959	139,959	-	-
94500	Employee Benefit Contributions - Ordinary Maintenance	62,636	62,636	62,636	-	-
94000	Total Maintenance	340,765	340,765	340,765	-	-
96110	Property Insurance	29,534	29,534	29,534	-	-
96120	Liability Insurance	10,162	10,162	10,162	-	-
96140	All Other Insurance	813	813	813	-	-
96100	Total Insurance Premiums	40,509	40,509	40,509	-	-
96210	Compensated Absences	9,708	9,708	9,708	-	-
96300	Payments in Lieu of Taxes	26,254	26,254	26,254	-	-
96400	Bad Debt - Tenant Rents	3,652	3,652	3,652	-	-
96000	Total Other General Expenses	39,614	39,614	39,614	-	-
96710	Interest on Mortgage (or Bonds) Payable	15,962	15,962	49	15,913	-
96700	Total Interest Expense and Amortization Cost	15,962	15,962	49	15,913	-
96900	Total Operating Expenses	983,285	943,647	927,734	15,913	39,638
97000	Excess of Operating Revenue over (under) Operating Expenses	(44,787)	(41,297)	(78,073)	36,776	(3,490)
97200	Casualty Losses - Noncapitalized	645	645	645	-	-
97400	Depreciation Expense	262,072	262,072	262,072	-	-
90000	Total Expenses	1,246,002	1,206,364	1,190,451	15,913	39,638
10000	Excess (Deficiency) of Total Revenue Over (Under) Total Expenses	(307,504)	(304,014)	(340,790)	36,776	(3,490)
11020	Required Annual Debt Principal Payments	38,069	38,069	1,293	36,776	-
11030	Beginning Equity	2,039,337	2,039,337	2,039,337	-	-
11040	Prior Period Adjustments, Equity Transfers and Correction of Errors	-	(3,490)	(3,490)	-	3,490
11190	Unit Months Available	1,776	1,776	1,776	-	-
11210	Number of Unit Months Leased	1,738	1,738	1,738	-	-
11270	Excess Cash	(40,136)	(40,136)	(40,136)	-	-
11640	Furniture & Equipment - Administrative Purchases	36,719	36,719	36,719	-	-
13510	CFFP Debt Service Payments	52,689	52,689	-	52,689	-

Livonia Housing Commission
Financial Data Schedule
Program Financials - Balance Sheet
December 31, 2020

Line Item #	Account Description	Total Programs	14.871 Housing Choice Vouchers	Business Activities	14.HCC HCV CARES Act Funding
111	Cash - Unrestricted	$ 478,321	$ 408,421	$ 69,900	$ -
113	Cash - Other Restricted	243,909	122,552	-	121,357
100	Total Cash	722,230	530,973	69,900	121,357
150	Total Current Assets	722,230	530,973	69,900	121,357
162	Buildings	41,844	41,844	-	-
164	Furniture, Equipment & Machinery - Administration	103,468	80,307	23,161	-
166	Accumulated Depreciation	(138,435)	(115,274)	(23,161)	-
160	Total Capital Assets, Net of Accumulated Depreciation	6,877	6,877	-	-
180	Total Noncurrent Assets	6,877	6,877	-	-
290	Total Assets and Deferred Outflows of Resources	$ 729,107	$ 537,850	$ 69,900	$ 121,357
312	Accounts Payable <= 90 Days	$ 11,548	$ 10,798	$ 750	$ -
321	Accrued Wage/Payroll Taxes Payable	60,954	60,954	-	-
322	Accrued Compensated Absences - Current Portion	30,031	10,247	19,784	-
342	Unearned Revenue	121,357	-	-	121,357
345	Other Current Liabilities	4,963	4,963	-	-
310	Total Current Liabilities	228,853	86,962	20,534	121,357
354	Accrued Compensated Absences - Noncurrent	1,339	1,139	200	-
350	Total Noncurrent Liabilities	1,339	1,139	200	-
300	Total Liabilities	230,192	88,101	20,734	121,357
508.4	Net Investment in Capital Assets	6,877	6,877	-	-
511.4	Restricted Net Position	122,552	122,552	-	-
512.4	Unrestricted Net Position	369,486	320,320	49,166	-
513	Total Equity - Net Assets / Position	498,915	449,749	49,166	-
600	Total Liab., Def. Inflow of Res., and Equity - Net Assets / Position	$ 729,107	$ 537,850	$ 69,900	$ 121,357

Livonia Housing Commission
Financial Data Schedule
Program Financials - Income Statement
For the Year Ended December 31, 2020

Line Item #	Account Description	Total Programs	14.871 Housing Choice Vouchers	Business Activities	14.HCC HCV CARES Act Funding
70600	HUD PHA Operating Grants	$ 5,779,593	$ 5,658,318	$ -	$ 121,275
71100	Investment Income - Unrestricted	1,123	986	137	-
71400	Fraud Recovery	18,152	18,152	-	-
71600	Gain or Loss on Sale of Capital Assets	3,425	-	3,425	-
70000	Total Revenue	5,802,293	5,677,456	3,562	121,275
91100	Administrative Salaries	263,544	185,733	-	77,811
91500	Employee Benefit Contributions - Administrative	97,547	70,063	-	27,484
91600	Office Expenses	68,295	57,251	1,254	9,790
91800	Travel	1,795	109	1,686	-
91900	Other	33,674	32,924	750	-
91000	Total Operating - Administrative	464,855	346,080	3,690	115,085
92400	Tenant Services - Other	6,190	-	-	6,190
92500	Total Tenant Services	6,190	-	-	6,190
93100	Water	747	747	-	-
93200	Electricity	2,396	2,396	-	-
93300	Gas	933	933	-	-
93000	Total Utilities	4,076	4,076	-	-
94300	Ordinary Maintenance and Operations - Contracts	40,519	40,519	-	-
94000	Total Maintenance	40,519	40,519	-	-
96110	Property Insurance	1,278	1,278	-	-
96120	Liability Insurance	2,664	2,664	-	-
96100	Total Insurance Premiums	3,942	3,942	-	-
96210	Compensated Absences	6,038	6,038	-	-
96000	Total Other General Expenses	6,038	6,038	-	-
96710	Interest of Mortgage (or Bonds) Payable	56	56	-	-
96700	Total Interest Expense and Amortization Cost	56	56	-	-
96900	Total Operating Expenses	525,676	400,711	3,690	121,275
97000	Excess of Operating Revenue over (under) Operating Expenses	5,276,745	5,276,745	(128)	-
97300	Housing Assistance Payments	5,084,606	5,084,606	-	-
97400	Depreciation Expense	2,893	2,893	-	-
90000	Total Expenses	5,613,175	5,488,210	3,690	121,275
10000	Excess (Deficiency) of Total Revenue Over (Under) Total Expenses	189,118	189,246	(128)	-
11030	Beginning Equity	309,797	260,503	49,294	-
11170	Administrative Fee Equity	327,197	327,197	-	-
11180	Housing Assistance Payments Equity	122,552	122,552	-	-
11190	Unit Months Available	10,908	10,908	-	-
11210	Number of Unit Months Leased	10,098	10,098	-	-

Livonia Housing Commission
Financial Data Schedule
PHA Financial Data - Balance Sheet
December 31, 2020

Line Item #	Account Description	Project Totals	Program Totals	Total
111	Cash - Unrestricted	$ 189,508	$ 478,321	$ 667,829
112	Cash - Restricted - Modernization and Development	28,273	-	28,273
113	Cash - Other Restricted	-	243,909	243,909
114	Cash - Tenant Security Deposits	63,630	-	63,630
100	Total Cash	281,411	722,230	1,003,641
122	Accounts Receivable - HUD Other Projects	71,287	-	71,287
126	Accounts Receivable - Tenants	5,020	-	5,020
126.1	Allowance for Doubtful Accounts -Tenants	(4,267)	-	(4,267)
120	Total Receivables, Net of Allowances for Doubtful Accounts	72,040	-	72,040
150	Total Current Assets	353,451	722,230	1,075,681
161	Land	308,946	-	308,946
162	Buildings	9,526,122	41,844	9,567,966
163	Furniture, Equipment & Machinery - Dwellings	278,270	-	278,270
164	Furniture, Equipment & Machinery - Administration	204,989	103,468	308,457
166	Accumulated Depreciation	(8,385,342)	(138,435)	(8,523,777)
160	Total Capital Assets, Net of Accumulated Depreciation	1,932,985	6,877	1,939,862
180	Total Noncurrent Assets	1,932,985	6,877	1,939,862
290	Total Assets and Deferred Outflows of Resources	$ 2,286,436	$ 729,107	$ 3,015,543
312	Accounts Payable <= 90 Days	$ 16,136	$ 11,548	$ 27,684
321	Accrued Wage/Payroll Taxes Payable	69,387	60,954	130,341
322	Accrued Compensated Absences - Current Portion	63,593	30,031	93,624
333	Accounts Payable - Other Government	6,254	-	6,254
341	Tenant Security Deposits	63,630	-	63,630
342	Unearned Revenues	2,262	121,357	123,619
343	Current Portion of Long-term Debt - Capital Projects/Mortgage	38,657	-	38,657
345	Other Current Liabilities	-	4,963	4,963
346	Accrued Liabilities - Other	28,084	-	28,084
310	Total Current Liabilities	288,003	228,853	516,856
351	Long-term Debt, Net of Current - Capital Projects/Mortgage	259,534	-	259,534
354	Accrued Compensated Absences - Noncurrent	7,066	1,339	8,405
350	Total Noncurrent Liabilities	266,600	1,339	267,939
300	Total Liabilities	554,603	230,192	784,795
508.4	Net Investment in Capital Assets	1,634,794	6,877	1,641,671
511.4	Restricted Net Position	28,273	122,552	150,825
512.4	Unrestricted Net Position	68,766	369,486	438,252
513	Total Equity - Net Assets / Position	1,731,833	498,915	2,230,748
600	Total Liab., Def. Inflow of Res., and Equity - Net Assets / Position	$ 2,286,436	$ 729,107	$ 3,015,543

Livonia Housing Commission
Financial Data Schedule
PHA Financial Data - Income Statement
For the Year Ended December 31, 2020

Line Item #	Account Description	Project Totals	Program Totals	Total
70300	Net Tenant Rental Revenue	$ 568,603	$ -	$ 568,603
70400	Tenant Revenue - Other	22,728	-	22,728
70500	Total Tenant Revenue	591,331	-	591,331
70600	HUD PHA Operating Grants	286,716	5,779,593	6,066,309
70610	Capital Grants	36,776	-	36,776
71100	Investment Income - Unrestricted	828	1,123	1,951
71400	Fraud Recovery	-	18,152	18,152
71500	Other Revenue	22,801	-	22,801
71600	Gain or Loss on Sale of Capital Assets	-	3,425	3,425
72000	Investment Income - Restricted	46	-	46
70000	Total Revenue	938,498	5,802,293	6,740,791
91100	Administrative Salaries	99,666	263,544	363,210
91200	Auditing Fees	9,150	-	9,150
91500	Employee Benefit Contributions - Administrative	53,974	97,547	151,521
91600	Office Expenses	99,565	68,295	167,860
91800	Travel	397	1,795	2,192
91900	Other	15,135	33,674	48,809
91000	Total Operating - Administrative	277,887	464,855	742,742
92100	Tenant Services - Salaries	58,740	-	58,740
92300	Employee Benefit Contributions - Tenant Services	24,432	-	24,432
92400	Tenant Services - Other	29,322	6,190	35,512
92500	Total Tenant Services	112,494	6,190	118,684
93100	Water	32,022	747	32,769
93200	Electricity	75,457	2,396	77,853
93300	Gas	48,575	933	49,508
93000	Total Utilities	156,054	4,076	160,130
94100	Ordinary Maintenance and Operations - Labor	112,241	-	112,241
94200	Ordinary Maintenance and Operations - Materials and Other	25,929	-	25,929
94300	Ordinary Maintenance and Operations - Contracts	139,959	40,519	180,478
94500	Employee Benefit Contributions - Ordinary Maintenance	62,636	-	62,636
94000	Total Maintenance	340,765	40,519	381,284
96110	Property Insurance	29,534	1,278	30,812
96120	Liability Insurance	10,162	2,664	12,826
96140	All Other Insurance	813	-	813
96100	Total Insurance Premiums	40,509	3,942	44,451
96210	Compensated Absences	9,708	6,038	15,746
96300	Payments in Lieu of Taxes	26,254	-	26,254
96400	Bad Debt - Tenant Rents	3,652	-	3,652
96000	Total Other General Expenses	39,614	6,038	45,652
96710	Interest on Mortgage (or Bonds) Payable	15,962	56	16,018
96700	Total Interest Expense and Amortization Cost	15,962	56	16,018
96900	Total Operating Expenses	983,285	525,676	1,508,961
97000	Excess of Operating Revenue over Operating Expenses	(44,787)	5,276,617	5,231,830

Livonia Housing Commission
Financial Data Schedule
PHA Financial Data - Income Statement
For the Year Ended December 31, 2020

Line Item #	Account Description	Project Totals	Program Totals	Total
97200	Casualty Losses - Noncapitalized	$ 645	$ -	$ 645
97300	Housing Assistance Payments	-	5,084,606	5,084,606
97400	Depreciation Expense	262,072	2,893	264,965
90000	Total Expenses	1,246,002	5,613,175	6,859,177
10000	Excess (Deficiency) of Total Revenue Over (Under) Total Expenses	(307,504)	189,118	(118,386)
11020	Required Annual Debt Principal Payments	38,069	-	38,069
11030	Beginning Equity	2,039,337	309,797	2,349,134
11170	Administrative Fee Equity	-	327,197	327,197
11180	Housing Assistance Payments Equity	-	122,552	122,552
11190	Unit Months Available	1,776	10,908	12,684
11210	Number of Unit Months Leased	1,738	10,098	11,836
11270	Excess Cash	(40,136)	-	(40,136)
11640	Furniture & Equipment - Administrative Purchases	36,719	-	36,719
13510	CFFP Debt Service Payments	52,689	-	52,689

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A VETERAN OWNED BUSINESS

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Board of Commissioners
Livonia Housing Commission
Livonia, Michigan

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities of the ***Livonia Housing Commission***, a component unit of the City of Livonia, Michigan, as of and for the year ended December 31, 2020, and the related notes to the financial statements, which collectively comprise the ***Livonia Housing Commission's*** basic financial statements, and have issued our report thereon dated June 17, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the ***Livonia Housing Commission's*** internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the ***Livonia Housing Commission's*** internal control. Accordingly, we do not express an opinion on the effectiveness of the ***Livonia Housing Commission's*** internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters
As part of obtaining reasonable assurance about whether the ***Livonia Housing Commission's*** financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report
The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Smith + Klaczkiewicz PC

Saginaw, Michigan
June 17, 2021

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A VETERAN OWNED BUSINESS

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

To the Board of Commissioners
Livonia Housing Commission
Livonia, Michigan

Report on Compliance for Each Major Federal Program

We have audited the ***Livonia Housing Commission's*** compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the ***Livonia Housing Commission's*** major federal programs for the year ended December 31, 2020. The ***Livonia Housing Commission's*** major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the ***Livonia Housing Commission's*** major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the ***Livonia Housing Commission's*** compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the ***Livonia Housing Commission's*** compliance.

Opinion on Each Major Federal Program
In our opinion, the ***Livonia Housing Commission*** complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2020.

Report on Internal Control over Compliance
Management of the ***Livonia Housing Commission*** is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the ***Livonia Housing Commission's*** internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the ***Livonia Housing Commission's*** internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Smith + Klaczkiewicz PC

Saginaw, Michigan
June 17, 2021

Livonia Housing Commission
Schedule of Expenditures of Federal Awards
For the Year Ended December 31, 2020

Federal Agency / Pass Through Agency / Program Title	Federal CFDA Number	Amount Expended
Department of Housing and Urban Development		
Direct programs:		
Public and Indian Housing	14.850	$ 234,655
COVID-19-Public Housing	14.850	36,148
Total Public and Indian Housing		270,803
Housing Choice Vouchers	14.871	5,485,317
COVID-19-Section 8 Housing Choice Vouchers	14.871	121,275
Total Section 8		5,606,592
Capital Fund Program	14.872	52,689
Total Department of Housing and Urban Development		$ 5,930,084
Reconciliation to Statement of Activities		
Federal revenue reported on the Statement of Activities:		
Program grants - subsidies		$ 6,066,309
Capital grants		36,776
Change in net position related to federal programs		(173,001)
Total expenditures per Schedule of Expenditures of Federal Awards		$ 5,930,084

See accompanying notes to schedule of expenditures of federal awards

Livonia Housing Commission
Notes to Schedule of Expenditures of Federal Awards
For the Year Ended December 31, 2020

Note 1 - Basis of Presentation

The accompanying Schedule of Expenditures of Federal Awards (the "Schedule") includes the federal award activity of the ***Livonia Housing Commission*** under programs of the federal government for the year ended December 31, 2020. The information in this schedule is presented in accordance with the requirements of Title 2 *U.S. Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* (Uniform Guidance). Because the schedule presents only a selected portion of the operations of the ***Livonia Housing Commission*** , it is not intended to and does not present the financial position, changes in net position or cash flows of the ***Livonia Housing Commission*** .

Note 2 - Summary of Significant Accounting Policies

Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following cost principles contained in Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

For purposes of charging indirect costs to federal awards, the ***Livonia Housing Commission*** has elected not to use the 10 percent de minimis cost rate as permitted by 2 CFR section 200.414 of the Uniform Guidance.

Note 3 - Subrecipients

None of the federal expenditures presented in the Schedule were provided to subrecipients.

Section I - Summary of Auditor's Results

Financial Statements

Type of auditor's report issued: Unmodified

Internal control over financial reporting

- Material weakness(es) identified? _____ Yes **X** No
- Significant deficiency(ies) identified that are not considered to be material weaknesses? _____ Yes **X** None reported

Noncompliance material to financial statements noted? _____ Yes **X** No

Federal Awards

Type of auditor's report issued on compliance for major program(s): Unmodified

Internal control over major program(s)

- Material weakness(es) identified? _____ Yes **X** No
- Significant deficiency(ies) identified that are not considered to be material weaknesses? _____ Yes **X** None reported

Any audit findings disclosed that are required to be reported in accordance with 2 CFR section 200.516.(a)? _____ Yes **X** No

Identification of major program(s):

CFDA Number	Name of Federal Program(s) or Cluster(s)
14.871	Housing Choice Vouchers

Dollar threshold used to distinguish between type A and type B programs: $ 750,000

Auditee qualify as a low-risk auditee? **X** Yes _____ No

Section II - Financial Statement Audit Findings

None

Section III - Federal Program Audit Findings and Questioned Costs

None

Section IV - Prior Year Audit Findings

None

LETTER TO THE LIVONIA CITY COUNCIL

7.

Council Office
July 27, 2021

MEETING DATE	PREPARED BY
August 23, 2021	Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

COMMITTEE OF THE WHOLE - MEETING OF JUNE 23, 2021
a. Subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals. (CR 377-20)

BACKGROUND

To discuss the subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals. (CR 377-20)

RECOMMENDATION

To report the subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals. (CR 377-20)
***Approving and denying resolutions were offered**

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. CofW062321 - New Data recd 062121
2. LTC: CofW062321
3. R121420 Request to auth Parks and Rec Commission to set certain fees and charges REFER TO COW CR 377-20
4. LTC: 14DEC20
5. S120220 Req for Parks and Rec to set fees Minutes
6. PR resolution for fees and charges
7. S062402 Policy for Establishment of Activity-Program Fees for Liv Comm Rec Ctr (LIV COMM REC CTR)
8. P&R sections of City Charter
9. council request to set fees (2)

APPROVED BY

COMMITTEE OF THE WHOLE

WEDNESDAY, JUNE 23, 2021

A Committee of the Whole meeting was held on Wednesday, June 23, 2021, in the City Hall Council Chambers.

Committee Members Present:	Kathleen E. McIntyre, President Rob Donovic Jim Jolly Cathy K. White Laura M. Toy
Committee Members Absent:	Brandon McCullough Scott Bahr, Council Vice President
City Officials and Others Present:	Michael Slater, Finance Director Paul Bernier, City Attorney Ted Davis, Superintendent of Parks and Rec. Michelle Koppin, Assistant Director of Parks and Rec. Tom Murphy, Facility Manager

Additional Attendees: See list of attendees attached

The meeting convened at 7:08 p.m.

1. CR 377-20 Subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals.

The meeting was led by Council President, Kathleen McIntyre, noting that for the last nineteen (19) years, Parks and Recreation Commission has been given authority to set fees for programs within the Jack E. Kirksey Recreation Center.

The recommendation is for Council to maintain authority for setting Jack E. Kirksey Recreation Center memberships and daily pass fees.

Superintendent of Parks and Recreation, Ted Davis, reviewed the rationale for giving Parks and Recreation Commission the authority for rate setting and reviewed the process for basing fees on the cost recovery rate model that analyzes programs based on the degree of community benefits.

He reviewed the extensive analysis of all the recreational programs, looking at program type and desired cost recovery level.

A point was made that if the Council were to give the authority to set fees through a resolution, the authority can also be rescinded by a resolution. An additional point was made that because the Parks and Recreation commissioners are all appointed by the Mayor and are not subject to Council's review and approval, giving the Commission the rate setting authority is no different from giving the Mayor the authority.

Changing the appointment of the process for Parks and Recreation would require an amendment to the City Charter.

The Committee recommends:

Approving and denying resolutions were offered.

A request was made for Council to receive regular updates bi-annually from the Parks and Recreation Superintendent.

Note: This item will be out of committee.

This item is to be placed on the **Regular Meeting Agenda of August 23, 2021**

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Kathleen E. McIntyre

cc: City Clerk, City Attorney

LETTER TO THE LIVONIA CITY COUNCIL

Council Office
June 15, 2021

MEETING DATE	PREPARED BY
June 23, 2021	Sara Kasprowicz, Council Office Manager

AGENDA ITEM

CR 377-20 Subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals.

BACKGROUND

To discuss the subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals.

RECOMMENDATION

To discuss the subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. R121420 Request to auth Parks and Rec Commission to set certain fees and charges REFER TO COW CR 377-20
2. LTC: 14DEC20
3. S120220 Req for Parks and Rec to set fees Minutes
4. PR resolution for fees and charges
5. S062402 Policy for Establishment of Activity-Program Fees for Liv Comm Rec Ctr (LIV COMM REC CTR)
6. P&R sections of City Charter
7. council request to set fees (2)

APPROVED BY

On a motion by Toy, supported by Donovic, and unanimously adopted, it was:

PARKS AND RECREATION
Request to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals **(Refer to CofW)**
.

#377-20 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated November 17, 2020, which is approved for submission by the Mayor, in connection with a request to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals, the Council does hereby refer this item to the Committee of the Whole for its report and recommendation.

Unfinished Business (Regular Meeting of December 14, 2020)

Motion by:	**Toy**
Seconded by:	**Donovic**
ROLL CALL:	
Ayes:	**Toy, Bahr, White, McCullough, Donovic, Toy, McIntyre**
Nays:	**None**
Absent:	**None**

REPORT TO THE LIVONIA CITY COUNCIL

Law
November 4, 2020

MEETING DATE	PREPARED BY
December 14, 2020	Carol Driskill, Legal Stenographer II, Law

AGENDA ITEM

REQUEST TO AUTHORIZE THE PARKS AND RECREATION COMMISSION THE ABILITY TO SET CERTAIN FEES AND CHARGES: Department of Parks & Recreation, re: at the Livonia Senior Citizen Center, Greenmead, league athletic play, and outdoor activities and rentals.

BACKGROUND

At a meeting of September 2, 2020, with members Paul Condon, Cathy Kevra, Kevin Summers, Katherine Jolly, and Mark Johnson being present, the Parks and Recreation Commission unanimously adopted the following resolution:

> **3734-20** **RESOLVED**, that the Commission requests authority from City Council for the Parks and Recreation Commission to set all Parks and Recreation fees and charges with the exception of Jack E. Kirksey Recreation Center membership and admission fees.

The proposed resolution would allow the setting of all fees and charges of the various activities that fall under the leadership and direction of the Superintendent of Parks and Recreation, except for the Jack E. Kirksey Recreation Center entrance fees. This would include fees and charges at the Livonia Senior Citizen Center, Greenmead, league athletic play, and outdoor activities and rentals.

RECOMMENDATION

If you have any questions, comments, or changes, please do not hesitate to contact the Law Department or the Superintendent of Parks and Recreation.

FISCAL CONSIDERATION

ATTACHMENTS

1. PR resolution for fees and charges
2. S062402 Policy for Establishment of Activity-Program Fees for Liv Comm Rec Ctr (LIV COMM REC CTR)
3. P&R sections of City Charter
4. council request to set fees (2)

APPROVED BY

Date: November 25, 2020

Paul Bernier, City Attorney

Date: November 25, 2020

Ted Davis, Directory of Parks

Date: November 25, 2020

Maureen Miller Brosnan, Mayor

CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD DECEMBER 2, 2020

Meeting was called to order via Zoom remote technology at 8:03 p.m. by Vice President Scott Bahr. Present: Laura Toy (Livonia, Michigan), Scott Bahr (Livonia, Michigan), Cathy White (Lehigh Acres, Florida), Brandon McCullough (Livonia, Michigan), Rob Donovic (Deployed), Jim Jolly (Livonia, Michigan) and President Kathleen McIntyre (Arrived 8:04 p.m.) (Livonia, Michigan). Absent: None

Councilmember Toy led the meeting in the Invocation.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Dave Lear, Assistant City Engineer; Paul Bernier, City Attorney; Susan Nash, City Clerk; Mike Slater, Director of Finance; Dave Heavener, Fire Chief; Casey O'Neil, Director of Information Systems; Don Rohraff, Director of Public Works; and Jacob Rushlow, Superintendent of Public Service.

4) REQUEST TO AUTHORIZE THE PARKS AND RECREATION COMMISSION THE ABILITY TO SET CERTAIN FEES AND CHARGES: Department of Parks & Recreation, re: at the Livonia Senior Citizen Center, Greenmead, league athletic play, and outdoor activities and rentals.

Ted Davis, Superintendent of Parks and Recreation, presented this request to Council. He stated the Parks and Recreation Commission is asking Council for the authority to set fees. Currently the Parks and Recreation Commission has the authority to establish fees for programs and rentals at the Jack E. Kirksey Recreation Center. This was done by Council Resolution 492-02. We are asking that, again, with the addition of Senior Center and Greenmead under Parks and Recreation, that they be allowed to establish all fees with the exception of membership and entrance fees for the Jack E. Kirksey Recreation Center. If you'll notice on the information that was sent with this, several neighboring communities operate in a very similar manner to what we're asking for; Novi, Southfield, Canton and West Bloomfield all do very similar either have administrative or non-Council oversight for most of their fees. There's only two committees that I'm aware of that currently operate the way Livonia does and then Dearborn and Detroit, to the best of my knowledge. With that, I'd be happy to answer any questions Council might have on this subject.

Councilmember Jolly thanked Davis for the opportunity of speaking with him this morning in regard to this. I think there is a compelling reason to allow the Parks and Rec Commission to do this. Of the comparables that you mentioned there, I think West Bloomfield, they have an elected Parks and Rec Commission, is that correct?

Davis replied that is correct. Out of all of them, they are the only ones that do have a Parks and Recreation Commission that they elect.

Jolly said he was going to ask if the other two were set up similarly or in the way that we are here in Livonia. This is one of these things that I don't necessarily think that we need to have a committee meeting on, but it is something that I would like to think about for the next two weeks, so I'll offer an approving and a denying in hopes that if any of us have any questions in regard to this, we can reach out to Mr. Davis or the Administration and just to give us time to think about it as well.

Councilmember Toy stated for the many years of service that I've been in, one of our major charges as a City Council is to approve budgets and finances for this community. I appreciate some of the things that we are doing and coming forward in a changing environment. But I also appreciate of this City Council and I need to understand this, as Mr. Jolly said. I am also, if I may, Madam Chair, because I think we need Committee of the Whole on this and can we ask our Mayor to come in as well and ask a few others in their department that may have some of the same concerns. I'm a little reluctant to give up Council authority, if you will, over financing and fees, particularly in this community. I have voted for and against these in my career here in the City and elsewhere and a fee is a tax, if you will. It increases obviously the amount of money that somebody is spending to use our services,, depending on what service it is. It helps to get a deeper understanding of that and we have a fiduciary responsibility in that regard and so I would ask for Committee of the Whole. Thank you for your indulgence, I appreciate it.

Councilmember McCullough stated his two cents on this matter, having been on the other side of things, financial oversight, a lot of these decisions from a lower level streamline a whole of efficiencies with staff, it's kind of nice and this is something I'll be in support of. I definitely would like to see an oversight from Council, some of these decisions are made on the fly and on the season and even from the programming. A lot of the staff, just going to the Parks and Rec Commission which is a great step. Administratively down the line I think that would be appropriate to do it at some point just to give that. And I hate to give those fees totally away on that, but obviously if there's like I said the different opportunity programs and stuff, I think it's a great idea. I've seen it work very well from an administrative standpoint and streamlining services, so I'll be in support of this.

DIRECTION: 1)APPROVING
2) DENYING
3) COMMITTEE OF THE WHOLE

#3734-20 **RESOLVED,** that the Commission requests authority from City Council for the Parks and Recreation Commission to set all Parks and Recreation fees and charges with the exception of Jack E. Kirksey Recreation Center membership and admission fees.

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

AYES: Condon, Kevra, Summers, Jolly and Johnson
NAYES: None

The Chairperson declared the resolution **adopted.**

On a motion by Vandersloot, seconded by Brosnan, and unanimously adopted, it was:

LIV COMMUNITY REC CTR
Council determined to set a policy allowing the Parks and Recreation Commission to set activity and program fees for the Livonia Community Recreation Center and also approved the initial activity and program fees for the Livonia Community Recreation Center.

CR 492-02 RESOLVED, that having considered the report and recommendation of the Capital Improvement Committee, dated August 27, 2002, submitted pursuant to Council Resolution 352-02, in connection with the proposed policy for the establishment and enactment of activity and program fees at the Livonia Community Recreation Center, the Council does hereby concur in the recommendation of the Parks and Recreation Commission as set forth in its resolution 2597-02 and 2598-02, adopted on June 12, 2002, and hereby determines that the Parks and Recreation Commission shall be allowed to set activity and program fees for the Livonia Community Recreation Center; FURTHER, the Council does hereby approve activity and program fees for the Livonia Community Recreation Center as set forth in the attachment to Parks and Recreation Commission Resolution 2598-02.

SEP 11 2002

CAPITAL IMPROVEMENT COMMITTEE

TUESDAY, AUGUST 27, 2002

A **Capital Improvement Committee meeting** was held on **Tuesday, August 27, 2002,** in the Second Floor City Council Chambers, Livonia City Hall, 33000 Civic Center Drive, Livonia, MI 48154.

Committee Members Present:	Val Vandersloot, Chairperson Maureen Miller Brosnan
Committee Members Absent:	Joe Laura (out of town)
City Officials and Others Present:	Mayor Kirksey Council President Engebretson Councilmember Dolan Councilmember Knapp Councilmember Taylor Finance Director Slater Ass't City Attorney Scherr Parks & Recreation Supt. Reinke D.P.W. Director Beckley Parks and Recreation Commission Members: Chuck Bien, Kevin Summers, Mark Johnson, Dennis Wright

See attached Sign-in Sheets

The meeting convened at 7:00 P.M.

1. CR-349-02 Request for exemption for the Livonia Community Recreation Center from the City's Grid Policy for non-profit and charitable organizations.

The Committee recommends:

- Adoption of a resolution that approves the recommendation by the Parks and Recreation Commission adopted at their June 12, 2002 Commission meeting and forwarded to the City Council by the Department of Parks and Recreation in their letter dated June 13, 2002.
  (Following are excerpts from that letter.)

> "The Parks and Recreation Commission at a special meeting held on June 12, 2002 adopted the following resolutions:
>
> **#2599-02 RESOLVED,** that the Commission recommend to Council that the Livonia Community Recreation Center shall be exempt from the City's Grid Policy regarding non-profit and charitable organizations.
>
> It is the intent and belief of the Parks and Recreation Commission that the City's Grid Policy for non-profit and charitable organizations not apply to the operation of the Livonia Community Recreation Center.
>
> It is the intent of this facility to operate on a self-sustaining basis and any application of reduced rates through groups or organizations would severely hinder the operation of this facility in maintaining that status. The fees and charges and rentals of this facility are extremely reasonable and should not be reduced for any purpose."

(Note: With this action, this item will be out of Committee.)

This item to be placed on the ***Regular Meeting Agenda of Wednesday, September 11, 2002.***

2. CR-352-02 Request for approval of proposed policy for the establishment and enactment of activity and program fees at the Livonia Community Recreation Center.

The Committee recommends:

- Adoption of a resolution that approves the recommendation by the Parks and Recreation Commission adopted at their June 12, 2002 Commission meeting and forwarded to the City Council by the Department of Parks and Recreation in their letter dated June 13, 2002.
  (Following are excerpts from that letter. None of the mentioned attachments are included in the excerpts.)

> "The Parks and Recreation Commission at a special meeting held on June 12, 2002 adopted the following resolutions:
>
> **#2597-02** **RESOLVED,** that the Commission recommend to Council that a policy be established either by resolution or ordinance that would allow the Parks and Recreation Commission to set activity and program fees for the Livonia Community Recreation Center.
>
> **#2598-02** **RESOLVED,** that the Commission recommend to Council that the enactment of the proposed activity and program fees for the Livonia Community Recreation Center be adopted. (See attachment).
>
> The intent of this is to provide a quick reaction to changing program and activity needs that we envision at the Livonia Community Recreation Center. We must be able to provide program and activities that will meet the ever-changing needs of our active society.
>
> We intend to follow a formula that includes the operational costs of the facility, advertisement and instructional costs, to establish a base hourly fee, which would then be used by a multiplier, number of classes in session or program. The fees will be broken out to reflect three levels, pass holder, resident non-pass holder and non-resident non-pass holders. Pass holder, regardless of residency will pay a lesser fee.
>
> Residents are our next highest priority. They will be charged 110-125% of the pass holder fee and non-residents will be charged 140-160% of the pass holder fee.
>
> Copy of our initial fees and charges is included. It is also our belief that if anyone has a problem with the fees that are administered or adopted by the Parks and Recreation Commission will have an opportunity to appeal these fees to the City Council. It has been the Department's intent to be as reasonable as possible and yet sustain the operation of the Livonia Community Recreation Center without a subsidy."

(Note: With this action, this item will be out of Committee.)

This item to be placed on the ***Regular Meeting Agenda of Wednesday, September 11, 2002.***

3. CR-353-02 Request to approve fee structure for daily, annual and multi-use passes for the Livonia Community Recreation Center to allow the facility to operate without any General Fund subsidy.

The Committee recommends:

- Adoption of a resolution that approves the recommendation by the Parks and Recreation Commission adopted at their June 12, 2002 Commission meeting and forwarded to the City Council by the Department of Parks and Recreation in their letter dated June 13, 2002.
  (Following are excerpts from that letter. None of the mentioned attachments are included in the excerpts.)

> "The Parks and Recreation Commission at a special meeting held on June 12, 2002 adopted the following resolution:
>
> **#2596-02 RESOLVED,** that the Commission recommend to Council the following fee structure for daily, annual and multi-use passes for the Livonia Community Recreation Center. (Please see attached 36 page document).
>
> The Commission over a period of several months worked with the staff in the development of a fee structure for the Livonia Community Recreation Center. The fees closely followed the recommendation of the Sports Management Group in their document dated December 2000.
>
> The fee schedule takes into consideration the following guidelines; that the fees will be reasonable and that the facility shall operate without any General Fund subsidy. In preparing this proposal, we reviewed fees and charges of several public facilities located here in Michigan. Three facilities were out of state that we are familiar with as well as the Livonia Family Y and six for profit centers located in the Livonia area.
>
> Upon review of the comparison fees, the fees that will be charged here are extremely reasonable and we believe will allow us to operate without a General Fund subsidy when coupled with program and rental fees."

(Note: With this action, this item will be out of Committee.)

This item to be placed on the ***Regular Meeting Agenda of Wednesday, September 11, 2002.***

The meeting adjourned at 8:45 P.M.

Respectfully submitted,

Val Vandersloot, Chairperson

Maureen Miller Brosnan

Absent-out of town)____
Joe Laura

CC: Mayor
City Clerk
City Attorney

Attachment - Sign-In Sheets

PLEASE RECORD YOUR ATTENDANCE AT THIS MEETING

BY **PRINTING** YOUR NAME BELOW

MEETING: CAPITAL IMPROVEMENT COMMITTEE

DATE: TUESDAY, AUGUST 27, 2002

TIME: 7:00 P.M.

Ron Reinke	Parks & Rec.
Tom Murphy	P&R
Josie Smith	Senior Quilt
Michelle DuMars	P&Rec
Barb Gamber	P&Rec.
Dorothy Bass	Travel Club
Helen Reedery	Travel Club
Kevin Summers	P&Rec.
MARK JOHNSON	P&R
Kathi Comben	New Rec. Committee
Rich Skaggs	Sports
K. Roeman	Sports
B. Schenk	Asst Cit
Ralph Williams	Citizen
Arlen Bien	Parks & Rec Comm
Mike Slater	Fin Dir.

PLEASE RECORD YOUR ATTENDANCE AT THIS MEETING

BY **PRINTING** YOUR NAME BELOW

MEETING: CAPITAL IMPROVEMENT COMMITTEE

DATE: TUESDAY, AUGUST 27, 2002

TIME: 7:00 P.M.

KAREN KAPCHONICK PARKS & REC

DENNIS WRIGHT P & R COMM.

Carl Geighler

Bob Burley

LIV COMM REC CTR
Proposed policy for the establishment of activity and program fees for the Livonia Community Recreation Center. **(Refer to Capital Improvement Committee for report and recommendation.)**

CR 352-02 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated June 13, 2002, which bears the signature of the Director of Finance and is approved for submission by the Mayor, and which sets forth Parks and Recreation Commission Resolutions 2597-02 and 2598-02, adopted on June 12, 2002, wherein the Commission recommended that a policy be established that would allow the Parks and Recreation Commission to set activity and program fees for the Livonia Community Recreation Center, as well as to approve the current proposed activity and program fees for the Livonia Community Recreation Center, the Council does hereby refer this item to the Capital Improvement Committee for its report and recommendation.

JUL 1 2002

CONSENT AGENDA ITEMS (Regular Meeting of July 1, 2002)

Motion by: ***Brosnan***
Seconded by: ***Dolan***

ROLL CALL:
Ayes: ***Dolan, Taylor, Laura, Brosnan, Knapp, Vandersloot and Engebretson***

Nays: ***None***
Absent: ***None***

CITY OF LIVONIA CITY COUNCIL MINUTES
OF THE STUDY MEETING HELD JUNE 24, 2002

Meeting was called to order at 8:00 p.m. Present: Don Knapp, Val Vandersloot, Linda M. Dolan, Gerald Taylor, Joe Laura, Maureen Miller Brosnan and Jack Engebretson.

Elected and appointed officials present: Mayor Jack Kirksey; Cathryn K. White, Chief Assistant City Attorney; Robert Schron, City Engineer; Mark Taormina, City Planner; Captain Mark LaBerge, Police Department; Michael T. Slater, Director of Finance; Ronald Reinke, Sup't of Parks and Recreation; Alan Brandemihl, Fire Chief ; and Karen A. Tesner, Asst. City Clerk

17. REQUEST FOR APPROVAL OF PROPOSED POLICY FOR THE ESTABLISHMENT AND ENACTMENT OF ACTIVITY AND PROGRAM FEES AT THE LIVONIA COMMUNITY RECREATION CENTER: Department of Parks and Recreation, re: same.

    Ronald Reinke asked City Council to approve the recommendation of the Parks and Recreation Commission to allow Parks and Recreation to establish the activity and program fees for the Livonia Community Center. This would be based on an anticipated change in programs and activities. He said the fees would be based on a cost per activity basis. The fees would help maintain utilities, maintenance, and the cost of instructors.

    Laura offered a resolution referring this item to the Capital Improvement Committee.

    Engebretson confirmed the resolution referring this item to the Capital Improvement Committee and placed this item on the Consent Agenda.

DIRECTION:	REFERRING TO CAPITAL IMPROVEMENT COMMITTEE	CONSENT

DEPARTMENT OF PARKS & RECREATION

PARKS AND RECREATION COMMISSION

HERMAN C. BIEN
CHAIRPERSON
ROBERT DEACON
MARK JOHNSON
KEVIN SUMMERS
DENNIS WRIGHT

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2410 RECREATION DIVISION
FAX: (734) 466-2679

JACK E. KIRKSEY
MAYOR

RONALD R. REINKE
SUPERINTENDENT

June 13, 2002

Honorable City Council
City of Livonia

Re: Policy for the Establishment and Enactment of Activity and Program Fees at the Livonia Community Recreation Center

Honorable Members of Council:

The Parks and Recreation Commission at a special meeting held on June 12, 2002 adopted the following resolutions:

#2597-02 **RESOLVED,** that the Commission recommend to Council that a policy be established either by resolution or ordinance that would allow the Parks and Recreation Commission to set activity and program fees for the Livonia Community Recreation Center.

#2598-02 **RESOLVED,** that the Commission recommend to Council that the enactment of the proposed activity and program fees for the Livonia Community Recreation Center be adopted. (See attachment).

The intent of this is to provide a quick reaction to changing program and activity needs that we envision at the Livonia Community Recreation Center. We must be able to provide program and activities that will meet the ever-changing needs of our active society.

We intend to follow a formula that includes the operational costs of the facility, advertisement and instructional costs, to establish a base hourly fee, which would then be used by a multiplier, number of classes in session or program. The fees will be

broken out to reflect three levels, pass holder, resident non-pass holder and non-resident non-pass holders. Pass holder, regardless of residency will pay a lesser fee.

Residents are our next highest priority. They will be charged 110-125% of the pass holder fee and non-residents will be charged 140-160% of the pass holder fee.

Copy of our initial fees and charges is included. It is also our belief that if anyone has a problem with the fees that are administered or adopted by the Parks and Recreation Commission will have an opportunity to appeal these fees to the City Council. It has been the Department's intent to be as reasonable as possible and yet sustain the operation of the Livonia Community Recreation Center without a subsidy.

We look forward to discussing this with Council.

Thank you for your kind consideration of this request.

Respectfully submitted,

Ronald R. Reinke
Superintendent

REVIEWED:

MICHAEL T. SLATER
DIRECTOR OF FINANCE

APPROVED FOR SUBMISSION:

JACK E. KIRKSEY
MAYOR

RRR:lh

pc: City Clerk, Council (7), Council Sec., City Attorney, Mayor, Finance, DPS, Parks & Recreation Commission, File

City of Livonia
Community Recreation Center
Proposed Program Fees

All fees are per class per person.(Unless noted) Number of weeks will vary.
Classes or leagues with only one fee will be charged to all categories.

CLASSES	Current fee Resident	Current fee Non Resident	Base Pass Holder	110-125% Resident	140-160% Non Resident
Swim Lesson					
30-45 minute lesson	$3.80	$4.40	$4.25	$5.50	$6.75
50 minute lesson			$5.50	$6.25	$7.00
Private lesson 30 minutes	$19.00	$23.00	$20.00	$22.00	$25.00
Five Private 30 min. lessons	$75.00	$95.00	$80.00	$88.00	$100.00
Specialized Swim					
Syncronized swim			$4.25	$5.50	$6.75
Water Polo class			$4.25	$5.50	$6.75
Water Exercise					
50 minute class	$3.80	$4.40	$4.25	$5.50	$6.75
Example 7 week class	$27.00	$33.00	$29.75	$38.50	$47.25
Lifesaving	$38.00		$75.00	$75.00	$75.00
	Plus materials				
Scuba			Per contract		
Swim Camp per hour			$5.50	$6.75	$8.00
Gym Activities\classes					
Ex. Sports sampler, exercise, sports camps\clinics,					
lacrosse, badminton, individual league fee, home school					
30 minute			$3.00	$3.75	$4.50
Example 7 week class	$25.00		$21.00	$26.25	$31.50
50 minute	$3.57		$5.00	$6.00	$7.00
Example 7 week class			$35.00	$42.00	$49.00
Batting cage					
30 minutes			$6 per person	Plus day pass	
Golf Practice					
30 minutes			$6 per person	Plus day pass	
Golf Lessons					
Half hour lesson			$6.50	$7.75	$9.00
1 hour lesson			$11.00	$12.25	$13.50

City of Livonia
Community Recreation Center
Proposed Program Fees

CLASSES	Current fee Resident	Current fee Non Resident	Base Pass Holder	110-125% Resident	140-160% Non Resident
Indoor Playground					
Special event			$6.00	$7.25	$8.50
Fitness Center					
Weight training instruction			Free	$9.00	$18.00
Personal training\hr.			$40.00	$50.00	$80.00
Fitness assessment			$25.00	$25.00	$25.00
Bone density					
body fat					
oxygen uptake					
blood pressure\heart rate					
Climbing Wall - All fees per person					
Instruction 50 minutes			$6.50	$7.75	$9.00
Youth camp per hour			$6.50	$7.75	$9.00
Corporate team building \ 2 hrs.			$15.00		
School groups \ 2 hrs			$10.00		
Harness rental			Free	$3.00	$3.00
Meeting Room					
Educational Class 50 minute			$5.00	$6.25	$7.50
Materials			TBD		
Birthday Parties per child					
Pool			$10.00		
Playground			$10.00		
Gym			$12.00		
Climbing wall			$13.00		
Gymnastics			$14.00		
Land Fitness	Ex. Aerobics, kick boxing, yoga, spinning				
50 minute class	$3.80	$5.00	$5.00	$6.25	$7.50
Example 7 week class	$26.60	$35.00	$35.00	$43.75	$52.50
80 minute class			$7.00	$8.75	$10.50
Punch Pass (10)			$50.00	$62.50	$75.00
Punch Pass (20)			$100.00	$125.00	$150.00
Dance					
50 Minutes			$5.00	$6.25	$7.50
Example 7 week class			$35.00	$43.75	$52.50
Martial Arts			$5.00	$6.25	$7.50
Childwatch					
per 2 hours			$3.00	$4.00	$4.00
Tot play class			$3.80	$5.00	$6.25
Late fee Past 2 hours in 1 day	per 15 minutes		$5.00	$5.00	$5.00
Late Fee					
For any class registration	$10.00	$10.00	$10.00	$10.00	$10.00

City of Livonia
Community Recreation Center
Proposed Program Fees

CLASSES	Current fee Resident	Current fee Non Resident	Base Pass Holder	110-125% Resident	140-160% Non Resident
TEAM SPORTS					
Pool Leagues Team fee \ game					
Water polo			$40.00		
Inner tube water polo			$40.00		
Water basketball			$40.00		
Water volleyball			$40.00		
Individual fee per Non Resident		$30.00	NA	NA	$30.00
Gym Leagues	Ex. Basketball, volleyball, inline hockey, lacrosse				
Team fee per game	$26.00		$30.00		
Individual fee per Non Resident		$30.00			$30.00
Official fee per game	$20.00		$22.00		
3 on 3 Basketball League					
Team fee per game			$15.00		
Individual fee per Non Resident					$10.00
Team Sports Tournament					
Team fee per game					
Teen\Youth				$100.00	
Adult				$150.00	
3 on 3 basketball				$40.00	

COMMENTS:

ALL FINAL FEES WILL BE ROUNDED UP

City of Livonia
Community Recreation Center
Proposed Program Fees

CLASSES	Current fee Resident	Current fee Non Resident	Base Pass Holder	110-125% Resident	140-160% Non Resident
RENTALS					
All rates hourly					
Large Gym	$0.00		$55.00		
Mac Gym	$40.00		$45.00		
Pool					
Competitive Pool	$8\lane\hr		$8\lane\hr		
Splash Pad			$75.00		
Leisure Pool			$150.00		
Party \ Meeting Room					
Single	$15.00		$18.00		
Double			$34.00		
Triple			$50.00		
MPR			$30.00		
Wall					
W\Instructor			$50.00		
Equipment \ person			$3.00		
Active Areas					
Playland w\supervisor			$60.00		
Fitness Center	After hours only		$100.00		
Lobby			$100.00		
Section 300 sq.ft.			$40.00		
Adult Lounge			$40.00		
Childwatch			$40.00		
Game room			$30.00		
Aerobics \ dance studio			$75.00		
Overnight Activities	9pm-8 am				
First 100 people			$1,500.00		
Includes 1 staff, 4 lifeguards for 3 hrs in leisure pool					
all night in 2 gyms, 3 party rooms, limited equipment					
No second floor access	Max of 500 people				
Each Additional 50 people			$150.00		
Add on Activities					
Wall			$50.00		
Fitness Center			$25.00		
Playland			$30.00		
1 hr leisure pool			$100.00		
Batting Cage			$25.00		
Golf Driving net			$25.00		
Chair	$0.50	included for party room and MPR.			
Table	$4.00	included for party room and MPR.			

City Council (2) B—

MINUTES
3rd SPECIAL MEETING
PARKS and RECREATION COMMISSION
CITY OF LIVONIA

On June 12, 2002 the above meeting of the Parks and Recreation Commission of the City of Livonia was held in the Recreation Department's Conference Room, 33000 Civic Center Drive, Livonia, Michigan. Mr. Herman Bien, Chairperson of the Commission called the meeting to order at 12:30 p.m.

Members present: Herman C. Bien, Robert Deacon, Mark Johnson, Kevin Summers and Dennis Wright (arrived at 1:00 p.m.)

Members absent: None

Also present: Ronald R. Reinke, Superintendent
Karen Kapchonick, Assistant Superintendent
Thomas Murphy, Administrative Assistant-Facility Manager
Barbara Gamber, Program Supervisor
Michelle DuMars, Recreation Supervisor
Cheryl Polkinghorne, Intern, Central Michigan University

RECEIVED
CITY COUNCIL OFFICE
02 AUG 13 PM 4:57

Mr. Reinke mentioned that this meeting was devoted totally to the proposed fees and charges for the Livonia Community Recreation Center. New business item #1 was a letter written by me to establish daily, annual and multi-passes for the Recreation Center and

Mr. Bien asked if there were any comments from the Commission.

Mr. Reinke said that this is the packet that would go before City Council. Some changes were made from what the Commission saw before. Some changes were made on page 2. Definition of teen is any person between the ages of 13 & 18 years of age who has not obtained their 19th birthday and youth is ages 4-12. Learned from our research every community that we have talked to that problems would not come from pass holders but from daily use users. **Mr. Bien** had a note, how is it going to work with the passes? **Mr. Reinke** said that they would pay a separate fee for classes. They would need to be trained on how to use the climbing wall. **Mr. Murphy** commented group of activities that would be included with the pass holders as well as daily pass fee. Class fee is another charge because you have to have instructors. **Mr. Bien** said that you would have to have an additional fee for a class. **Mr. Reinke** expanded on that to say that annual pass holder or daily fee user would have use of the gym, pool, lap pool, track, fitness center, climbing wall, etc. Staff would be on duty to show them how to use fitness equipment. If they would be taking an aerobic or yoga class or whatever, they would be charged an additional fee. **Mr. Bien** how did you come up with age of 22 instead of 21? **Mr. Reinke** said we included college students. Other big change, definition of a family. **Mr. Johnson** asked how would you confirm their residency? **Mr. Reinke** said by driver's license. **Mr. Johnson** asked why matinee was doubled for non-residents. **Mr. Reinke** mentioned that we want to bring people in at that period of time. **Mr. Murphy** went over the changes on page 3. **Mr. Bien** said that you used basically the figures that were given by Sports Management. **Mr. Reinke** replied they based their figures on existing facilities. They did it in a very conservative manner. Building the facility was a millage issue. It went for capital expenditure; however, it did include money to operate the facility. We will have to put this definition in print. **Mr. Johnson** said that

your home for example, mortgage was millage and does not include heat, water or electricity; mortgage is just for maintaining the home. **Mr. Reinke** said we are thinking of using different color wristbands every day for the daily pass users. **Mr. Murphy** then went on to each of the pages pertaining to item #1 and asked if there were any questions. **Mr. Johnson** said we will have to go back a year after it opens to see haw close we were in our predictions. When would you start selling pass holder memberships? **Mr. Reinke** said we are looking at starting in October or November or possibly even sooner. Pass holder memberships would expire a year from date of opening.

Upon a motion made by Mr. Summers, seconded by Mr. Wright, it was

#2596-02 **RESOLVED,** that the Commission recommend to Council the following fee structure for daily, annual and multi-use passes for the Livonia Community Recreation Center.

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

AYES: Bien, Deacon, Johnson, Summers and Wright

NAYS: None

The Chairperson declared the resolution **adopted**.

Mr. Bien then proceeded onto new business item #2.

Mr. Reinke said what we are requesting is that the Commission recommend to Council that Commission set fees for programs and activities. This would speed up the process. They can always appeal to Council. Residents who are not pass holders would pay a little more than pass holders would for classes. Non-resident fees are a little higher. Some of the fees are extremely reasonable. Commission looked over package. This resolution would have two parts.

Upon a motion made by Mr. Summers, seconded by Mr. Wright, it was

#2597-02 **RESOLVED,** that the Commission recommend to Council that a policy be established either by resolution or ordinance that would allow the Parks and Recreation Commission set activity and program fees for the Livonia Community Recreation Center.

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

AYES: Bien, Deacon, Johnson, Summers and Wright

NAYS: None

The Chairperson declared the resolution **adopted**.

Upon a motion made by Mr. Deacon, seconded by Mr. Johnson, it was

#2598-02 **RESOLVED,** that the Commission recommend to Council that the enactment of the proposed activity and program fees for the Livonia Community Recreation Center be adopted.

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

AYES: Bien, Deacon, Johnson, Summers and Wright

NAYS: None

The Chairperson declared the resolution **adopted**.

Mr. Bien went onto new business item #3.

Mr. Reinke that the Commission make a resolution that the Grid Policy not apply to charitable groups with regards to the use of the Livonia Recreation Community Center. **Mr. Murphy** mentioned that this does not effect groups that we co-sponsor.

Upon a motion made by Mr. Johnson, seconded by Mr. Summers, it was

#2599-02 **RESOLVED,** that the Commission recommend to Council that the Livonia Community Recreation Center shall be exempt from the City's Grid Policy regarding non-profit and charitable organizations.

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

AYES: Bien, Deacon, Johnson, Summers and Wright

NAYS: None

The Chairperson declared the resolution **adopted**.

Mr. Bien went onto new business item #4.

Mr. Reinke said the Commission needs to set a resolution regarding the above resolutions that they direct the Superintendent to forward these to the Council for their immediate action.

Upon a motion made by Mr. Deacon, seconded by Mr. Wright, it was

#2600-02 **RESOLVED,** that the items regarding the Livonia Community Recreation Center are of the utmost importance and should be forwarded to Council without delay; therefore, the Commission directs the Superintendent to forward these resolutions to the Council for their immediate action.

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

AYES: Bien, Deacon, Johnson, Summers and Wright

NAYS: None

The Chairperson declared the resolution adopted.

Mr. Reinke said he would like the Commission to attend both meetings. Council may just send these to the Capital Improvement Committee. **Mr. Reinke** thanked the Commission for all of their help and thanked the staff present at this meting.

Upon a motion made by Mr. Wright, seconded by Mr. Deacon, it was

#2601-02 **RESOLVED,** that the Parks and Recreation Commission's 3rd Special Meeting be duly adjourned.

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

AYES: Bien, Deacon, Johnson, Summers and Wright

NAYS: None

The Chairperson declared the resolution **adopted** and the 3rd Special Meeting was duly adjourned at 7:45 p.m.

Herman C. Bien

HERMAN C. BIEN, CHAIRPERSON
PARKS and RECREATION COMMISSION

HB:lh

posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the City, and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures, and excavations under the same.

Section 15. *Property Rights.* The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction, or otherwise, either within or without its corporate limits, and either within or without the County of Wayne, property of every type and nature which may be required for or incidental to the present or future exercise of the purpose, powers, and duties of the City government established by this Charter. The Council shall have the power to provide for the maintenance, development, operation, leasing and disposal of property of the City subject to any restrictions placed thereupon by Law.

Section 16. *Parks and Recreational Facilities.* The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of all parks and recreational facilities, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits.

Section 17. *Cemetery Regulations.* The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the City belonging to, or under the control of, any church or religious society, or any corporation, company, or association.

proper data and information concerning the same;

(e) He shall be charged with the responsibility of calling to the attention of the Council and the Mayor all matters of Law and changes or developments therein affecting the City;

(f) He shall perform such other duties as may be prescribed by this Charter or by the Council, or the Mayor;

(g) He shall act as legal advisor to, and attorney and counsel for, each and every one of the several departments, commissions, boards, administrative offices and agencies of the City. He shall give written opinions to any department, commission, board or official of the City when requested by the Mayor or Council so to do;

(h) Upon recommendation of the City Attorney, approved by the Mayor, or upon its own motion the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the City Attorney, for such limited time and purpose as the Mayor shall specify.

Section 15. *Department of Parks and Recreation.* The Department of Parks and Recreation shall be managed and controlled by a Commission to be known as the Parks and Recreation Commission and consisting of five (5) members, who shall be chosen from the qualified electors of the City to hold office at the pleasure of the Mayor. The Parks and Recreation Commission shall administer and operate all City parks, playgrounds, athletic fields, and recreational facilities and equipment.

Section 16. *Department of Civil Service.* In order to guarantee to all citizens a fair and equal opportunity for public service, to establish conditions

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

November 17, 2020

Honorable Council
City of Livonia

Re: Authority to set fees for Parks and Recreation programs and rentals

Honorable Members of Council:

At the September 2, 2020, Parks and Recreation Commission meeting, the Parks and Recreation Commission passed a resolution asking the City Council for the authority to set all fees except admission fees to the Jack E. Kirksey Recreation Center.

Upon a motion made by Mr. Summers seconded by Mr. Condon, it was

#3734-20 **RESOLVED** that the Commission requests authority from City Council for the Parks and Recreation Commission to set all Parks and Recreation fees except Jack E. Kirksey Recreation Center membership and admission fees.

A roll call vote was taken on the preceding resolution with the following results:

AYES: Condon, Kevra, Summers, Jolly, and Johnson
NAYES: None

The Chairperson declared the resolution **adopted.**

As you know, the City Council is authorized to establish fees, per the City Charter. At the same time, the Charter directs the Parks and Recreation Commission with management of the Parks and Recreation Department and says the Commission "shall administer and operate all City parks, playgrounds, athletic fields, and recreational facilities and equipment."

Council has previously granted the Parks and Recreation Commission authority of fees for programs at the Jack E. Kirksey Recreation Center with CR# 492-02.

However, the Department and Commission are seeking the flexibility to implement programming and services changes, with appropriate fees, with the increased flexibility and timeliness that the Parks and Recreation Commission approval would provide. Such increased authority would align Livonia with neighboring communities in their approach to fee setting, as shown in the chart below:

Community	**Fee authority**
Novi	Staff set all program fees, and the City Council sets pavilion rental rates.
Southfield	Parks and Recreation Board approves all fees.
Canton	Staff set all fees.
West Bloomfield	Staff set all program fees, Parks and Recreation Commission set rental prices.

We intend to continue to follow a formula that includes the facility's operational costs, administration, advertisement, and instructional costs to establish the program and rental fees at each facility. Non-resident fees will be charged 140-160% of resident fees. The Department intends to be as reasonable as possible in setting fees. In all cases, the fees adopted by the Parks and Recreation Commission could be appealed to the City Council.

Approval of this request would also allow the Department to respond more quickly by adjusting program and activity needs that we envision at Greenmead and the Senior Center, to better meet the ever-changing needs of our active community.

Your consideration of this request is appreciated.

Respectfully submitted,

Edward Davis
Superintendent

APPROVED FOR SUBMISSION:

MAUREEN MILLER BROSNAN
MAYOR

LETTER TO THE LIVONIA CITY COUNCIL

8.

Council Office
July 27, 2021

MEETING DATE	PREPARED BY
August 23, 2021	Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

FINANCE AND BUDGET COMMITTEE - MEETING OF AUGUST 11, 2021
a. Subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting. (CR 131-12)

BACKGROUND

To discuss the subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting. (CR 131-12)

RECOMMENDATION

Report of the subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. F&B081121 Meeting docs

APPROVED BY

FINANCE AND BUDGET COMMITTEE MEETING

WEDNESDAY, AUGUST 11, 2021

A Finance and Budget Committee meeting was held on Wednesday, August 11, 2021, in the City Hall Council Chambers.

Committee Members Present:	Council Vice President Scott Bahr, Chair Rob Donovic, Vice Chair
Committee Members Absent:	Jim Jolly, Member
City Officials and Others Present:	Kathleen McIntyre, Council President Brandon McCullough, Councilmember Laura Toy, Councilmember Cathy White, Councilmember Lynda Scheel, City Treasurer Paul Bernier, City Attorney Michael Slater, Finance Director Dave Varga, Director of Administrative Services LaShawn Thomas, Director of Governmental Affairs

DRAFT

The meeting convened at 7:04PM.

1. **CR 131-12** Subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting.

Director of Finance, Mike Slater, reviewed the 2021 assessment data and what that means for our budget projections in FY22.

• Total property taxes, state equalized value, taxable values, state-shared revenue, general fund revenue, and overall revenue will be higher than the previous year.
• There will be another Headlee reduction to the tax rate.
• The budget will include one additional code enforcement officer, but that is the only change to the staffing numbers.
• The City's required contribution to the defined contribution plan will be lower, but the required contribution to the defined benefit plans will be higher.

- 87% of firefighters transferred to the defined benefit plan when it was offered in the current contract, but only 45% of police made the transfer.

• The Recreation Center continues to operate at a deficit due to a significant percentage of the membership not returning after the pandemic.
• Livonia will receive $8.9M from the federal American Rescue Plan, half of which is already available to us. The rest will be available in July 2022. No proposals have yet come to Council on what to do with that money.

Council asked questions and made requests for consideration in the FY22 budget, which is due to Council on September 15. These discussions included:

DRAFT

- Bike/Walk Livonia expansion ($275k is included for this purpose in next year's roads millage money; $750,000 included as the match for the multimillion-dollar grant request that has been submitted to the Ralph C. Wilson foundation.
- More code enforcement officers
- Recycling carts
- A request for a study on what we spend for city vehicles and alternative approaches to this program
- The future of Noble Library - the Administration is still working on this and will give an update to Council when ready
- Whether it would make sense to provide cell phones to City Council (we decided it would not)

Next steps:

- Mayor's budget submitted to Council by 9/15
- Budget must be adopted by Council by 11/1

The Committee recommends:

- To receive and place on file for the information of the Council, the City of Livonia 2021 Assessment Data booklet from the City Assessor, dated June 10, 2021.

(NOTE: This is a standing resolution and will remain in committee.)

1. **CR 131-12** Subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting.

The meeting was adjourned at 8:41PM

This item is to be placed on the **Regular Meeting Agenda of August 23, 2021**

Respectfully submitted,

_____ _____

Scott Bahr, Chair Rob Donovic, Vice Chair

cc: City Clerk, City Attorney

DRAFT

LETTER TO THE LIVONIA CITY COUNCIL

1.

Council Office
July 15, 2021

MEETING DATE	PREPARED BY
August 11, 2021	Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

Subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting (CR 161-12)

BACKGROUND

To discuss the subject of Advance Budget Reviews for Fiscal Year 2021-2022 and review the 2021 Assessment Data provided by the Assessor's Office.

RECOMMENDATION

As Council deems necessary

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. R081121 2021 Assessment Data Book

APPROVED BY

CITY OF LIVONIA

2021
ASSESSMENT DATA

DEPARTMENTAL CORRESPONDENCE

DATE: **June 10, 2021**

TO: **Maureen Miller-Brosnan, Mayor**

FROM: **Linda Gosselin, Assessor**

SUBJECT: **2021 Assessment Year**

The March Board of Review has adjourned. Our assessment roll and reports for equalization have been completed and delivered to the Wayne County Assessment and Equalization. The following is a brief overview of what transpired this year:

- The Board of Review had 304 total appeals, including 30 virtual appearance appeals and 274 mail-in appeals. Of the 304 total appeals, 19 applications were for poverty exemption and 158 applications for veteran exemption were granted for total property tax relief.

- The 2021 Ad-Valorem Taxable Values are:
  Real: 4,198,648,273 – an overall increase from 2020 of ~3.08%.
  Personal: 300,911,954 – an overall decrease from 2020 of ~ 1.08%**
  GRAND TOTAL: 4,499,560,227 – an overall increase from 2020 of ~2.79%

- The 2021 Act 198 – IFT Taxable Values are:
  Real: 62,738,161 – an overall increase from 2020 of 3.66%.
  Personal: 29,425,300 – an overall decrease from 2020 of 11.65%**
  GRAND TOTAL: 92,163,461

- Michigan Inflation Rate Multiplier History
  2021: 1.014
  2020: 1.019
  2019: 1.024
  2018: 1.021
  2017: 1.009
  2016: 1.003
  2015: 1.016
  2014: 1.016
  2013: 1.024
  2012: 1.027
  2011: 1.017

***the decrease is due to the small business exemption beginning in 2014 and continuing forward along with the implementation of the Eligible Manufacturing Personal Property exemption beginning in 2016*

AD VALOREM VALUE TOTALS

REAL PROPERTY:

STATE EQUALIZED VALUE (SEV)			
	2020	2021	% CHANGE
Commercial Real	901,683,700	937,675,300	3.99%
Industrial Real	277,465,800	280,292,200	1.02%
Residential Real	3,983,938,550	4,174,758,248	4.79%
TOTALS:	**5,163,088,050**	**5,392,725,748**	**4.45%**

TAXABLE VALUE (TV)			
	2020	2021	% CHANGE
Commercial Real	763,377,604	782,467,277	2.50%
Industrial Real	247,050,455	253,498,760	2.61%
Residential Real	3,062,686,826	3,162,682,236	3.26%
TOTALS:	**4,073,114,885**	**4,198,648,273**	**3.08%**

PERSONAL PROPERTY:

STATE EQUALIZED VALUE (SEV)			
	2020	2021	% CHANGE
Commercial Personal	191,287,500	188,855,800	-1.27%
Industrial Personal	28,557,400	24,429,800	-14.45%
Utility Personal	84,446,500	87,646,400	3.79%
TOTALS:	**304,291,400**	**300,932,000**	**-1.10%**

TAXABLE VALUE (TV)			
	2020	2021	% CHANGE
Commercial Personal	191,287,500	188,855,800	-1.27%
Industrial Personal	28,557,400	24,429,800	-14.45%
Utility Personal	84,350,650	87,626,354	3.88%
TOTALS:	**304,195,550**	**300,911,954**	**-1.08%**

TOTAL AD VALOREM VALUE			
	2020	2021	% CHANGE
STATE EQUALIZED VALUE	5,467,379,450	5,693,657,748	4.14%
TAXABLE VALUE	4,377,310,435	4,499,560,227	2.79%

SPECIAL ACTS TOTALS

REAL PROPERTY:

STATE EQUALIZED VALUE (SEV)			
	2020	2021	% CHANGE
Land Bank Real	84,600	97,200	14.89%
I.F.T. Real	70,982,600	66,279,300	-6.63%
Commercial Real	7,215,600	7,500,500	3.95%
TOTALS:	**78,282,800**	**73,877,000**	**-5.63%**

TAXABLE VALUE (TV)			
	2020	2021	% CHANGE
Land Bank Real	82,029	83,177	1.40%
I.F.T. Real	60,521,836	62,738,161	3.66%
Commercial Real	6,981,910	7,288,681	4.39%
TOTALS:	**67,585,775**	**70,110,019**	**3.73%**

PERSONAL PROPERTY:

STATE EQUALIZED VALUE (SEV)			
	2020	2021	% CHANGE
I.F.T. Personal	33,305,800	29,425,300	-11.65%
TOTALS:	**33,305,800**	**29,425,300**	**-11.65%**

TAXABLE VALUE (TV)			
	2020	2021	% CHANGE
I.F.T. Personal	33,305,800	29,425,300	-11.65%
TOTALS:	**33,305,800**	**29,425,300**	**-11.65%**

TOTAL SPECIAL ACT VALUE			
	2020	2021	% CHANGE
STATE EQUALIZED VALUE	111,588,600	103,302,300	-7.43%
TAXABLE VALUE	100,891,575	99,535,319	-1.34%

GRAND TOTAL
AD VALOREM & SPECIAL ACTS

GRAND TOTAL AD VALOREM & SPECIAL ACT VALUE			
	2020	2021	% CHANGE
STATE EQUALIZED VALUE	5,578,968,050	5,796,960,048	3.91%
TAXABLE VALUE	4,478,202,010	4,599,095,546	2.70%

BROWNFIELD TOTALS

BROWNFIELD PARCELS (Included in Ad Valorem Totals)		
	2020	2021
STATE EQUALIZED VALUE	23,243,400	25,689,400
TAXABLE VALUE	21,374,406	23,316,259

Brownfield Districts

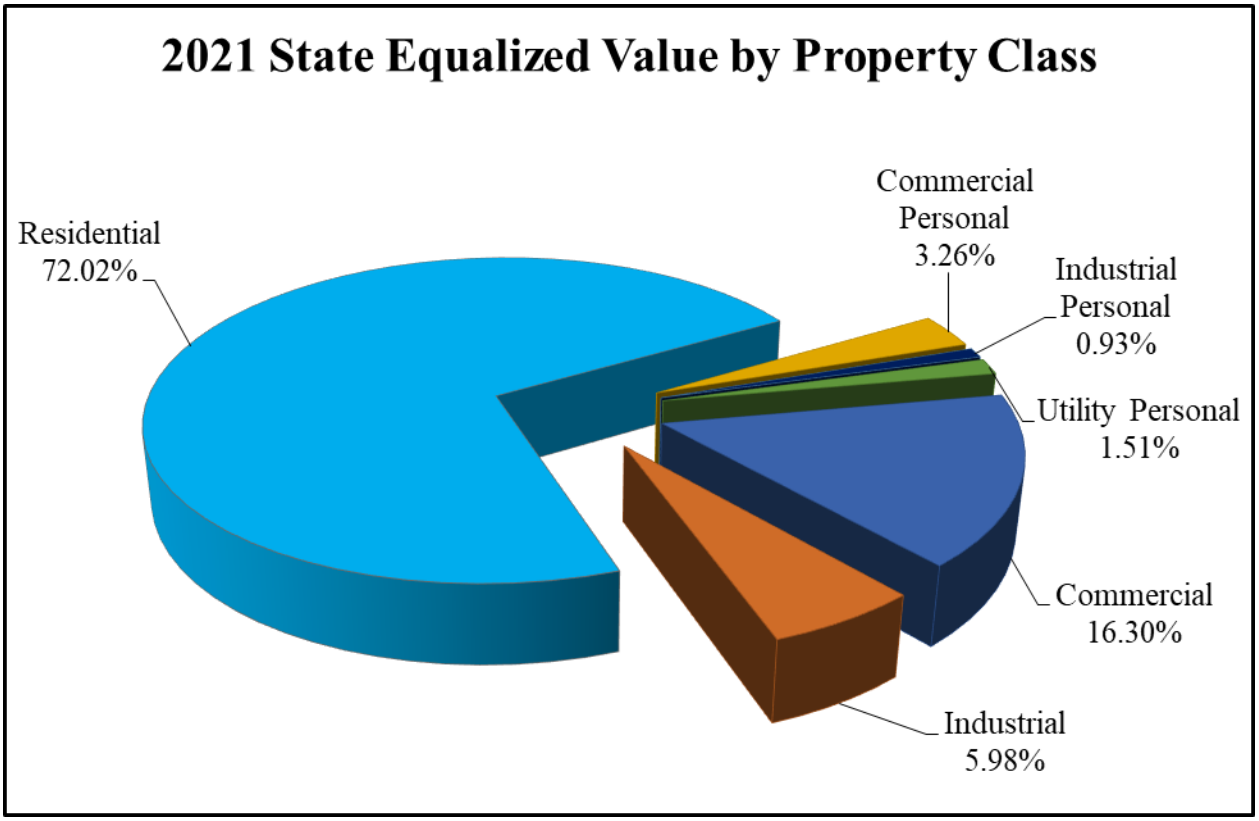
Livonia Marketplace (2008)
Livonia Marketplace II (2017)
Livonia Commons (2015)
Haggerty Square (2019)

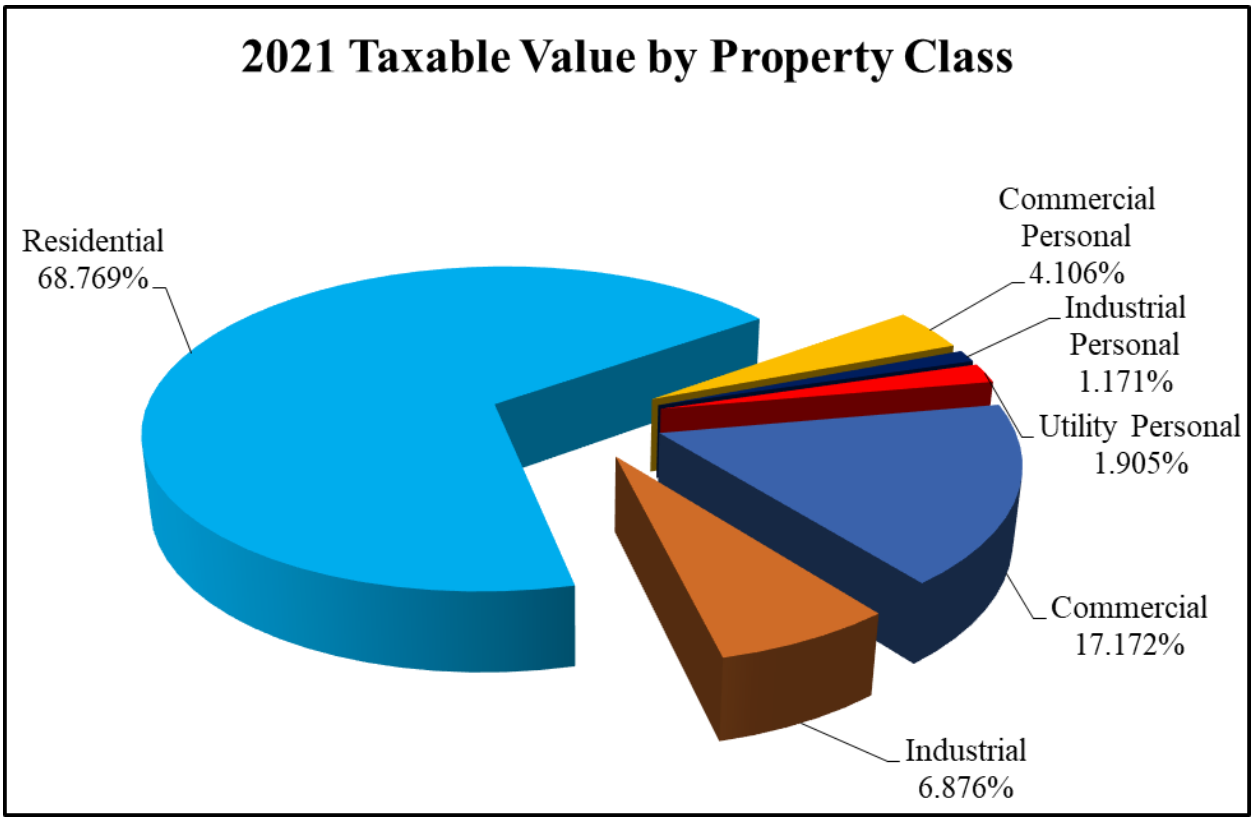
ACT 328 (2,960,412 Taxable Value not included in totals)

Admiral Tool & Manufacturing Company
Helm Incorporated
Odyssey Electronics Inc.
Washers Inc. DBA Alpha USA (2)

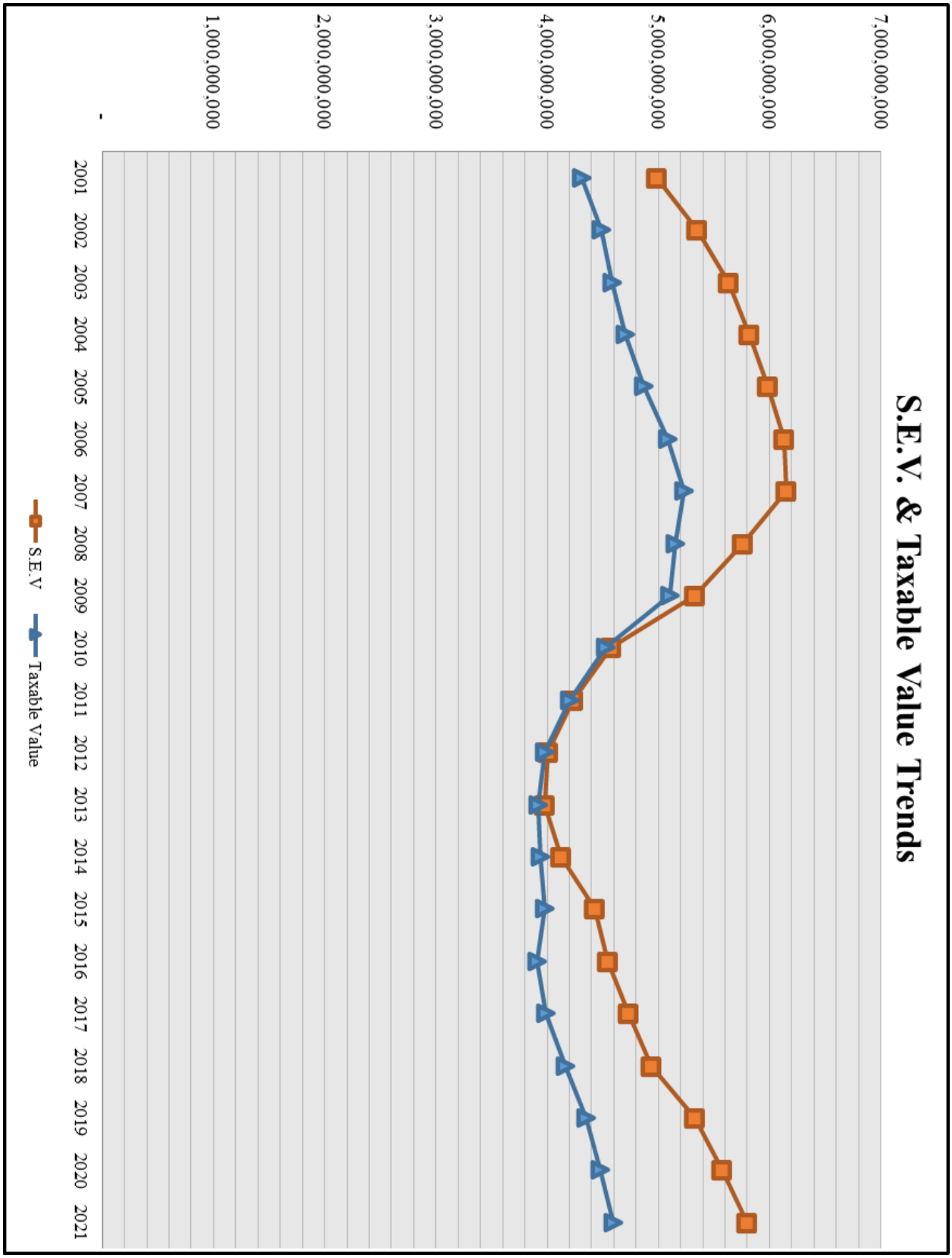
ACT 210 (Commercial Rehab) Taxable Values (Included in Totals)

2015: 466,550
2016: 1,389,760
2017: 1,389,900
2018: 1,389,900
2019: 676,800
2020: 676,800
2021: 676,800


2021 State Equalized Value by Property Class
Residential 72.02%
Commercial Personal 3.26%
Industrial Personal 0.93%
Utility Personal 1.51%
Commercial 16.30%
Industrial 5.98%


2021 Taxable Value by Property Class
Residential 68.769%
Commercial Personal 4.106%
Industrial Personal 1.171%
Utility Personal 1.905%
Commercial 17.172%
Industrial 6.876%

20 YEAR S.E.V. & TAXABLE VALUE TRENDS



2021
TAXABLE VALUE
HOMESTEAD vs. NON-HOMESTEAD
RESIDENTIAL PROPERTIES

Total Residential Taxable Value:
3,162,682,236

Total Residential Parcel Count:
37,800

Livonia School District
Taxable Value: 3,005,836,487
Parcel Count: 34,885

Homestead Taxable Value:
2,836,338,778 / 94.36%
Parcel Count: 32,232

Non-Homestead Taxable Value:
169,497,709 / 5.64%
Parcel Count: 2,653

Clarenceville School District
Taxable Value: 156,845,749
Parcel Count: 2915

Homestead Taxable Value:
136,254,174 / 86.87%
Parcel Count: 2,416

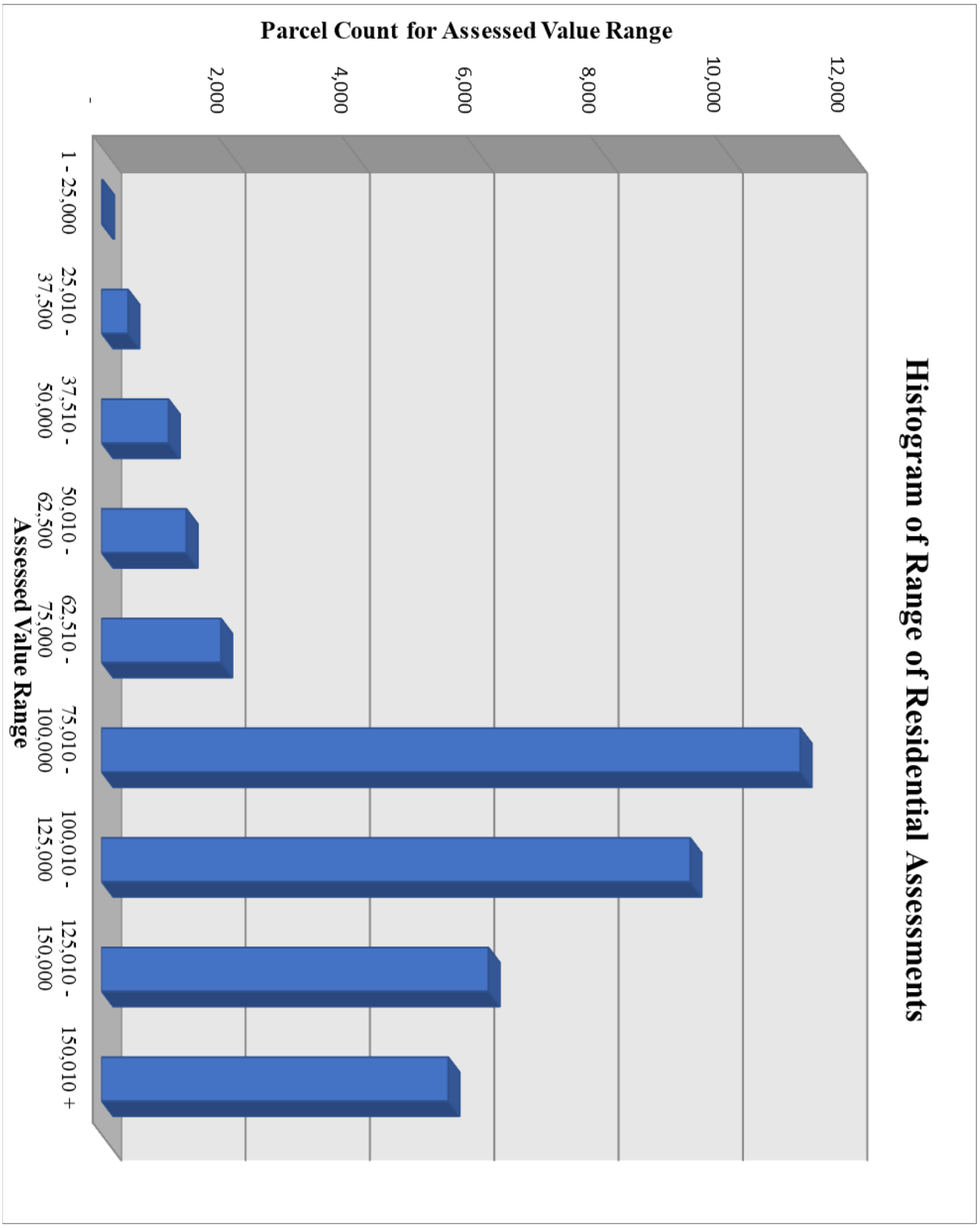
Non-Homestead Taxable Value:
20,591,575 / 13.13%
Parcel Count: 499

2021 RANGE OF RESIDENTIAL ASSESSMENTS

ASSESSED VALUE RANGE	PARCEL COUNT	ASSESSED VALUE	AVG. IMPROVED ASSESSMENT	% OF TOTAL IMPROVED
1 - 25,000				
TOTAL IMPROVED	23	438,700		
VACANT	465	5,770,100	**19,074**	**0.06%**
TOTAL PARCEL COUNT	488	6,208,800		
25,010 - 37,500				
TOTAL IMPROVED	432	14,867,100		
VACANT	59	1,806,600	**34,415**	**1.16%**
TOTAL PARCEL COUNT	491	16,673,700		
37,510 - 50,000				
TOTAL IMPROVED	1082	47,656,100		
VACANT	14	607,400	**44,044**	**2.90%**
TOTAL PARCEL COUNT	1096	48,263,500		
50,010 - 62,500				
TOTAL IMPROVED	1368	77,631,800		
VACANT	4	251,900	**56,748**	**3.66%**
TOTAL PARCEL COUNT	1372	77,883,700		
62,510 - 75,000				
TOTAL IMPROVED	1925	133,933,000		
VACANT	0	0	**69,576**	**5.15%**
TOTAL PARCEL COUNT	1925	133,933,000		
75,010 - 100,000				
TOTAL IMPROVED	11243	997,998,400		
VACANT	0	0	**88,766**	**30.10%**
TOTAL PARCEL COUNT	11243	997,998,400		
100,010 - 125,000				
TOTAL IMPROVED	9472	1,058,431,700		
VACANT	1	125,000	**111,743**	**25.36%**
TOTAL PARCEL COUNT	9473	1,058,556,700		
125,010 - 150,000				
TOTAL IMPROVED	6227	852,240,000		
VACANT	0	0	**136,862**	**16.67%**
TOTAL PARCEL COUNT	6227	852,240,000		
150,010+				
TOTAL IMPROVED	5580	994,287,200		
VACANT	1	167,600	**178,188**	**14.94%**
TOTAL PARCEL COUNT	5581	994,454,800		

TOTAL IMPROVED PARCEL COUNT:	**37,352**
AVG. IMPROVED RESIDENTIAL ASSESSED VALUE:	**111,840**
AVG. IMPROVED RESIDENTIAL TAXABLE VALUE:	**84,711**
ESTIMATED TRUE CASH VALUE: 2021: $	**223,680**
2020: $	**214,560**
2019: $	**203,200**

2020 RANGE OF RESIDENTIAL ASSESSMENTS (CONT'D)



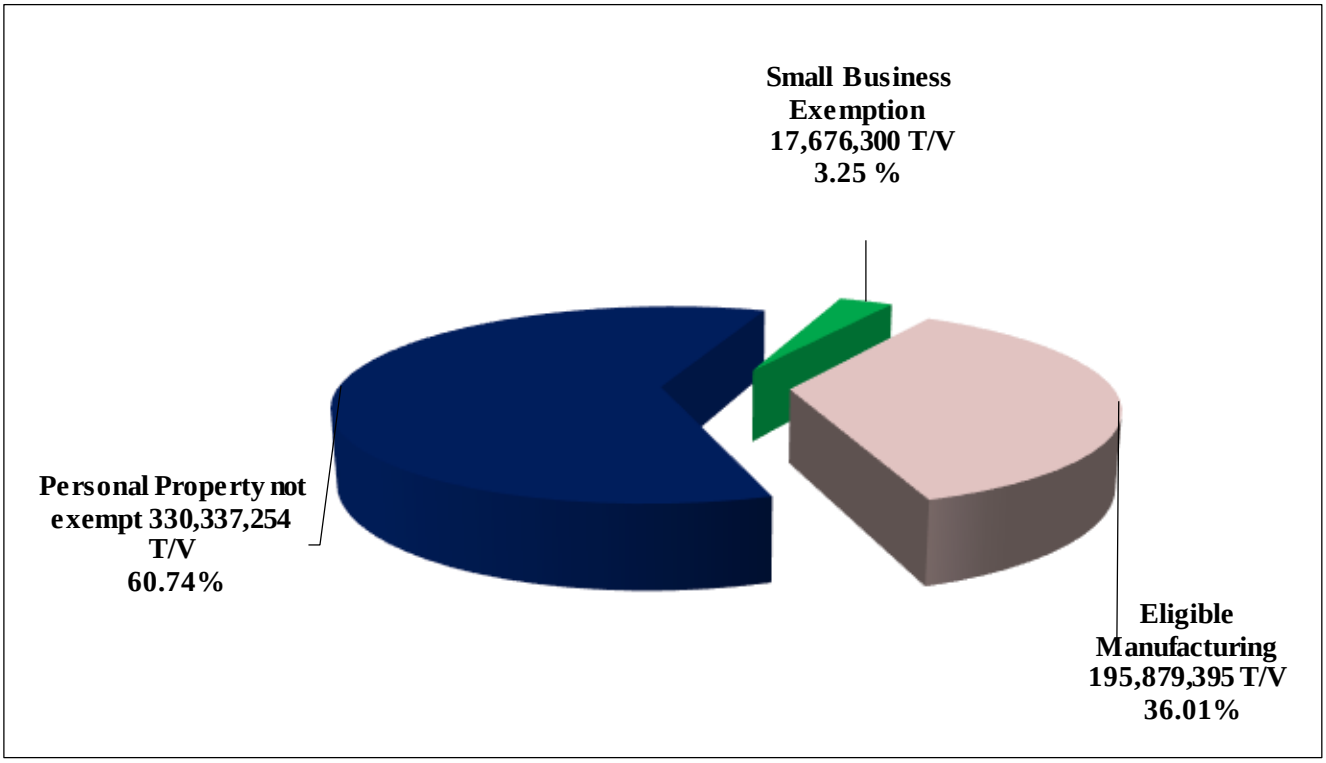
2021 TOP 40 AD VALOREM STATE EQUALIZED VALUE					
2021 RANK	UNIT NAME	UNIT TYPE	COUNTY	TOTAL AD VALOREM SEV	TOTAL COMM/IND SEV
1	Detroit	City	Wayne	10,944,512,305	5,641,395,598
2	Ann Arbor	City	Washtenaw	9,161,722,437	3,149,036,300
3	Grand Rapids	City	Kent	7,937,603,900	2,544,259,800
4	Troy	City	Oakland	7,156,234,730	2,025,795,490
5	Sterling Heights	City	Macomb	6,427,561,200	1,571,037,100
6	Livonia	City	Wayne	5,693,657,748	1,217,967,500
7	Canton	Township	Wayne	5,576,205,120	982,960,700
8	Bloomfield	Township	Oakland	5,401,084,447	390,595,210
9	Novi	City	Oakland	5,117,122,329	1,446,429,450
10	Warren	City	Macomb	5,056,317,411	1,481,497,860
11	West Bloomfield	Township	Oakland	5,015,531,350	437,751,790
12	Shelby	Township	Macomb	4,956,488,700	996,632,500
13	Macomb	Township	Macomb	4,954,984,626	368,900,256
14	Farmington Hills	City	Oakland	4,908,706,890	1,281,175,240
15	Rochester Hills	City	Oakland	4,907,374,840	791,414,540
16	Dearborn	City	Wayne	4,563,313,650	1,488,868,300
17	Clinton	Township	Macomb	4,032,738,100	1,042,895,800
18	Royal Oak	City	Oakland	3,912,573,490	723,352,950
19	Southfield	City	Oakland	3,766,000,490	1,543,118,270
20	Birmingham	City	Oakland	3,601,647,530	592,991,750
21	Waterford	Township	Oakland	3,454,463,360	539,122,460
22	Wyoming	City	Kent	3,120,154,500	1,079,406,000
23	Commerce	Township	Oakland	2,993,311,400	398,626,010
24	Lansing	City	Ingham	2,910,337,300	1,151,401,600
25	Northville	Township	Wayne	2,801,170,700	323,239,000
26	Portage	City	Kalamazoo	2,766,601,800	937,495,600
27	Kentwood	City	Kent	2,690,901,800	1,168,463,600
28	Pittsfield	Township	Washtenaw	2,682,561,610	842,485,600
29	Westland	City	Wayne	2,612,791,856	635,113,100
30	Orion	Township	Oakland	2,530,294,030	392,526,360
31	Georgetown	Township	Ottawa	2,506,411,078	244,022,100
32	Saint Clair Shores	City	Macomb	2,501,167,212	292,928,000
33	Plymouth	Township	Wayne	2,401,447,810	569,826,460
34	Chesterfield	Township	Macomb	2,352,904,868	444,179,000
35	Independence	Township	Oakland	2,325,254,800	298,664,500
36	Midland	City	Midland	2,285,570,824	760,272,900
37	Meridian	Township	Ingham	2,247,176,400	494,803,400
38	Kalamazoo	City	Kalamazoo	2,190,169,700	829,970,100
39	Auburn Hills	City	Oakland	2,168,606,656	1,400,997,010
40	Cascade	Township	Kent	2,137,401,200	553,908,900

2020 LARGEST IMPROVED RESIDENTIAL SALES				
ADDRESS	SALE DATE	SALE PRICE	SQ/FT	SUBDIVISION
18723 VANDERHAVEN	07/30/20	$ 760,000	4,856	RIVER PINES CONDOMINIUMS
35305 CURTIS	03/16/20	$ 710,000	4,478	WOODS OF SHEFFIELD ESTATES
34627 SARAH BETH	12/04/20	$ 630,000	3,733	SARAH ESTATES SITE CONDO
37210 TURNBURRY	09/10/20	$ 570,000	3,165	FOX CREEK MEADOWS
18913 ASPEN	01/23/20	$ 550,000	3,637	WHISPERING PINES SITE CONDO
17557 LAUREL	08/21/20	$ 505,000	3,071	SHERWOOD FOREST ESTATES
19231 AUGUSTA	06/12/20	$ 505,000	2,890	FOX CREEK MEADOWS
19453 FITZGERALD	04/22/20	$ 500,000	3,206	FITZGERALD GARDENS
30425 MUNGER	02/24/20	$ 490,000	3,302	GRUDA CONDOMINIUM
35328 CURTIS	07/30/20	$ 485,000	2,970	SHEFFIELD SUB
33503 CAPRI CT	08/12/20	$ 472,811	2,360	CAPRI COURT CONDOMINIUMS
18718 GOLFVIEW	07/13/20	$ 470,500	2,974	BEATRICE GARDENS
19251 SOUTHAMPTON	04/08/20	$ 460,523	3,266	GILL ORCHARDS SUB
18553 WESTCHESTER	07/31/20	$ 460,000	3,193	CALIBURN ESTATES
32820 SIX MILE	09/02/20	$ 450,000	2,477	GREEN BRIER ESTATE
37105 MALLORY	08/06/20	$ 441,570	2,103	HERITAGE SQUARE SITE CONDO
34420 FARGO	12/11/20	$ 440,000	3,007	FAIRWAY SUB
17483 ELLEN	09/21/20	$ 440,000	2,889	PINE CREEK SUB
16826 CANTERBURY	09/09/20	$ 440,000	2,878	NOTTINGHAM WOODS
20151 HUBBARD	08/05/20	$ 432,000	3,152	FOLKERS FARMINGTON ACRES

2020 LARGEST IMPROVED COMMERCIAL SALES				
ADDRESS	SALE DATE	SALE PRICE	SQ/FT	USE
28811 JAMISON	11/12/20	$ 11,250,000	152,234	Senior Apartments - Meadows of Livonia
12425 MERRIMAN	12/18/20	$ 5,870,000	93,473	Office / Grow Facility
36111 SCHOOLCRAFT	11/09/20	$ 5,000,000	89,248	Office -NYX
28153 EIGHT MILE	09/30/20	$ 4,500,000	65,865	Self Storage - Cube Smart Self Storage
31478 INDUSTRIAL	02/07/20	$ 4,015,800	53,131	Office - Multi Tenant
37755 FIVE MILE	02/11/20	$ 3,000,000	1,920	Restaurant - Tim Hortons
31572 INDUSTRIAL	02/07/20	$ 2,844,200	40,475	Office - Multi Tenant
11500 MIDDLEBELT	01/28/20	$ 2,500,000	23,000	Strip Center
12600 STARK	12/23/20	$ 2,000,000	49,958	Office / Warehouse -Great Lakes Recycling
14600 FARMINGTON	05/21/20	$ 1,900,000	36,000	Office -Multi Tenant

2020 LARGEST IMPROVED INDUSTRIAL SALES				
ADDRESS	SALE DATE	SALE PRICE	SQ/FT	USE
12633 INKSTER	04/09/20	$ 4,450,000	101,632	Office / Warehouse
12350 SEARS	09/23/20	$ 3,672,640	132,494	Office / Warehouse
31770 ENTERPRISE	05/04/20	$ 2,000,999	149,418	Office / Warehouse
12271 GLOBE	12/29/20	$ 1,995,000	26,265	Office / Warehouse
12859 LEVAN	07/07/20	$ 775,000	10,360	Office / Warehouse
32433 EIGHT MILE	12/30/20	$ 525,000	7,505	Office / Warehouse
12324 STARK	07/27/20	$ 400,000	4,050	Warehouse
12737 INKSTER	07/20/20	$ 400,000	5,040	Warehouse
12735 INKSTER	03/10/20	$ 325,000	9,800	Office / Warehouse
12871 FARMINGTON	12/18/20	$ 260,000	5,000	Office / Warehouse

2021
Calculation of Small Business and Eligible Manufacturing Personal Property Reimbursement



	Personal Property Exemption Loss Taxable Value		Lowest Operating Millage	Estimated State Reimbursement	Actual Amount Received in February	Amount Received in May
2014	9,992,105	x	0.0138878	$138,768	$ 138,762.00	$ -
2015	42,394,820	x	0.0138878	$588,771	$ 588,745.00	$ -
2016	161,148,260	x	0.0138878	$2,237,995	$ 3,994,550.33	$ -
2017	194,170,485	x	0.0138559	$2,690,407	$ 4,116,270.55	$ -
2018	187,585,495	x	0.0138993	$2,607,307	$ 2,607,307.08	$ 1,593,011.30
2019	200,497,025	x	0.0138927	$2,785,445	$ 2,788,319.02	$ 1,829,515.43
2020	205,056,145	x	0.0138878	$2,847,779	$2,748,915.46	$ 2,042,168.40
2021	213,555,695	x	0.0138878	$2,965,819	_____	_____

In 2020, there were 177 EMPP Exemptions granted and 2,608 Small Business Exemption claims.

Of the 2,608 Small Business Exemption claims filed 2,590 were granted.

2020 WAYNE COUNTY
CITY MILLAGE RATES

MUNICIPALITY	SCHOOL DISTRICT NAME	TOTAL CITY MILLAGE	HOMESTEAD RATE	NON-HOMESTEAD RATE
LIVONIA	CLARENCEVILLE SCHOOL	13.2987	37.4729	55.4729
LIVONIA	LIVONIA PUBLIC SCHOOL	13.2987	41.0765	59.0765
PLYMOUTH	PLYMOUTH-CANTON COM	15.5088	43.0580	61.0580
NORTHVILLE	NORTHVILLE PUBLIC SCH	15.7128	43.4840	61.4840
ROMULUS	WAYNE-WESTLAND COM	15.7668	45.2673	63.1665
ROMULUS	WOODHAVEN SCHOOL DIST	15.7668	47.7812	65.7812
ROMULUS	ROMULUS COMMUNITY SCH	15.7668	52.3534	68.7370
BELLEVILLE	VAN BUREN PUBLIC SCHOOL	16.3746	44.9275	62.9275
GROSSE POINTE FARMS	GROSSE POINTE PUBLIC	16.9500	53.0723	65.2677
GROSSE POINTE PARK	GROSSE POINTE PUBLIC	17.1690	53.2913	65.4867
GROSSE POINTE	GROSSE POINTE PUBLIC	17.4716	53.5939	65.7893
GROSSE POINTE SHORES VILLAGE	GROSSE POINTE PUBLIC	17.7031	53.8254	66.0208
GIBRALTAR	GIBRALTAR SCHOOL DIST	18.9728	49.3321	67.3321
RIVERVIEW	RIVERVIEW COMMUNITY	19.0100	48.3950	66.3950
WESTLAND	TAYLOR SCHOOL DISTRICT	19.7141	44.7107	62.7107
WESTLAND	LIVONIA PUBLIC SCHOOL	19.7141	48.4910	66.4910
WESTLAND	WAYNE-WESTLAND COM	19.7141	49.2146	67.1138
WESTLAND	GARDEN CITY SCHOOL DIST	19.7141	51.1035	69.1035
WESTLAND	ROMULUS COMMUNITY SCH	19.7141	56.3007	72.6843
WESTLAND	ROMULUS (INKSTER DEBT)	19.7141	56.7507	73.6525
WESTLAND	TAYLOR (INKSTER DEBT)	19.7141	56.7507	73.6525
FLATROCK	GIBRALTAR SCHOOL DIST	19.9879	50.3472	68.3472
FLATROCK	WOODHAVEN-BROWNSTOWN	19.9879	51.0032	69.0032
FLATROCK	FLAT ROCK COMMUNITY	19.9879	54.2454	72.2454
ROCKWOOD	GIBRALTAR SCHOOL DIST	20.5864	50.9457	68.9457
LINCOLN PARK	LINCOLN PARK PUBLIC SCH	21.1887	54.0041	72.0041
GROSSE POINTE WOODS	GROSSE POINTE PUBLIC	21.3524	57.4747	69.6701
WOODHAVEN	GIBRALTAR SCHOOL DIST	22.4544	52.8137	70.8137
WOODHAVEN	WOODHAVEN-BROWNSTOWN	22.4544	53.4697	71.4697
WYANDOTTE	WYANDOTTE CITY SCHOOL	22.7500	54.0609	72.0609
DEARBORN HEIGHTS	TAYLOR SCHOOL DISTRICT	23.4386	48.4352	66.4352
DEARBORN HEIGHTS	CRESTWOOD SCHOOL DIST	23.4386	50.2752	68.2752
DEARBORN HEIGHTS	WESTWOOD COMMUNITY	23.4386	50.4611	68.4611
DEARBORN HEIGHTS	WAYNE-WESTLAND COM	23.4386	52.9391	70.8383
DEARBORN HEIGHTS	DEARBOR HGTS SCH DIST	23.4386	54.6963	71.9868
DEARBORN HEIGHTS	DEARBORN CITY SCHOOL	23.4386	57.9044	69.7344
ALLEN PARK	MELVINDALE/N ALLEN PK	23.9692	48.0058	65.9104
ALLEN PARK	SOUTHGATE COMMUNITY	23.9692	53.8558	71.8558
ALLEN PARK	ALLEN PARK PUBLIC SCH	23.9692	60.0058	78.0058
HAMTRAMCK	HAMTRAMCK PUBLIC SCH	24.3721	56.6397	74.5089
TRENTON	RIVERVIEW COMMUNITY	24.7505	54.1355	72.1355
TRENTON	TRENTON PUBLIC SCHOOL	24.7505	59.0374	74.2171
HARPER WOODS	GROSSE POINTE PUBLIC	25.8795	62.0018	74.1972
HARPER WOODS	HARPER WOODS	25.8795	62.9161	80.9161
TAYLOR	TAYLOR SCHOOL DISTRICT	26.0901	51.0867	69.0867
SOUTHGATE	SOUTHGATE COMMUNITY	26.4701	56.3567	74.3567
DEARBORN	WESTWOOD COMMUNITY	26.7000	53.7225	71.7225
DEARBORN	DEARBORN CITY SCHOOL	26.7000	61.1658	72.9958
GARDEN CITY	GARDEN CITY SCHOOL DIST	26.9727	58.3621	76.3621
DETROIT	DETROIT CITY SCHOOL DIST	28.9520	69.6202	87.6202
RIVER ROUGE	RIVER ROUGE CITY SCHOOLS	36.6600	76.1966	91.0466
INKSTER	TAYLOR SCHOOL DISTRICT	36.8574	63.8336	81.8336
INKSTER	WESTWOOD COMMUNITY	36.8574	65.8595	83.8595
INKSTER	WAYNE-WESTLAND COMM SCH	36.8574	68.3375	86.2367
INKSTER	ROMULUS (INKSTER DEBT)	36.8574	75.8736	92.7754
INKSTER	TAYLOR SCH DIST (INKSTER DEBT)	36.8574	75.8736	92.7754
INKSTER	WAYNE-WESTLAND (INKSTER DEBT)	36.8574	75.8736	92.7754
INKSTER	WESTWOOD (INKSTER DEBT)	36.8574	75.8736	92.7754
WAYNE	WAYNE-WESTLAND COM	37.9487	67.4492	85.3484
MELVINDALE	MELVINDALE/N ALLEN PK	37.9892	62.0258	79.9304
ECORSE	RIVER ROUGE CITY SCHOOLS	38.1380	77.6746	92.5246
ECORSE	ECORSE PUBLIC SCHOOLS	38.1380	78.1746	95.8884
HIGHLAND PARK	HIGHLAND PARK CITY SCH	52.1757	75.1715	92.9015

2020 WAYNE COUNTY
TOWNSHIP MILLAGE RATES

MUNICIPALITY	SCHOOL DISTRICT NAME	TOTAL TWP MILLAGE	HOMESTEAD RATE	NON-HOMESTEAD RATE
SUMPTER TOWNSHIP	AIRPORT COMMUNITY SCHOOLS	4.7490	31.9747	49.9747
SUMPTER TOWNSHIP	VAN BUREN PUBLIC SCHOOLS	4.7490	33.3019	51.3019
SUMPTER TOWNSHIP	HURON SCHOOL DISTRICT	4.7490	36.8349	54.8349
SUMPTER TOWNSHIP	LINCOLN CONS SCHOOL	4.7490	37.4795	55.4795
PLYMOUTH TOWNSHIP	PLYMOUTH-CANTON COMM SCH	5.1689	32.7181	50.7181
VAN BUREN TOWNSHIP	VAN BUREN PUBLIC SCHOOLS	7.2923	35.8452	53.8452
VAN BUREN TOWNSHIP	LINCOLN CONSOLIDATED SCHOOLS	7.2923	40.0228	58.0228
NORTHVILLE TOWNSHIP	PLYMOUTH-CANTON COMM SCH	8.6232	35.8291	53.8291
NORTHVILLE TOWNSHIP	NORTHVILLE PUBLIC SCHOOLS	8.6232	36.3944	54.3944
HURON TOWNSHIP	HURON SCHOOL DISTRICT	8.6404	38.6779	56.6779
HURON TOWNSHIP	WOODHAVEN-BROWNSTOWN	8.6404	39.6557	57.6557
HURON TOWNSHIP	FLAT ROCK COMMUNITY SCHOOLS	8.6404	42.8979	60.8979
BROWNSTOWN TOWNSHIP*	TAYLOR SCHOOL DISTRICT	12.0598	28.0573	46.0573
BROWNSTOWN TOWNSHIP*	GIBRALTAR SCHOOL DISTRICT	12.0598	34.4191	52.4191
BROWNSTOWN TOWNSHIP*	WOODHAVEN-BROWNSTOWN	12.0598	35.0751	53.0751
CANTON TOWNSHIP***	PLYMOUTH-CANTON COMM SCH	12.3220	30.4741	48.4741
CANTON TOWNSHIP***	VAN BUREN PUBLIC SCHOOLS	12.3220	30.8742	48.8742
CANTON TOWNSHIP***	WAYNE-WESTLAND COMM SCH	12.3220	32.8711	50.7703
GROSSE ILE TOWNSHIP	GROSSE ILE TOWNSHIP SCHOOLS	14.8721	45.1212	61.3843
REDFORD TOWNSHIP**	CLARENCEVILLE SCHOOL	25.1822	43.9526	61.9526
REDFORD TOWNSHIP**	REDFORD UNION SCHOOL	25.1822	51.5659	69.5659
REDFORD TOWNSHIP**	SOUTH REDFORD SCHOOL	25.1822	52.8869	70.8869

* INCLUDES 8.0000 MILLS FOR SPECIAL ASSESSMENTS (REAL PROPERTY ONLY)
** INCLUDES 9.3000 MILLS FOR SPECIAL ASSESSMENTS (REAL PROPERTY ONLY)
*** INCLUDES 9.4240 MILLS FOR SPECIAL ASSESSMENTS (REAL PROPERTY ONLY)

2020 TOTAL TAX RATES
FOR CITIES WITHIN WAYNE COUNTY

MUNICIPALITY	CODE	SCHOOL DISTRICT NAME	TOTAL HOMESTEAD	TOTAL NON-HOMESTEAD
LIVONIA	63090	CLARENCEVILLE SCHOOL	37.4729	55.4729
LIVONIA	82095	LIVONIA PUBLIC SCHOOL	41.0765	59.0765
PLYMOUTH	82100	PLYMOUTH-CANTON COM	43.0580	61.0580
NORTHVILLE	82390	NORTHVILLE PUBLIC SCH	43.4840	61.4840
WESTLAND	82150	TAYLOR SCHOOL DISTRICT	44.7107	62.7107
BELLEVILLE	82430	VAN BUREN PUBLIC SCHOOL	44.9275	62.9275
ROMULUS	82160	WAYNE-WESTLAND COM	45.2673	63.1665
ROMULUS	82365	WOODHAVEN SCHOOL DIST	47.7812	65.7812
ALLEN PARK	82045	MELVINDALE/N ALLEN PK	48.0058	65.9104
RIVERVIEW	82400	RIVERVIEW COMMUNITY	48.3950	66.3950
DEARBORN HEIGHTS	82150	TAYLOR SCHOOL DISTRICT	48.4352	66.4352
WESTLAND	82095	LIVONIA PUBLIC SCHOOL	48.4910	66.4910
WESTLAND	82160	WAYNE-WESTLAND COM	49.2146	67.1138
GIBRALTAR	82290	GIBRALTAR SCHOOL DIST	49.3321	67.3321
DEARBORN HEIGHTS	82230	CRESTWOOD SCHOOL DIST	50.2752	68.2752
FLATROCK	82290	GIBRALTAR SCHOOL DIST	50.3472	68.3472
DEARBORN HEIGHTS	82240	WESTWOOD COMMUNITY	50.4611	68.4611
ROCKWOOD	82290	GIBRALTAR SCHOOL DIST	50.9457	68.9457
FLATROCK	82365	WOODHAVEN-BROWNSTOWN	51.0032	69.0032
TAYLOR	82150	TAYLOR SCHOOL DISTRICT	51.0867	69.0867
WESTLAND	82050	GARDEN CITY SCHOOL DIST	51.1035	69.1035
ROMULUS	82130	ROMULUS COMMUNITY SCH	52.3534	68.7370
WOODHAVEN	82290	GIBRALTAR SCHOOL DIST	52.8137	70.8137
DEARBORN HEIGHTS	82160	WAYNE-WESTLAND COM	52.9391	70.8383
GROSSE POINTE FARMS	82055	GROSSE POINTE PUBLIC	53.0723	65.2677
GROSSE POINTE PARK	82055	GROSSE POINTE PUBLIC	53.2913	65.4867
WOODHAVEN	82365	WOODHAVEN-BROWNSTOWN	53.4697	71.4697
GROSSE POINTE	82055	GROSSE POINTE PUBLIC	53.5939	65.7893
DEARBORN	82240	WESTWOOD COMMUNITY	53.7225	71.7225
GROSSE POINTE SHORES VILLAGE	82055	GROSSE POINTE PUBLIC	53.8254	66.0208
ALLEN PARK	82405	SOUTHGATE COMMUNITY	53.8558	71.8558
LINCOLN PARK	82090	LINCOLN PARK PUBLIC SCH	54.0041	72.0041
WYANDOTTE	82170	WYANDOTTE CITY SCHOOL	54.0609	72.0609
TRENTON	82400	RIVERVIEW COMMUNITY	54.1355	72.1355
FLATROCK	82180	FLAT ROCK COMMUNITY	54.2454	72.2454
DEARBORN HEIGHTS	82040	DEARBOR HGTS SCH DIST	54.6963	71.9868
WESTLAND	82130	ROMULUS COMMUNITY SCH	56.3007	72.6843
SOUTHGATE	82405	SOUTHGATE COMMUNITY	56.3567	74.3567
HAMTRAMCK	82060	HAMTRAMCK PUBLIC SCH	56.6397	74.5089
WESTLAND	82130	ROMULUS (INKSTER DEBT)	56.7507	73.6525
WESTLAND	82150	TAYLOR (INKSTER DEBT)	56.7507	73.6525
GROSSE POINTE WOODS	82055	GROSSE POINTE PUBLIC	57.4747	69.6701
DEARBORN HEIGHTS	82030	DEARBORN CITY SCHOOL	57.9044	69.7344
GARDEN CITY	82050	GARDEN CITY SCHOOL DIST	58.3621	76.3621
TRENTON	82155	TRENTON PUBLIC SCHOOL	59.0374	74.2171
ALLEN PARK	82020	ALLEN PARK PUBLIC SCH	60.0058	78.0058
DEARBORN	82030	DEARBORN CITY SCHOOL	61.1658	72.9958
HARPER WOODS	82055	GROSSE POINTE PUBLIC	62.0018	74.1972
MELVINDALE	82045	MELVINDALE/N ALLEN PK	62.0258	79.9304
HARPER WOODS	82320	HARPER WOODS	62.9161	80.9161
INKSTER	82150	TAYLOR SCHOOL DISTRICT	63.8336	81.8336
INKSTER	82240	WESTWOOD COMMUNITY	65.8595	83.8595
WAYNE	82160	WAYNE-WESTLAND COM	67.4492	85.3484
INKSTER	82160	WAYNE-WESTLAND COMM SCH	68.3375	86.2367
DETROIT	82010	DETROIT CITY SCHOOL DIST	69.6202	87.6202
HIGHLAND PARK	82070	HIGHLAND PARK CITY SCH	75.1715	92.9015
INKSTER	82130	ROMULUS (INKSTER DEBT)	75.8736	92.7754
INKSTER	82150	TAYLOR SCH DIST (INKSTER DEBT)	75.8736	92.7754
INKSTER	82160	WAYNE-WESTLAND (INKSTER DEBT)	75.8736	92.7754
INKSTER	82240	WESTWOOD (INKSTER DEBT)	75.8736	92.7754
RIVER ROUGE	82120	RIVER ROUGE CITY SCHOOLS	76.1966	91.0466
ECORSE	82120	RIVER ROUGE CITY SCHOOLS	77.6746	92.5246
ECORSE	82250	ECORSE PUBLIC SCHOOLS	78.1746	95.8884

2020 TOTAL TAX RATES
FOR TOWNSHIPS WITHIN WAYNE COUNTY

MUNICIPALITY	CODE	SCHOOL DISTRICT NAME	TOTAL HOMESTEAD	TOTAL NON-HOMESTEAD
BROWNSTOWN TOWNSHIP	82150	TAYLOR SCHOOL DISTRICT	28.0573	46.0573
CANTON TOWNSHIP	82100	PLYMOUTH-CANTON COMM SCH	30.4741	48.4741
CANTON TOWNSHIP	82430	VAN BUREN PUBLIC SCHOOLS	30.8742	48.8742
SUMPTER TOWNSHIP	58020	AIRPORT COMMUNITY SCHOOLS	31.9747	49.9747
PLYMOUTH TOWNSHIP	82100	PLYMOUTH-CANTON COMM SCH	32.7181	50.7181
CANTON TOWNSHIP	82160	WAYNE-WESTLAND COMM SCH	32.8711	50.7703
SUMPTER TOWNSHIP	82430	VAN BUREN PUBLIC SCHOOLS	33.3019	51.3019
BROWNSTOWN TOWNSHIP	82290	GIBRALTAR SCHOOL DISTRICT	34.4191	52.4191
BROWNSTOWN TOWNSHIP	82365	WOODHAVEN-BROWNSTOWN	35.0751	53.0751
NORTHVILLE TOWNSHIP	82100	PLYMOUTH-CANTON COMM SCH	35.8291	53.8291
VAN BUREN TOWNSHIP	82430	VAN BUREN PUBLIC SCHOOLS	35.8452	53.8452
NORTHVILLE TOWNSHIP	82390	NORTHVILLE PUBLIC SCHOOLS	36.3944	54.3944
SUMPTER TOWNSHIP	82340	HURON SCHOOL DISTRICT	36.8349	54.8349
SUMPTER TOWNSHIP	81070	LINCOLN CONS SCHOOL	37.4795	55.4795
HURON TOWNSHIP	82340	HURON SCHOOL DISTRICT	38.6779	56.6779
HURON TOWNSHIP	82365	WOODHAVEN-BROWNSTOWN	39.6557	57.6557
VAN BUREN TOWNSHIP	81070	LINCOLN CONSOLIDATED SCHOOLS	40.0228	58.0228
HURON TOWNSHIP	82180	FLAT ROCK COMMUNITY SCHOOLS	42.8979	60.8979
REDFORD TOWNSHIP	63090	CLARENCEVILLE SCHOOL	43.9526	61.9526
GROSSE ILE TOWNSHIP	82300	GROSSE ILE TOWNSHIP SCHOOLS	45.1212	61.3843
REDFORD TOWNSHIP	82110	REDFORD UNION SCHOOL	51.5659	69.5659
REDFORD TOWNSHIP	82140	SOUTH REDFORD SCHOOL	52.8869	70.8869

2021 CITY OF LIVONIA
25 LARGEST TAXPAYERS

		TAXABLE VALUE REAL	TAXABLE VALUE PERSONAL	TAXABLE VALUE TOTAL	TAXES AT VARIOUS 2020 MILLAGE RATES
1	CONSUMERS ENERGY CO.	3,320,296	41,003,000	44,323,296	**$ 2,594,355.25**
2	DTE ELECTRIC CO.	1,362,737	41,573,354	42,936,091	**$ 2,529,923.88**
3	ASHLEY CAPITAL	33,271,065		33,271,065	**$ 1,987,244.18**
4	SCHOSTAK BROTHERS	31,691,176	474,800	32,165,976	**$ 1,909,254.99**
5	FORD MOTOR COMPANY	24,759,940	1,577,200	26,337,140	$ 1,521,352.85
	****ACT 198**		1,864,700	1,864,700	$ 34,567.44
				TOTAL 28,201,840	**$ 1,555,920.29**
6	AMAZON	2,152,500	5,412,300	7,564,800	$ 397,037.51
	****ACT 198**	22,720,000	6,317,300	29,037,300	$ 879,087.66
				TOTAL 36,602,100	**$ 1,276,125.17**
7	T-MOBILE CENTRAL LLC	147,840	20,305,900	20,453,740	**$ 996,323.32**
8	ARC - Victor Pkwy Offices	14,297,757		14,297,757	**$ 844,661.44**
9	MILLENNIUM LIVONIA LLC - Retail/Restaurants	13,411,864		13,411,864	**$ 792,325.98**
10	DEMBS-ROTH INDUSTRIAL DEV	13,248,949		13,248,949	**$ 792,238.35**
11	RNDC-NWS LLC	1,599,000		1,599,000	$ 97,661.32
	****ACT 198**	14,363,293	11,239,500	25,602,793	$ 664,466.06
	Wine Distributor			**TOTAL 27,201,793**	**$ 762,127.38**
12	COLLEGE PARK-SCHOOLCRAFT	12,752,204		12,752,204	**$ 753,355.58**
13	KELSEY-HAYES (TRW)	10,783,243	442,400	11,225,643	$ 680,314.18
	****ACT 198**	0	872,100	872,100	$ 16,166.82
	Industrial Properties			**TOTAL 12,097,743**	**$ 696,481.00**
14	ROUSH CORPORATION	9,579,859	2,071,800	11,651,659	$ 665,120.11
	****ACT 198**		0	0	$ -
				TOTAL 11,651,659	**$ 665,120.11**
15	WAL-MART	9,670,400	2,064,300	11,734,700	**$ 660,823.21**
16	COMERICA	10,873,991		10,873,991	**$ 642,397.33**
17	UNIVERSAL PROP SMC LIVONIA	10,148,459		10,148,459	**$ 599,535.44**
18	MCM LLC - Commercial/Industrail Investment	9,476,426		9,476,426	**$ 575,750.48**
19	COSTCO WHOLESALE	6,924,905	3,032,700	9,957,605	**$ 551,868.05**
20	LIVONIA ESTATES LTD	8,556,261		8,556,261	**$ 522,586.47**
21	QUAKERTOWN CAMBRIDGE	8,555,264		8,555,264	**$ 505,415.05**
22	MARRIOTT HOTEL	7,857,161	616,400	8,473,561	**$ 493,191.53**
23	PARAGON PROPERTIES IND DEV	8,276,121		8,276,121	**$ 491,823.50**
24	TARGET	6,211,702	1,253,700	7,465,402	**$ 432,764.71**
25	VALASSIS MANUFACTURING	4,339,826	3,448,700	7,788,526	$ 412,555.16
	****ACT 198**	0		0	$ -
				TOTAL 7,788,526	**$ 412,555.16**
	TOTALS:	**300,352,239**	**143,570,154**	**443,922,393**	**$ 24,044,167.84**

2020 AD VALOREM CITY MILLAGE	13.2987	$5,140,553
2020 ACT 198 CITY MILLAGE	6.64935	$381,519
TOTAL ESTIMATED CITY TAX DOLLARS		$5,522,072

PLYMOUTH ROAD DEVELOPMENT AUTHORITY
(P.R.D.A)
1994 - 2021 RECAPTURE

	1994 Parcel Count	1994 Assessed Value	2021 Parcel Count	2021 Taxable Value
Real Property	**578**	**251,784,070**	**550**	**277,978,136**
Personal Property	**893**	**178,771,840**	**774**	**73,189,900**
Act 198				
Real Property	**7**	**11,052,250**	**6**	**29,361,400**
Personal Property	**19**	**257,281,050**	**16**	**10,671,000**
Act 255				
Real Property	**1**	**2,458,180**	**0**	**0**
Totals	**1498**	**701,347,390**	**1,346**	**391,200,436**

Amount of Captured Taxable Value for 2021:
- 310,146,954

On a motion by Robinson, seconded by Laura, it was:

RESOLVED, that having considered the report and recommendation of the Finance, Budget and Technology Committee dated March 13, 2012, submitted pursuant to Council Resolution 171-05 regarding the subject of miscellaneous budget issues, the Council hereby refers the subject of Advance Budget Reviews to the Finance, Budget and Technology Committee for its report and recommendation.

On a motion by Kritzman, seconded by McCann, a motion was made to substitute the following resolution in lieu of the foregoing:

RESOLVED, that having considered the report and recommendation of the Finance, Budget and Technology Committee dated March 13, 2012, submitted pursuant to Council Resolution 171-05 regarding the subject of miscellaneous budget issues, the Council does hereby refer the subject matter of the Council's specific duties as they pertain to preparation of the City's Budget to the Finance, Budget and Technology Committee for its report and recommendation.

A roll call vote was then taken on the motion to substitute with the following result:

AYES: Pastor, McCann, and Kritzman.

NAYS: Brosnan, Laura, Robinson, and Toy.

The President declared the substitute motion failed for lack of support.

A roll call vote was then taken on the original resolution by Robinson, seconded by Laura, as follows:

BUDGET – General
Subject of Advance Budget Reviews.
(Refer to the Finance, Budget and Technology Committee for its report and recommendation)

#161-12 RESOLVED, that having considered the report and recommendation of the Finance, Budget and Technology Committee dated March 13, 2012, submitted pursuant to Council Resolution 171-05 regarding the subject of miscellaneous budget issues, the Council hereby refers the subject of Advance Budget Reviews to the Finance, Budget and Technology Committee for its report and recommendation.

with the following result:

AYES: Brosnan, Laura, Robinson, and Toy.

NAYS: Kritzman, McCann, and Pastor.

The President declared the resolution adopted.

UNFINISHED BUSINESS AGENDA ITEMS (Regular Meeting of April 4, 2012)

Motion by: ***Robinson***
Seconded by: ***Laura***

ROLL CALL:
Ayes: ***Brosnan, Laura, Robinson, and Toy***

Nays: ***Kritzman, McCann and Pastor***
Absent: ***None***

LETTER TO THE LIVONIA CITY COUNCIL

9.

Law
August 4, 2021

MEETING DATE	PREPARED BY
August 23, 2021	Brenda Smyser, Program Supervisor,

AGENDA ITEM

PROPOSED AMENDMENT TO ZONING ORDIANCE NO. 543, AS AMENDED: Department of Law, re: Petition 2021-06-01-04 submitted by Speedway L.L.C., to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General Business.
Public Hearing held on August 2, 2021.

BACKGROUND

At the Public Hearing Meeting on Monday, August 2, 2021, Council approved Pet. 2021-06-01-04 to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the NE corner of Schoolcraft and Merriman Roads, in the SW 1/4 of Section 23, from C-1 to C-2.

RECOMMENDATION

First reading

FISCAL CONSIDERATION

None

ATTACHMENTS

1. PH080221 DIRECTION - REZONE - SPEEDWAY LLC
2. PH080221 Minutes
3. LTC: PH080221
4. 2021-06-01-04_Speedway_E-COUNCIL Pkt
5. 2021-06-01-04_Speedway_Survey
6. 2021-06-01-04_Speedway_Warranty Deed
7. Pet 2021-06-01-04 - Speedway
8. 2021-06-01-04_1st

APPROVED BY

Date: August 05, 2021

Paul Bernier, City Attorney

Date: August 05, 2021

Maureen Miller Brosnan, Mayor

AN ORDINANCE AMENDING SECTION 23 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF ORDINANCE NO. 543, AS AMENDED, 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 July 13, 2021, recommending approval of Petition 2021-06-01-04, having been considered by the Council, and the Council having conducted a public hearing on August 2, 2021, on said petition, and having concurred in the recommendation of the City Planning Commission, the Council hereby adopts said Petition 2021-06-01-04 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. Article III of the City of Livonia Zoning Ordinance, Ordinance No. 543, as amended, is hereby amended by adding thereto the following section:

Section 3. . Petition 2021-06-01-04 submitted by Speedway, LLC is hereby approved, and the zoning classification of the premises hereinafter described is hereby changed from C-1 (Local Business) to C-2 (General Business):

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

PARCEL 1

The Westerly 150 Feet of the Southerly 130 Feet of Outlot A Bai-Lynn Park, being a part of the Southwest ¼ Section 23, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, according to the plat thereof as recorded in Liber 84 of Plats, Page 9, of Wayne County Records.

PARCEL 2

The North 45 Feet of the South 175 Feet of the West 150 Feet of Outlot A, Bai-Lynn Park Subdivision, as recorded in Liber 84, Page 9 of Plats, Wayne County Records.

PARCEL 3

The West 70 Feet of the East 150 Feet of Outlot A of a Bai-Lynn Park Subdivision, according to the Plat thereof recorded in Liber 84 of Plats, Page 9 of Wayne County Records.

PARCEL 4

The East 80 Feet of Outlot A, Bai-Lynn Park, a Subdivision, as recorded in Liber 84 of Plats, Page 9, Wayne County Records.

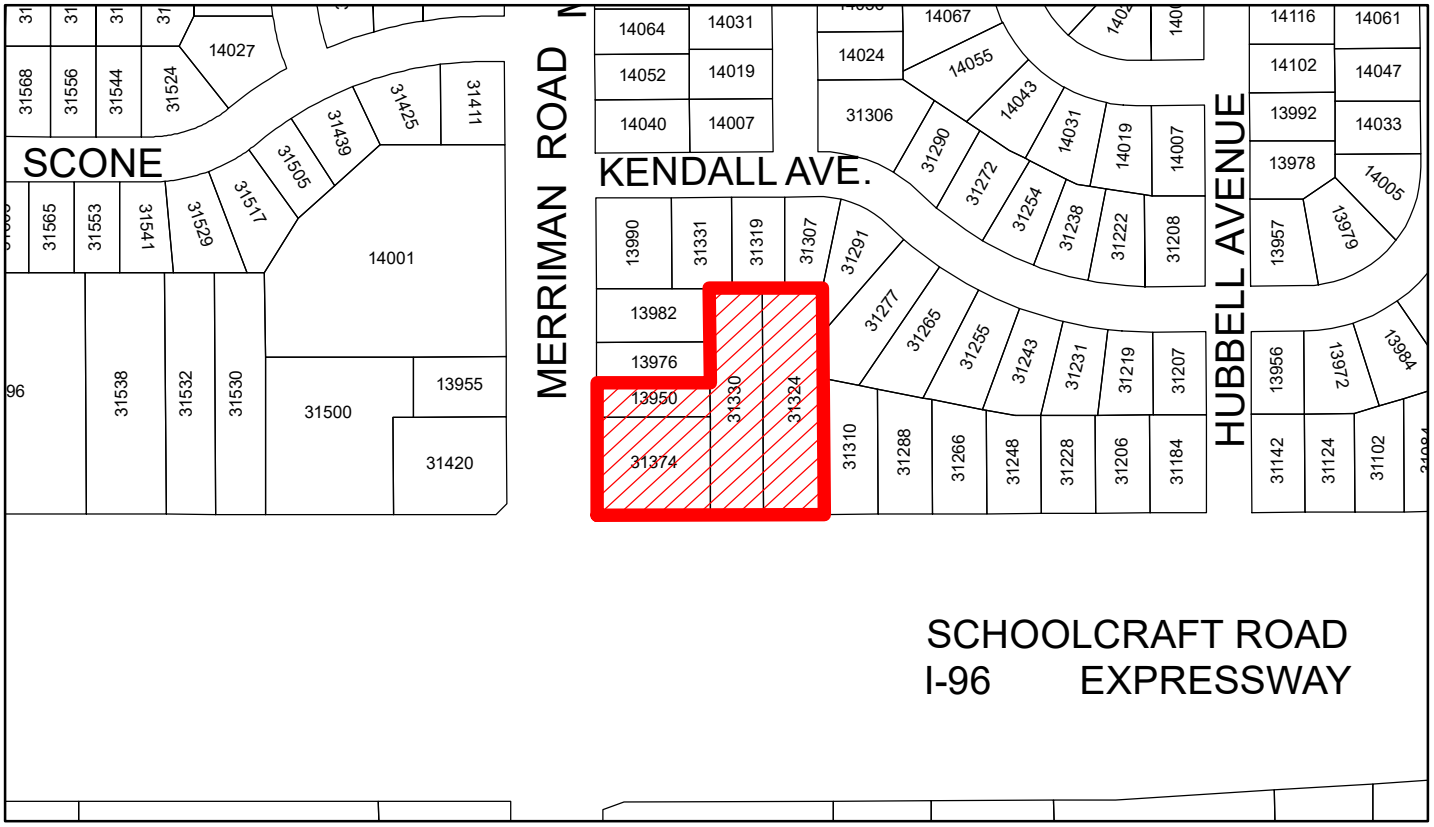
and the Southwest ¼ of Section 23 of the Zoning Map is hereby amended to conform to the changes made in this section.

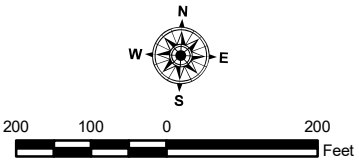
Section 4. The attached map designated "Amendment No. ___ to the Zoning Map of the City of Livonia" showing all of the amendments and changes made in the foregoing Section 2 of this ordinance is hereby approved, established and made a part hereof.

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.

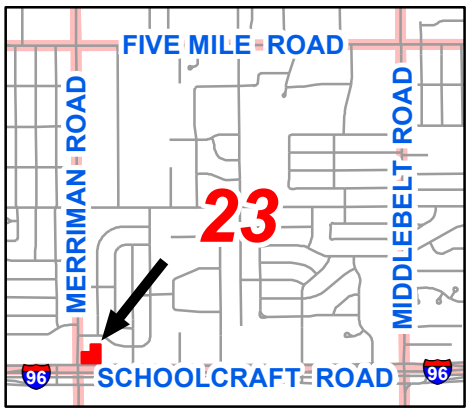
Section 6. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

BOUNDARY OF DISTRICT AS AMENDED FROM C-1, LOCAL BUSINESS TO C-2, GENERAL BUSINESS





PETITION NO. 2021-06-01-04
A PART OF THE S.W. 1/4 OF SECTION 23



AMENDMENT NO. TO THE
ZONING MAP OF THE
CITY OF LIVONIA, MICHIGAN
Adopted by the City Council on

_____ MAYOR

_____ CLERK

Mayor, Law, S. Kasprowicz,
S. Nash, File

PUBLIC HEARING
DIRECTION

MONDAY, AUGUST 2, 2021

PETITION 2021-06-01-04 submitted by Speedway L.L.C., pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1 (Local Business) to C-2 (General Business).

DIRECTION: 1) APPROVING

THESE ITEMS ARE TO BE PLACED ON THE AGENDA FOR THE REGULAR MEETING OF AUGUST 23, 2021

CITY OF LIVONIA
PUBLIC HEARING

Minutes of Meeting Held on Monday, August 2, 2021

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **Monday, August 2, 2021**.

MEMBERS PRESENT: Kathleen E. McIntyre, President
Scott Bahr, Vice President
Brandon McCullough
Rob Donovic

MEMBERS ABSENT: Jim Jolly
Laura M. Toy
Cathy K. White

OTHERS PRESENT: Mark Taormina, Planning and Economic Dev. Director
Paul Bernier, City Attorney
Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:00 p.m. with President Kathleen McIntyre presiding. This item is regarding **Petition 2021-06-01-04** submitted by Speedway L.L.C., pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1 (Local Business) to C-2, (General Business). This item will move to the Regular Meeting of **August 23, 2021.**

The Public Hearing is now open. There were 2 people in the audience.

McIntyre: Mr. Taormina are you going to start? I should announce that there are three members of the Council that are not with us this evening, Jim Jolly, Laura Toy and Cathy White.

Taormina: Thank you, Madam President. Again, to explain the petition that seeks to rezone the four (4) properties that are at the northeast corner of Schoolcraft and Merriman Roads. This would be to allow for the redevelopment and expansion of the existing Speedway gas station. The change as you indicated would be from C-1 (Local Business) to C-2, (General Business). The zoning is necessary because our gas stations are treated as a waiver use in the C-2 districts and are not allowed in the C-1 district. The existing facility does operate as a valid, non-confirming use. The four (4) parcel that make up the site are all owned by Speedway. The corner property is the location of the existing gas station that is identified on the survey as Track 1. The property is about 150 feet by 130 feet. The other three include the parcel immediately to the north of the gas station which contains the former Bai-Lynn party store. The parcel to the east, which contains a one-story office building that's

identified as Track 3 and then Track 4 is the parcel to the east of that, also contains a one-story office building. Combining the four (4) properties, contain about 310 feet of frontage on Schoolcraft, 175 feet on Merriman Road, with a total land area of 1.64 acres. All four (4) parcels, again, are currently zoned C-1, and the proposed rezoning would place the entire site under the C-2 classification. The proposed redevelopment would involve demolishing and removing the current gas station as well as the former Bai-Lynn party store as well as the office building at 31324 Schoolcraft. That is Track 4, then constructing a new gas station. This is what the site plan would look like, upon completion. The preliminary site plan shows that a new 4,600 square foot gas station building that is positioned in the approximate location of the existing party store, this building is nearly identical to the one being constructed at Seven Mile and Newburgh Road. The new building would be set back about 117 feet from Schoolcraft, 62 feet from Merriman Road, it would be fully conforming. There are fuel pumps positioned along the front of the property, the frontage along Schoolcraft Road. The original plan reviewed by the Planning Commission showed ten (10) fuel pumps with the capacity to accommodate up to twenty (20) vehicles. This revised plan shows nine (9) pumps, so a slight deduction in the number of pumps from when the Planning Commission reviewed this. Required parking, again, with the modified plan would appear to be at or near the minimum requirement. We will review that at the time of the site plan, should this move forward. The plan shows three (3) driveways, including two (2) on Schoolcraft and one (1) on Merriman. These are the existing driveways that would remain and be used for the new gas station. Future Land Use map shows the subject area is Corridor Commercial, which is suitable for the proposed rezoning land use. With that, Madam President, I'd be happy to answer any questions.

McIntyre: Council? Yes, Mr. Bahr.

Bahr: So, Mark, what's the, sorry, I should have had it in front of me.

Taormina: I failed to mention, that the one (1) office, Track 3, would remain, it is going to be used by Speedway for some type of regional offices. I'll let the Petitioner explain that a little more.

Bahr: You anticipated my question. You said there are no new curb cuts here, right?

Taormina: No, there are no new curb cuts. I'm going to go back to the site plan. We really haven't even analyzed this directionally. It might actually be an elimination of a curb cut; I think in the southwest corner of the existing gas station site. We'll go through all of those details of the park side, but yes, there are no increase in curb cuts, that's for sure.

Bahr: All right, you answered my main question, thanks.

McIntyre: Councilmember Donovic.\

Donovic: Thank you, Madam President. I just wanted to confirm. The building 31330, the office building, that's the one you are talking about that is going to stay existing?

Taormina: It's this building right here, if you can see that.

Donovic: This won't affect the Tony Ba'lony's restaurant? Is this totally separate?

Taormina: There is a wall between the two properties, Tony Ba'lony and Bai-Lynn party store. The owner of Bai-Lynn, excuse me, the owner of Tony Ba'lony's is here this evening. There is an issue with the parking that she is trying to resolve with the Petitioner. I'll let the Petition and Ethar, the owner of Tony Ba'lony's explain that. There is an issue with the parking and how tight that area is between the party store and Tony Ba'lony's. They actually share parking, for many years, thirty, forty years, maybe fifty years, they've shared parking. So, this does impact the driveway between the two properties that Speedway will have to make adjustments on their site plan in order to accommodate that. They already are in that process.

Donovic: Looking at the map, the 13950 building, is the party store, correct? It's just north of the Speedway gas station, the existing one?

Taormina: Yeah, I don't have the address.

Donovic: Yeah, they share the parking lot and that's what I was thinking about, is there going to be some sort of separation now, where that existing building is or will the new gas station take up the existing footprint of that existing party store, 13950?

Taormina: They'll take up pretty much the entire footprint of that party store.

Donovic: So, the parking spots, I'm assuming, would just back up to the back of new, potential gas station?

Taormina: No, actually the drive aisle would back up to it, so there would only be a single row of parking spaces along the side, 90-degree parking along the south wall of Tony Ba'lony's, is a drive aisle between the Speedway gas station and those parking spaces. It's hard to explain.

Donovic: I'm looking at an aerial map and it's pretty tight, so I was just trying to wrap my mind around that and what that would look like in the future, if that is going to cause issues, ten (10), fifteen (15) years down the road, with that tight of a proximity to the building and are they going to have enough parking spots at Tony Ba'lony after the existing parking spots are now being removed with the new building. That was all of my questions, thank you.

McIntyre: Anyone else? If not, we can hear from the Petitioner.

Gaus: Hello, good evening, my name is Mandy Gaus, I'm a CESO, the Engineer of the project. Thanks for having us here tonight to take a look at this site. We are trying to work, obviously, with Tony Ba'lony, in trying to work out an option on there. When Speedway purchased this site, two (2) years ago, I think it was, there was no easement in any of the records when we pulled up the paperwork, the title work, nothing showed up. We were not aware of an easement in this location. At the last Planning Commission meeting, I know Ether showed up and had a copy of it. It was never recorded, from what I can tell, however, we are trying to make the best of both worlds. We are trying to be a good neighbor, we're not trying to come in here and say too bad, that's not what our intention is. So, what we were looking at doing, I know if you look at the document, it shows at the base of the Tony Ba'lony's building, 19 feet for parking, 20.5 feet for a drive aisle and then 19 feet for the parking, adjacent to the party store. What we were trying to do, as you can see, the shaded area along the northern property line, adjacent to Tony Ba'lony's, that would allow for that 19-foot parking and that 20.5-foot drive aisle that is shown on the easement document. It would just take out that 19 feet of parking, if that makes sense. The we would position some bollards along the back for protection, obviously for the building so that they wouldn't have issues.

Bahr: Sorry to interrupt you, but could you show me where that grey area is again?

Gaus: Ok, what we are looking to do there is lay pavement in place for the drive aisle. Currently, the easement that we were shown, I took a picture of last time when I was at the Planning Commission meeting, was that they had from the base of the building, you can see the 19 feet down, that was showing that they had a 20.5-foot drive aisle and then they showed 19 feet of parking at the face of the party store. We were trying to hold that 19 and that 20.5 so that basically it would be the parking spaces that would be coming out.

Bahr: So that's your property, where you would put pavement there in order to have an alley.

Gaus: Yes, that would be the intention.

Bahr: I'm sure you explained that perfectly the first time, I just wasn't following.

Gaus: No problem, it can be confusing, I know. We have been trying to work with them and obviously during site planning, I'm sure we will get even closer.

Donovic: Madam President?

McIntyre: Yes, Councilmember Donovic.

Donovic: Thank you Madam President, to the Petitioner, thank you for coming tonight. That paving that you just talked about, that won't be elevated, it's going to be level with the 20.5?

Gaus: Yep, it will be part of that rear lot, just like it is currently, basically what the 19 feet of the building would then transition to the Speedway.

Donovic: Thanks, this won't be large enough to park a second row of vehicles?

Gaus: Correct.

Donovic: Is there any thought of maybe making lateral parking lanes so that people could just pull right into them or back into them?

Gaus: That would be something we have to work out with them if they want to modify their layout to make it more accessible. We're willing to help them draw it up and see what needs to happen in the process.

Donovic: Thank you, I appreciate that thanks.

McIntyre: Councilmember McCullough?

McCullough: My biggest question is, more to through the Chair to the Petitioner, it's great, obviously, working with the neighbor north of Tony Ba'lony. Overall, I think it's wonderful to look at what it looks like, what you are planning on doing to it. I know this is just zoning, but the one building that Speedway is looking to turn into the offices, I imagine there will be plans for a remodel in there?

Gaus: They've already remodeled the interior of the building, they've already pulled permits, I believe it was during COVID timeframe. There are twelve (12) people currently working there, it's the Upper Midwest Operations Group, so they're already currently located, I think there is two vacant offices, they said, at this time, so its fully functional.

McCullough: I think this site overall, I guess the biggest concern is, and I don't know if we could go to the Tony Ba'lony's owner?

McIntyre: Yes, after the Petitioner. After we are done with questioning the Petitioner.

McCullough: All right, other than that, I generally love this site. I think its great and I think Mark was saying this was going to be nine (9) pumps. Compared to what it is now, it is a well thought out plan and I like what I see.

McIntyre: All right, anything else for the Petitioner? All right, thank you very much. Would the representative for Tony Ba'lony like to speak with us?

Al-Karawi: Hello, my name is Ethar Al-Karawi and I represent ENP properties which owns Tony Ba'lony.

McIntyre: Could you give us your address please, business address is fine.

Al-Karawi: 6341 Wood Pond Rd West Bloomfield, MI, 48323. We actually have a PO box. As far as what the Petitioner was talking about, there is a proposed easement. The parcels were combined for driving and parking. Now, I did bring the survey again, this was done in 1991, so there was no computer, digital era during that time, but it does state that it was reported to Wayne County records and there is, I also have a warranty deed that also states that as well. I do have legal documentation that shows this, but because it was pre-computers and all that, obviously, this is the only copy we have. Now, my concerns are, they are going to demolish the Bai-Lynn, the 13950 building and construct a gas station. With that, because of the easement, would the structure or that fence hinder access to the roadway or parking for customers? They have delivery trucks that have to be accessible to go to the back. They have catering trucks that they park as well, these are all during business hours. Also, when Speedway is up and running, when are their delivery trucks going to be? I know they are 12-footers, with pop and concessions, it's a market, so if that's going to be on that side of Merriman, that's going to block the Merriman side. If that's going to be by Tony Ba'lony in the back, customers are going to be basically stuck, they can't maneuver themselves to get in to come out. So, that's also an issue. That's basically why they combined these parcels, in order for them to get in, get out, go in and have access to the roadway was a necessity. What I had, the Petitioner did send me an email of these new plans, but it was two (2) hours before this hearing, I never had a chance to look it over, talk to my partners or attorneys to see if it was compliant or anything of that nature or if it is still encroached. From what we did from last hearing, is, we went in, we basically went through this survey and from what we gathered, is, from Tony Ba'Lony's building to his property line is thirty-four (34) feet. Each parking block is two (2) feet from the building, one (1) foot wide and from there it shows you can't build within twelve (12) feet of that property line, which gives twenty-five (25) feet of a driving aisle to maneuver and get passed. From what the Petitioner stated, she has 20.5, which that's something certainly that we're going to need to go over, to see if that's even enough, is that too tight, is going to be relative to what, from what we gather, that's what it was going to be. As well as, the other concern is, uncapping all of those parking spaces, with demolishing also the property and lifting all of that land, we also have the issue, before, they had environmental, as far as contaminating land. Now their going to have to take all that dirt out and get excavators, is going to be a whole process, is that also going to inconvenience Tony Ba'Lony's customers and they're not going to be able to also get in and get out of the restaurant? Is this all going to be collectively now going into where their building is, for health concerns and what not. We have a lot of issues that we never got any clarification on and we're just here to state our concerns and hope that there are conditions going forward that we can go ahead and get some of these resolutions on the issues. Thank you.

McIntyre: Thank you. Councilmember Donovic.

Donovic: Thank you, Madam President, to the representative of Tony Ba'Lony's, can you go over again, the easement situation, because a lot of other buildings have recorded easements 1990's when there wasn't computers and their

easements are part of the title and per the Petitioner they couldn't find the easement, so I guess I'm confused as to why you're easement wasn't recorded, you are saying it is recorded, can you just kind of clarify that?

Al-Karawi: So, I have the job number, I have the dates, I have the stamp from the surveyor for the survey, I have the legal description. Saving the recording in Wayne County records, I believe before page 9, it states that for parcel 1 as well as parcel 2, for the combined parking and drive for the parcel as well as, I also gave a copy of, I think Mark, to the Commission as well, I'm not sure if you guys still have it. I sent it over to Stephanie and gave her a copy as well. So, it states all this on here as well as the warranty deed that I have that was signed back in 2000. This is the same exact verbiage, Bai-Lynn, per subdivision, parcel 1, parcel 2, meaning Bai-Lynn and Tony Balony's, the same Wayne County record stating that, now they don't use easement, per se', but they also have the exact meets and bounds of each parcel that could coexist with this survey. So, they both state the same exact thing, as far as what was, I don't know why they never found it, I don't know, but this is what I have from all the paperwork, I literally had to go through files to get all this stuff.

Donovic: Madam Chair, thank you. Any way the Petitioner can maybe clarify for me?

McIntyre: If you need to come up to the podium, if you'd like to, I don't know if there are any other additional questions for Tony Ba'Lony's, but if you would like to stay at that podium, that way, if we have additional questions, we don't have to shuffle back and forth.

Gaus: The language that is showing on there is actually under the legal description, so its actually the subdivision plat, that the legal descriptions are defined in. It is not a separate page for that easement document.

McIntyre: Anymore questions? Councilman Bahr?

Bahr: I'm just taking the conservative approach, thank you. I'm just thinking of how we reviewed the Seven Mile Speedway and just from my observation, I don't think the delivery trucks have things delivered to the back there, aren't they typically in the front?

Gaus: Yes, and actually, we would have no access to that rear site for deliveries, that is not the intent. The intent was for them to deliver on site, they would come through one of our new proposed driveways, deliver and then exit. That's the same with the fueling truck, we have no intentions of using that rear lot for anything, it's just providing that pavement so that they would have the drive aisle.

Bahr: Now, to the Tony Ba'Lony's representative, absent any traffic interference, delivery trucks and things from Speedway, as far as the number of spaces that are being shown for Tony Ba'Lony's, is that adequate for what you think your business needs?

Al-Karawi: I would have to go back and make sure that is exactly what we have, to make sure it's the same square footage that's consistent with what we have.

Bahr: At least can you tell me how many cars Tony Ba'Lony's is dealing with?

Al-Karawi: You know, I think there have been times, he usually has a lot sometimes, you know, they have events, they come in, they have a lunch rush and what-not, so there are different times, I think that he's a staple, so a lot of people like going there and enjoying it.

Bahr: Sure, so, I'm going to go over to Mark, so the current party store that's over there, that's coming down. The spaces that are next to that party store are currently part of the party store's property, right?

Taormina: That is correct.

Bahr: So, there's no reduction in Tony Ba'Lony's parking, technically, it's just that they are losing some spots from that nearby building that they could have used.

Taormina: Yeah, the parking was clearly shared over the years, yes, there was little differentiation that I'm sure customers provoked business, that would park on one side or the other, whatever was available. We have not done any parking calculations with respect to Tony Ba'Lony's, I do know that it operates primarily as a carry out. Previous attempts to have indoor seating failed, for not that restaurant, but a different restaurant there, was going to go in there at one time. The spaces that you see on this plan, which is the plan that Ethar has in her possession, it shows probably more spaces than what really functioned there, because he does use parking in the back for deliveries and storage. If you go back there on any given day, this would not be a space, you could park one maybe two cars back there. Its probably not as generous as what's shown on this plan. If you go to the site as well, its easy to see where the property line is, I believe, because the pavement was freshly replaced on Tony Ba'Lony's. so, you can actually see a line that runs almost through the center of the drive aisle that is either at or close to the property line. When you see that pavement line, you'll realize quickly that there's no way a customer can park in front of Tony Ba'Lony's 90 degrees and back out without extending over that line. So there has to be some space provided on Speedway as was mentioned by Ms. Gaus. There's going to have to be some allowance for cars to maneuver on that property in order for it to work.

Bahr: Madam President, I know there are things that, some of these things we are talking about have time to work out, but from the zoning perspective, which is what we are here for tonight, and I agree with Councilman McCullough, and his comments that this is a major improvement for this site and I'm excited about it, so I will offer an approving for this tonight.

Taormina: Madam President?

McIntyre: Yes.

Taormina: It might be helpful for Ethar to understand the process. The process doesn't lock in any kind of plan at this point, thank you.

McIntyre: I was just going to explain it, Mr. Taormina, but I appreciate you bringing it up, because you know, sometimes things get overlooked. The approving resolution that's been offered as far as the rezoning, zoning changes require two (2) readings. There is the first reading with no vote taken and then there is the second reading at which a vote is taken. Our process is, after the first reading is given for a zoning change, we do not give a second vote until we have the site plans. Its not to hold things hostage, but its to make sure that before we take the final vote, to approve the zoning plan, that everyone is comfortable with the site plan. This will be read out at the meeting of August 23rd, so that's three weeks from tonight. At that point, we would have a first reading offered, no vote taken, then after the first reading, after that we expect to see what the site plan is. I know you said it at the beginning, it's been a long day for all of us, but where are we with the Planning Commission process Mark, with this?

Taormina: No site plan has been submitted.

McIntyre: Ok, so you start with the Planning Commission, the site plan process. Planning Commission reviews it and whatever the Planning Commission recommends, comes to Council. The Planning Commission, as you may know, is a recommending body, they vote, but it's a recommendation of Council and we look very carefully at what the Planning Commission recommends. We are not obligated legally to follow them.

Al-Karawi: Ok, can I just clarify one thing? August 23rd is not a site plan hearing.

McIntyre: No, that's simply what will be called a first reading on the change of zoning. So, if there's a first read given, it starts the process, but we're not off to the races, if you will.

Al-Karawi: Got it. Is that a public hearing?

McIntyre: So, the public hearing is one part. August 23rd is a public meeting, it's a regular meeting, our 7:00 meeting on a Monday night. Before the site plan goes to Council it will go through the Planning Commission for their process and if you want to contact Sara in the City Council office, Sara is the manager of the City Council office and the City Council business, Sara can help link you up with the Planning Department and make sure you stay apprised on the dates of those meetings.

Al-Karawi: Thank you very much.

McIntyre: Vice President Bahr.

Bahr: Just an observation, just based on what we've seen in other cities, there are other instances, looking at this plan, I actually think in the long term, this is actually going to benefit Tony Ba'Lony's, it adds to business.

Al-Karawi: No, I don't doubt that at all.

Bahr: No, I'm not saying it to you, just an observation as I'm looking at even where it situates and the way the traffic is going to come, the type of traffic it's going to draw.

Al-Karawi: I just want to make sure the customers are, yeah.

McIntyre: Councilmember Donovic.

Donovic: Thank you Madam President. I was going to make a brief comment on the last question, to Mr. Taormina. To Vice President Bahr's point, I think this will be a great idea, looking forward to it. You guys take care of your building and the party store to the south hasn't looked very well. So, I think that the new improvements that Speedway is bringing in will uplift that entire area and I do think ultimately, we need more business. However, I have encouraged, because I have seen other Petitioners come before me and there isn't that working relationship it seems like you are having and I think its great for the future of the site, but also, the future growth and success of both of your businesses, to see both parties working together. At the end of the day, I am assuming, it looks like it's the truth, is that you don't want to take away parking spaces from them, you want to give that portion of the grey area to give them more open space and you are going to have a brand spanking new building next door to you guys. So, I am hoping that this goes forward and that there's some positivity from both parties. Mr. Taormina, with that being said, is there a set back from the north side of the proposed building to their property line? Is there supposed to be a certain amount of feet where no building can be erected, or if ten (10) years from now, they can put a building up or a wall on that property?

Taormina: Yeah, so the ordinance is where commercial abuts commercial is flexible from the standpoint that it could be as little as no setback at all. So, it could be a zero setback to there, to provide certain fire codes on that.

Donovic: So, technically speaking, if a new Petitioner wanted to, they could put a wall right down that property line, technically speaking. Hypothetically.

Taormina: Hypothetically.

Donovic: Ok, thank you Mr. Taormina.

McIntyre: Yes, Councilmember McCullough.

McCullough: Just a general observation, I know this is not obviously the time, but this is just a recommendation and I'm sure you are looking into it. I really do think

that with a new building, if this all goes through, the drive aisle, compared to what you have, I think that you guys will obviously work that out. I know you mentioned bollards and I'm sure the Planning Commission will enjoy the bollard as well. I'm just trying to think innovative for that buffer. I think bollards, I don't know for the separation factor, was that what you were planning originally?

Gaus: It's more of a structural issue if somebody's backing up, we don't want them to hit the building, that's the concern we had, being so close to that lot line. So, with putting pavement in that area, I mean, we can do some things to make it look decorative, we can do lighted bollards, I mean there are things you can do with them to make them look not so intrusive, but still have the structural attempt.

McCullough: Maybe there's an opportunity for them to have a nice buffer, especially for the restaurant as well. Just a side thought, I know bollards, someone is going to run into them and then they don't get painted for years, just an observation I had.

McIntyre: Thank you. All right, so any other comments or any questions from anyone? All right, thank you very much. It is always nice to see a business that needs it being invested in, I'll say that generally, I appreciate Speedway, because you keep your properties up and some of the worst looking properties in Livonia belong to gas stations. I don't mean to single them out, but to me, it always feels like an issue of customer respect, right? If you need gas, you pull up to the service station, it's a mess and there are weeds everywhere and its dirty, to me, it feels like, well, you know you have to be here, so tough luck if you don't like the fact that we're not taking care of our property. I think especially along the 96 corridor and Merriman is heavily travelled, and at the same time, we love our local businesses, and our local businesses continue to strive, and got through COVID and so it is very nice to see you to working together. I think we can make this positive development. As you can see, we don't just fast walk things, so anyway thank you to both of you for taking the time. You are both so well-educated and able to fill us in on everything. Anything else? That's it? The hearing is closed.

As there were no further questions or comments, the Public Hearing was declared closed at 7:33 p.m.

LETTER TO THE LIVONIA CITY COUNCIL

Planning
July 14, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Stephanie Reece, Program Supervisor,

AGENDA ITEM

Petition 2021-06-01-04 submitted by Speedway L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General Business.

BACKGROUND

RECOMMENDATION

At the 1,177nd Public Hearing and Regular Meeting held by the City Planning Commission on July13, 2021, the following resolution was unanimously adopted:

#07-32-2021 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on July 13, 2021, on Petition 2021-06-01-04 submitted by Speedway L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General Business, the Planning Commission does hereby recommend to the City Council that Petition 2021-06-01-04 be approved for the following reasons:

1. That a change of zoning to C-2, General Business is compatible to and in harmony with the surrounding land uses and zoning districts in the area.

2. That the proposed change of zoning and projected redevelopment represents a reasonable and logical transformation of the subject properties which adheres to the principles of sound land use planning.

3. That the proposed change of zoning would cause the zoning of the property to correspond to the use of the property more accurately.

4. That the proposed change of zoning is supported by The Livonia Vision 21 (LV21) Future Land Use map which shows the subject area of the rezoning as Corridor Commercial, and

5. That the proposed zoning and projected use is consistent with 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 23.05 of Zoning Ordinance #543, as amended.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2021-06-01-04_Speedway_E-COUNCIL Pkt
2. 2021-06-01-04_Speedway_Survey
3. 2021-06-01-04_Speedway_Warranty Deed

APPROVED BY

Date: July 19, 2021

Mark Taormina, Planning and Economic Development Director

Date: July 23, 2021

Maureen Miller Brosnan, Mayor

Petition 2021-06-01-04 submitted by Speedway L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General 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: 6-8-2021 Petition 2021-06-01-04

Site Address: 31374 Schoolcraft Road Sidwell 46-091-03-0014-001; 002; 005; 006

Requesting To Rezone Property From C-1 Local Business To C-2 General Business

For the Following Reason (s) To allow for a new Speedway gas station

Applicant: Jacob Miller Business/Company: Speedway LLC

Applicant's Address: 550 Speedway Dr. City: Enon State: OH Zip Code: 45323

Applicant's Phone # (937) 863-4353 Applicant's Email jrmiller@speedway.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

RECEIVED
OFFICE OF THE CITY CLERK
2021 JUN -8 AM 10:36

Owner of Property: Speedway LLC

Owner's Address: 500 Speedway Drive City: Enon State: OH Zip Code: 45323

Owner's Phone # (800) 643-1948 Owner's Email jrmiller@speedway.com

Signature of Owner: [signature] Print Name: Michael P. Tierney

Subscribed and sworn to before me, a Notary Public in and for the County of CLARK State of Ohio

on this 2nd day of June 20 21.

Signature of Notary Michelle Burns My commission expires 4-24-24.

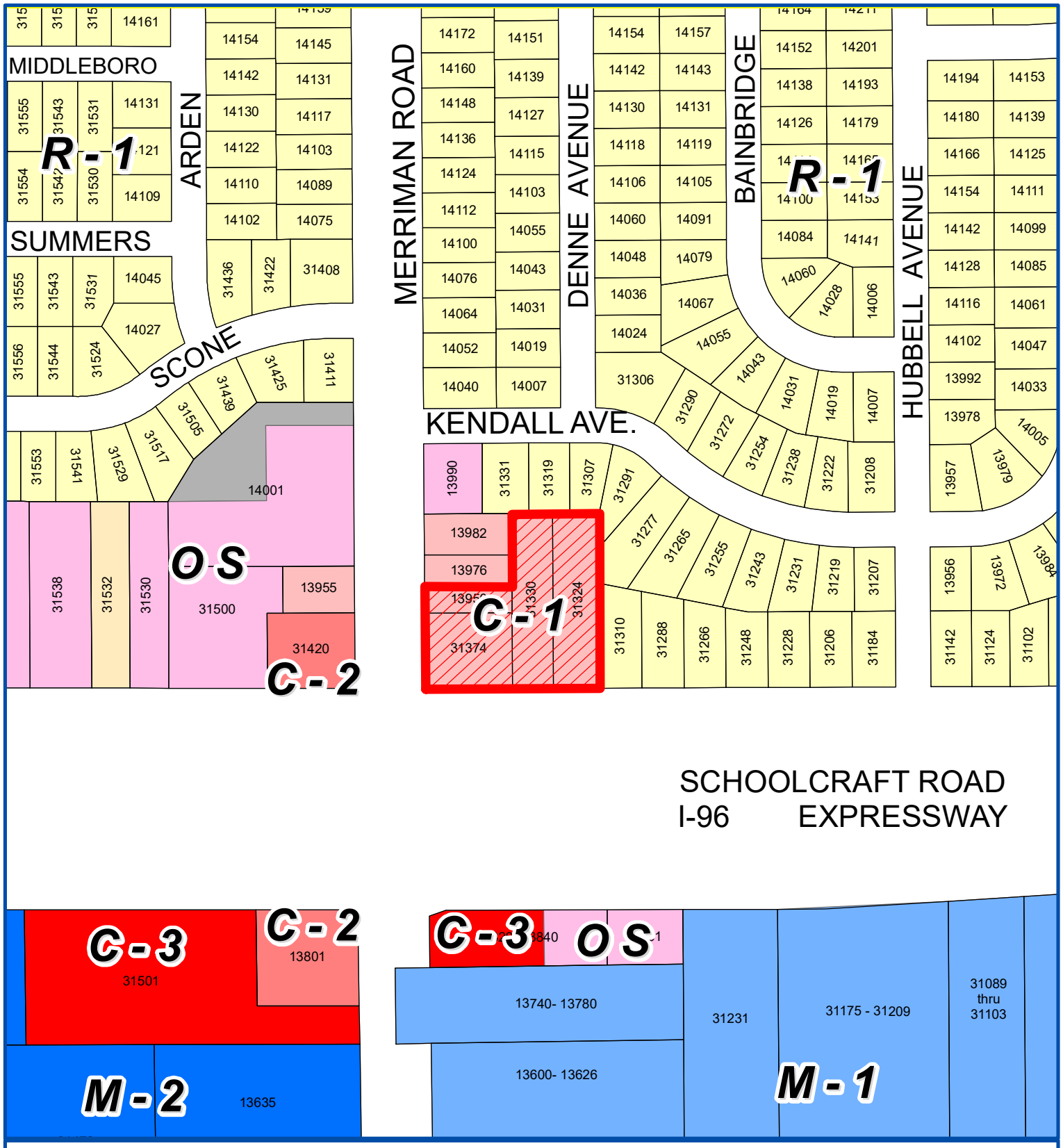
APPROVED AS FORM
Department of Law

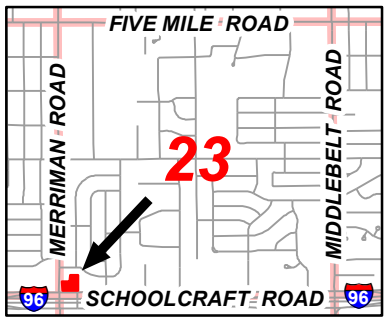
By: [signature]

Date: 6/8/2021

MICHELLE MARIE BURNS NOTARY PUBLIC STATE OF OHIO

APPROVED AS TO FORM
JVC





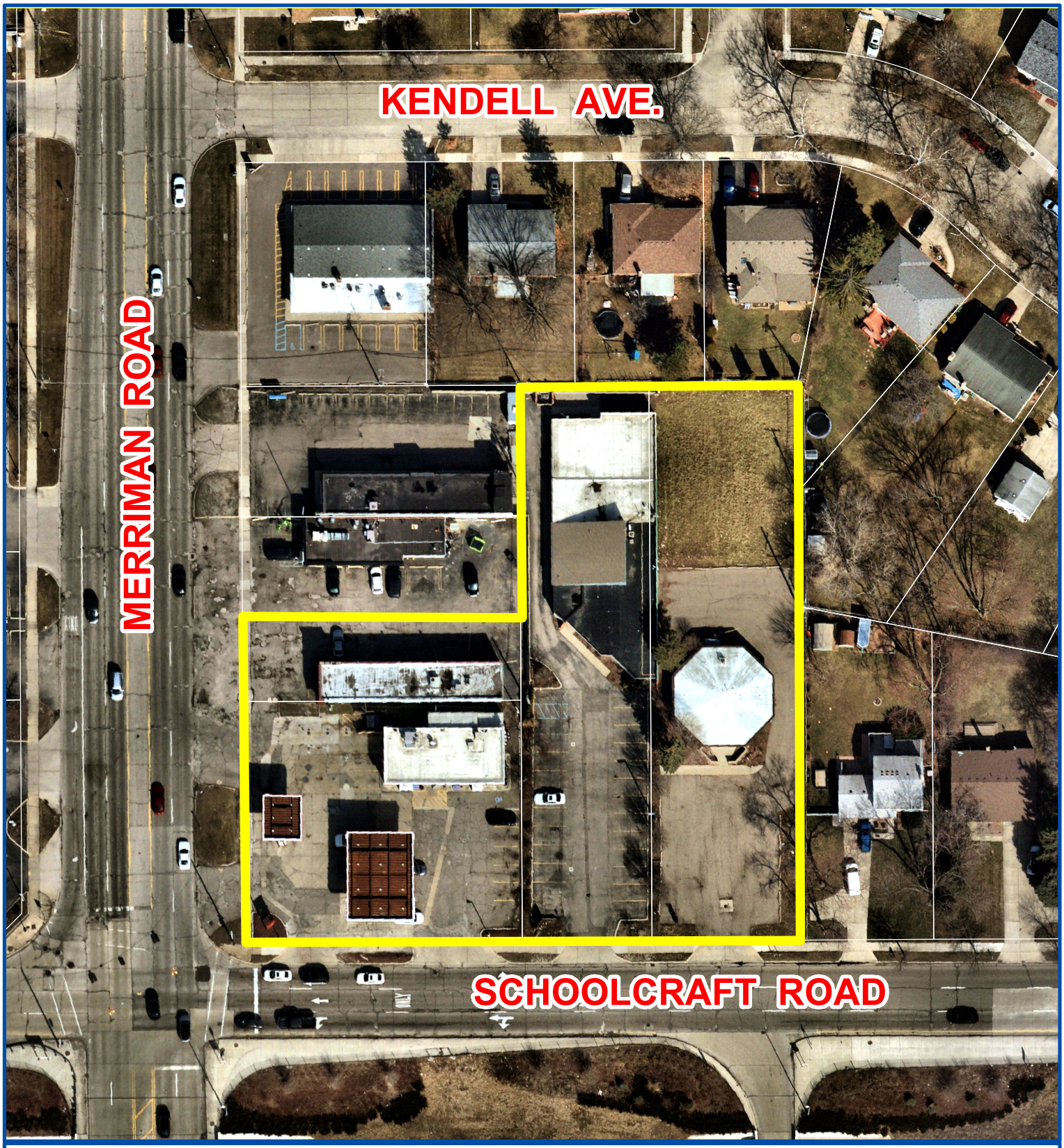
Address & Zoning Map

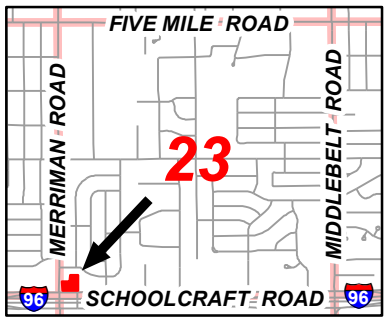
Petition 2021-06-01-04
Speedway
13950 Merriman & 31324, 31330 & 31374 Schoolcraft
C-1 to C-2

N

Not to Scale

City of Livonia
Planning Department





Aerial Map

Petition 2021-06-01-04
Speedway
13950 Merriman & 31324, 31330 & 31374 Schoolcraft
C-1 to C-2

N

Not to Scale

City of Livonia
Planning Department

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 1

Petition 2021-06-01-04 submitted by Speedway L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General Business.

June 29, 2021: Study Meeting:

This petition seeks to rezone four (4) contiguous parcels located at the northeast corner of Schoolcraft and Merriman Roads, from C-1 (Local Business) to C-2 (General Business). The purpose of the rezoning is to allow for the redevelopment and expansion of an existing Speedway gas station. The rezoning is necessary because gas stations are treated as a waiver use in a C-2 zoning district but not allowed in the current C-1 district. The existing facility operates as a valid nonconforming use.

The four (4) parcels that make up the site are all owned by the applicant for this rezoning petition. The corner property, at 31374 Schoolcraft Road, is the location of the existing gas station. This parcel measures approximately 150 feet along Schoolcraft Road by 130 feet along Merriman Road. Located immediately east of the gas station property is 31330 Schoolcraft Road. This parcel, which contains a one-story office building, measures approximately 70 feet by 300 feet. East of that property is another one-story office building located at 31324 Schoolcraft Road. This parcel measures approximately 90 feet by 300 feet. The fourth property is at 13950 Merriman Road which borders the gas station to the north and measures approximately 45 feet by 150 feet. This site is the location of the former Bai-Lynn Party Store. Combined, the four (4) properties contain approximately 310 feet of frontage on Schoolcraft Road and 175 feet along Merriman Road with a total land area of approximately 71,438 square feet or 1.64 acres. All four (4) parcels are currently zoned C-1. The proposed rezoning would place the entire site under the C-2 zoning classification.

West of the subject site, across Merriman Road, is an existing Mobil gas station, zoned C-2. Also on this side of the street are a variety of retail and office-type uses, zoned OS (Office Services) and C-1. Directly south, across Schoolcraft Road is a small retail strip center zoned C-3 (Highway Services), as well as an office building zoned OS. On the corner diagonally across Schoolcraft Road is an existing Exxon gas station. To the north, fronting on Merriman Road, is Tony Ba'lony's Delicatessen and the Bowers Chiropractic Clinic, both zoned C-1. Also located to the north and east adjacent to the subject site are single-family homes that are part of the Bai-Lynn Park Subdivision, zoned R-1 (One Family Residential).

The submitted preliminary site plan shows that if the zoning change is approved, the proposed redevelopment would include demolishing and removing the current gas station building, the former Bai-Lynn party store building, and the office building at 31324 Schoolcraft Road. The new gas station building would measure 4,608 square feet. The existing office building at 31330 Schoolcraft Road would remain and would be utilized by Speedway for office purposes.

The new and expanded Speedway gas station building would be positioned further north of its current location in the same general location as the former Bai-Lynn party store. The building would be set back approximately 117 feet back from Schoolcraft Road and 62 feet back from Merriman Road. In front of the new station, stretching along the site's entire Schoolcraft Road frontage, would be single "dive-in" row of ten (10) gasoline pump islands. Each pump would be equipped to accommodate two (2) vehicles, one on either side, with a total capacity of twenty (20) vehicles making this the largest gas station in the City. An overhead canopy would extend the full length of the ten (10) pump islands with overall dimensions of 28 feet by 241 feet.

Required parking for gas stations is based on a ratio of one (1) space for each 150 square feet of floor space devoted to retail sales. Based on the floor area of the proposed building (4,608 x 80% ÷ 150), this station would require twenty-five (25) parking spaces. Required parking for a general office building is based on a ratio of one (1) space for each 200 square feet of usable floor space. Based on the floor area of the existing office building that would remain (6,951 x 80% ÷ 200), the required parking for this building would be twenty-eight (28) spaces. Together, both uses would require a total of fifty-three (53) parking spaces. The site plan shows fifty-one (51) parking spaces, a deficiency of two (2) spaces. All the parking spaces shown on the preliminary plan are only nine feet (9') wide. Parking spaces are required to be ten feet (10') feet wide by twenty feet (20') in length.

The subject site would have a total of three (3) driveways, including two (2) on Schoolcraft Road and one (1) on Merriman Road.

The Livonia Vision 21 (LV21) Future Land Use map shows the subject area as a *Corridor Commercial* which is suitable for the proposed rezoning and use. However, the Planning Department is of the opinion that the C-2 zoning district boundaries should be tailored specifically to the limits of the gas station, including the building and desired number of pumps, with the total number of pumps reduced to eight (8).

July 13, 2021: Public Hearing:

Concerns raised at the study meeting included: 1) the large number of fuel pumps and their location at the east end of the site creating a potential for traffic conflicts, especially with vehicles traveling across Schoolcraft Road and entering the site from the highway crossover which is directly in-line with driveway; and 2) the impact on parking for the commercial property to the north (Tony Ba'lony's). A review of the history files shows that the now pizza/deli property, which use to be a hair salon, was originally owned in common with the former liquor store, Bai-Lynn. The two sites shared a driveway from Middlebelt Road along with a single drive aisle with parking on either side. After the properties were sold to separate parties, the sites continued to function under this shared arrangement, but without any known formal cross access/parking agreement. The preliminary development plan for the new and expanded Speedway gas station appears that it will impact the width of the drive aisle, which will only be needed to accommodate Tony Ba'lony's traffic.

Approving Resolution: That the request to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road from C-1 to C-2 is hereby approved, subject to City Council approval, for the following reasons:

1. That a change of zoning to C-2, General Business is compatible to and in harmony with the surrounding land uses and zoning districts in the area.

2. That the proposed change of zoning and projected redevelopment represents a reasonable and logical transformation of the subject properties which adheres to the principles of sound land use planning.

3. That the proposed change of zoning would cause the zoning of the property to correspond to the use of the property more accurately.

4. That the proposed change of zoning is supported by The Livonia Vision 21 (LV21) Future Land Use map which shows the subject area of the rezoning as *Corridor Commercial*, and

5. That the proposed zoning and projected use is consistent with 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.

Denying Reasons: That the request to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road from C-1 to C-2 is hereby denied for the following reasons:

1. That the petitioner has failed to affirmatively show that the proposed change of zoning is necessary and is needed to utilize the property.

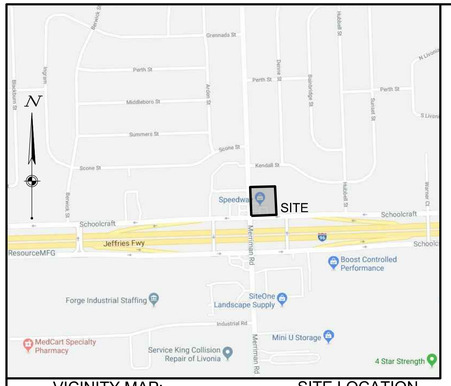
2. That the anticipated development of a gas station with a single “dive-in” row of ten (10) gasoline pumps stretching along the site’s entire Schoolcraft Road frontage would unduly tax and conflict with the established and normal traffic flow of the area.

3. That the petitioner has failed to clearly show that the proposed change of zoning and the intended redevelopment of the property would be compatible to and in harmony with the adjacent residential neighborhood, and

4. That the proposal fails to conclusively deal with all the concerns deemed necessary for the safety and welfare of the City and its residents.

ALTA/NSPS LAND TITLE SURVEY

MERRIMAN AND SCHOOLCRAFT ROAD
SECTION 23, TOWN 1 SOUTH, RANGE 9 EAST
CITY OF LIVONIA WAYNE COUNTY, MICHIGAN



VICINITY MAP:
NOT TO SCALE

SITE LOCATION
LAT ~42°23'02" N
LON ~83°21'10" W

SURVEY NOTES:

1. NORTH AND BEARING SYSTEM BASED ON MICHIGAN STATE PLANE - SOUTH, NAD 83 AND UPON GPS OBERSVATIONS TAKEN BY CESO INC IN SEPTEMBER OF 2018. SCALED TO GROUND AT LAT N42°23'03", LONG W83°21'12" , WITH A GROUND SCALE FACTOR OF 1.00008036033812 VERTICAL DATUM BASED ON NAVD 88.
2. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE WAYNE COUNTY REGISTER OF DEEDS OFFICE LOCATED IN DETROIT, MICHIGAN, UNLESS NOTED OTHERWISE.
3. SURVEY PREPARED FROM FIELDWORK PERFORMED IN SEPTEMBER 2018 AND APRIL 2019. ALL MONUMENTATION SHOWN HERON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
4. THIS SURVEY DOES NO CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE PARCEL SHOWN HEREON WE OBTAINED THROUGH A CERTIFIED TITLE COMMITMENT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER: 01-18035979-01T, DATED JUNE 22, 2018, COMMITMENT NUMBER 0118035979-04T, DATED JUNE 22, 2018 AND AMROCK INC., COMMITMENT NUMBER 65527264, DATED MARCH 18, 2019.
5. ACCESS TO THE SUBJECT PROPERTY IS AVAILABLE VIA MERRIMAN ROAD & SCHOOLCRAFT ROAD.
6. UTILITIES IN THE FORM OF GAS, ELECTRIC, SANITARY SEWER, STORM SEWER AND WATER ARE ALL LOCATED EITHER ON THE SUBJECT OR WITHIN THE PUBLIC RIGHT-OF-WAY ADJOINING SAID PARCEL. NO EVIDENCE OF SANITARY SEWER ON-SITE.
7. CURRENT ZONING ON THE PARCELS AS EVIDENCED BY THE CITY OF LIVONIA ZONING DEPARTMENT IS C-1 (LOCAL BUSINESS).
8. NO EVIDENCE OF CURRENT OR RECENT EXCAVATION OR CONSTRUCTION ON THE PROPOSED SPEEDWAY PARCEL.
9. NO EVIDENCE OF DELINEATED WETLANDS AT THE TIME OF SURVEY.
10. THE SURVEY IS NOT A RECORDABLE DOCUMENT FOR TRANSFER OF TITLE.
11. THE CURRENTLY ARE 10 REGULAR AND 1 ADA MARKED SPACES ON TRACT 1, 5 MARKED PARKING SPACES ON TRACT 2, 23 REGULAR AND 2 ADA MARKED SPACES ON TRACT 3 AND 14 REGULAR MARKED PARKING SPACES ON TRACT 4 .
12. THE SURVEYOR WAS NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT-OF-WAY AND THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION AT THE TIME OF SURVEY.
13. ENCROACHMENTS AS SHOWN HEREON. NO EASEMENT FOUND FOR POLES AND OVERHEAD LINES RUNNING ALONG THE NORTH AND EAST PROPERTY LINES AS SHOWN.

FLOOD ZONE STATEMENT

PARCEL IS LOCATED WITHIN "ZONE X" AN AREA OF MINIMAL FLOOD HAZARD. AS INDICATED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 26163C0063E EFFECTIVE DATE: FEBRUARY 2, 2012; PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

UTILITY DISCLAIMER:

THE UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND FIELD MARKS PROVIDED BY THE UNDERGROUND DETECTIVE. THE SURVEYOR MAKES NO GUARENTEE THAT THE UTILITIES LOCATED HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES LOCATED ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

COMMITMENT # 01-18035979-04T
TRACT 1
SCHEDULE B II EXCEPTIONS:

THIS ALTA/NSPS SURVEY IS EXECUTED HEREON PER A CERTIFIED TITLE REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
COMMITMENT 01-18035979-04T
EFFECTIVE DATE: JUNE 22, 2018

THE POLICY WILL NOT INSURE AGAINST LOSS OR DAMAGE RESULTING FROM THE TERMS AND PROVISIONS OF ANY LEASE OR EASEMENT IDENTIFIED IN SCHEDULE A, AND WILL INCLUDE THE FOLLOWING EXCEPTIONS UNLESS CLEARED TO THE SATISFACTION OF THE COMPANY:

SURVEY RELATED EXCEPTIONS:

9: SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHTS OF WAY AND BUILDING SETBACKS AS SHOWN ON THE , AS RECORDED IN PLAT BOOK 84, PAGE 9 OF WAYNE COUNTY RECORDS. **(NO PLOTTABLE EASEMENTS ON THE SUBJECT PROPERTY)**

10: DECLARATION OF RESTRICTIVE COVENANT, RECORDED 02/16/2011, IN BOOK 48985, PAGE 1419 OF THE WAYNE COUNTY RECORDS. **(THE PROPERTY DESCRIBED IS TRACT 1 AS SHOWN HEREON)**

COMMITMENT # 01-18035979-04T
TRACT 1
EXHIBIT A - LEGAL DESCRIPTION

SITUATED IN THE CITY OF LIVONIA, COUNTY OF WAYNE, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:

THE WESTERLY 150 FEET OF THE SOUTHERLY 130 FEET OF OUT LOT "A", BAI-LYNN PARK, BEING A PART OF THE SOUTHWEST 1/4 SECTION 23, TOWN 1 SOUTH, RANGE 9 EAST, CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 84 OF PLATS, PAGE 9, OF WAYNE COUNTY RECORDS.

TAX I.D. NUMBER 46-091-03-0014-001

BEING THE SAME PROPERTY CONVEYED TO MERCURY PETROLEUM, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, GRANTEE, FROM TPI PETROLEUM, INC., A MICHIGAN CORPORATION, GRANTOR, BY DEED RECORDED 06/23/2000, IN BOOK 31894, PAGE 626 OF THE COUNTY RECORDS.

COMMITMENT # 01-18035979-01T
TRACT 2
SCHEDULE B EXCEPTIONS:

THIS ALTA/NSPS SURVEY IS EXECUTED HEREON PER A CERTIFIED TITLE REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
ORDER NUMBER: 01-18035979-01T
EFFECTIVE DATE: JUNE 22, 2018

THE POLICY OR POLICIES ISSUED WILL CONTAIN EXCEPTIONS TO THE FOLLOWING UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:

9. SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHTS OF WAY AND BUILDING SETBACKS AS SHOWN ON THE PLAT OF OUT LOT "A", BAI-LYNN PARK, AS RECORDED IN PLAT BOOK 84, PAGE 9 OF WAYNE COUNTY RECORDS.
(NO PLOTTABLE EASEMENTS WITHIN THE SUBJECT PARCELS)

10. SUBJECT TO THE INTEREST OF THE HEIRS AT LAW OF H.A. GARLACZ AKA HENRY A. GARLACZ. THE QUIT-CLAIM DEED RECORDED IN BOOK 30274, PAGE 2825 FROM H.A. GARLACZ AKA HENRY A. GARLACZ, GRANTOR, TO HENRY A. GAELACZ AND GARY V. GARLACZ, GRANTEES, AS JOINT TENANTS WITH FULL RIGHT OF SURVIVORSHIP, WAS DATED 01/19/1990 AND RECORDED 08/20/1999. HENRY A. GARLACZ DIED ON 05/18/1995. **(THE PROPERTY DESCRIBED IS TRACT 2 AS SHOWN HEREON)**

COMMITMENT # 01-18035979-01T
TRACT 2
SCHEDULE "A" LEGAL DESCRIPTION

SITUATED IN THE CITY OF LIVONIA, COUNTY OF WAYNE, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:

THE NORTH 45 FEET OF THE SOUTH 175 FEET OF THE WEST 150 FEET OF OUTLOT A, BAI-LYNN PARK SUBDIVISION, AS RECORDED IN LIBER 84, PAGE 9 OF PLATS, WAYNE COUNTY RECORDS.

TAX I.D. NUMBER 46-091-03-0014-002

BEING THE SAME PROPERTY CONVEYED TO BAI LYNN MARKET, INC., A MICHIGAN CORPORATION, GRANTEE, FROM A.S.E. PROPERTIES, L.L.C., A MICHIGAN LIMITED LIABILITY COMPANY, GRANTOR, BY DEED RECORDED 08/31/2005, IN BOOK 43439, PAGE 79 OF THE COUNTY RECORDS.

TRACTS 3 & 4
(COMMITMENT PARCELS 1 & 2)
SCHEDULE B II EXCEPTIONS:

THIS ALTA/NSPS SURVEY IS EXECUTED HEREON PER A CERTIFIED TITLE REPORT PROVIDED BY AMROCK INC.
ORDER NUMBER: 65527264
EFFECTIVE DATE: FEBRUARY 25, 2019

THE POLICY OR POLICIES ISSUED WILL CONTAIN EXCEPTIONS TO THE FOLLOWING UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:

SURVEY RELATED EXCEPTIONS:

7: 6' PRIVATE EASEMENT FOR PUBLIC UTILITIES AS RECORDED IN LIBER 84, OF PLATS, PAGE 9. **(SHOWN HEREON)**

9: RIGHT OF WAY RECORDED IN SEPTEMBER 1, 1960 IN LIBER 14284, PAGE 50. **(SHOWN HEREON)**

TRACT 3 COMMITMENT PARCEL
(COMMITMENT PARCEL 1)
EXHIBIT A - LEGAL DESCRIPTION

LAND SITUATED IN THE CITY OF LIVONIA IN THE COUNTY OF WAYNE IN THE STATE OF MICHIGAN.

THE WEST 70 FEET OF THE EAST 150 FEET OF OUTLOT A OF BAI-LYNN PARK SUBDIVISION, ACCORDING TO THE PLAT
THEREOF RECORDED IN LIBER 84 OF PLATS, PAGE 9 OF WAYNE COUNTY RECORDS.

TRACT 4
(COMMITMENT PARCEL 2)
EXHIBIT A - LEGAL DESCRIPTION

LAND SITUATED IN THE CITY OF LIVONIA IN THE COUNTY OF WAYNE IN THE STATE OF MI

THE EAST 80 FEET OF OUTLOT A, BAI-LYNN PARK, A SUBDIVISION, AS RECORDED IN LIBER 84 OF PLATS, PAGE 9, WAYNE COUNTY RECORDS.

PROPOSED SPEEDWAY PARCEL
AS-SURVEYED LEGAL DESCRIPTION

SITUATED IN SECTION 23, TOWN 1 SOUTH, RANGE 9 EAST, IN THE CITY OF LIVONIA, COUNTY OF WAYNE, MICHIGAN, AND BEING ALL OF THE LANDS CONVEYED TO MERCURY PETROLEUM, LLC (N.K.A. SPEEDWAY LLC), AS RECORDED IN LIBER 31894, PAGE 626, AND ALL OF THE LANDS CONVEYED TO SPEEDWAY LLC., AS RECORDED IN BOOK 54811, PAGE 590, AND ALL OF THE LANDS CONVEYED TO WOPOLOCK, LLC AS RECORDED IN LIBER 40286, PAGE 2609 AND LIBER 51194, PAGE 805 AND BEING PART OF OUTLOT A OF BAI LYNN PARK, AS RECORDED IN LIBER 84 OF PLATS, PAGE 9 OF WAYNE COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID OUTLOT A, SAID POINT BEING AN X CUT IN THE CONCRETE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SCHOOLCRAFT ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF MERRIMAN ROAD;

THENCE, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MERRIMAN ROAD, **NORTH 2°47'33" WEST**, (PASSING AN X-CUT IN THE CONCRETE AT 130.00 FEET), A TOTAL DISTANCE OF **175.00 FEET** TO AN X CUT IN THE CONCRETE ON THE SOUTHWESTERLY CORNER OF THE LANDS CONVEYED TO A.S.E PROPERTIES;

THENCE, ALONG THE SOUTHERLY LINE OF SAID A.S.E PROPERTIES, **NORTH 87°16'27" EAST** A DISTANCE OF **150.00 FEET** TO A MAG NAIL SET ON THE WEST LINE OF SAID WOPOLOCK LLC. LAND;

THENCE, ALONG SAID WEST LINE, **NORTH 2°47'33" WEST**, (PASSING A MAG NAIL SET AT 54.50 FEET), A TOTAL DISTANCE OF **125.00 FEET** TO A 5/8" IRON PIN SET ON THE SOUTHERLY LINE OF THE LANDS CONVEYED TO JOHN KUZMA;

THENCE, ALONG SAID SOUTH LINE OF JOHN KUZMA AND THE SOUTHERLY LINE OF ALLEN L. BRANDT, **NORTH 87°16'27" EAST** A DISTANCE OF **150.00 FEET** TO AN 5/8" IRON PIN SET AT THE SOUTHEAST CORNER OF SAID BRANDT LANDS AND THE WESTERLY LINE OF THE LANDS CONVEYED TO JAMES AND JOLENE ALANIZ;

THENCE, ALONG SAID WESTERLY LINE OF JAMES AND JOLENE ALANIZ AND THE WESTERLY LINE OF PAUL D. CORDISCO AND WESTERLY LINE OF RANDY R. MARKS, **SOUTH 2°47'33" EAST** A DISTANCE OF **300.00 FEET** TO AN 1/2" IRON PIN FOUND AT THE RIGHT-OF-WAY OF SCHOOLCRAFT ROAD;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, **SOUTH 87°16'27" WEST** A DISTANCE OF **300.00 FEET** TO THE **POINT OF BEGINNING**.

BEING THE SAME PROPERTY DESCRIBED IN ORDER #01-18035979-04T, ORDER #01-18035979-01T, AND ORDER #65527264.

SURVEYOR'S CERTIFICATION:

TO SPEEDWAY LLC.,OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FIRST AMERICAN TITLE INSURANCE COMPANY, AND AMROCK INC., IT'S SUCCESSORS AND/OR ASSIGNS AS THEIR RESPECTIVE INTEREST MAY APPEAR.

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 1-5, 6a, 7a, 7b, 8-11, 13-14,16-19 and 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED IN SEPTEMBER, 2018, AND APRIL, 2019.

DATE OF PLAT OR MAP: MAY 9, 2019

STATE OF MICHIGAN
ROBERT E. MATKO
PROFESSIONAL SURVEYOR
NO. 54055
LICENSED PROFESSIONAL SURVEYOR

05-21-19
SIGNED DATE
ROBERT E. MATKO, P.E., P.S.
MICHIGAN PROFESSIONAL SURVEYOR NO. 4001054055
matko@cesoinc.com

GOVERNING AGENCIES & UTILITY COMPANIES

ZONING
CITY OF LIVONIA PLANNING COMISSION
33000 CIVIC CENTER DRIVE
LIVONIA, MI 48154
734-466-2290

STREETS
CITY OF LIVONIA
DEPARTMENT OF PUBLIC WORKS
12973 FARMINGTON ROAD
LIVONIA, MI 48150
734-466-2655

SANITARY & WATER
CITY OF LIVONIA
DEPARTMENT OF PUBLIC WORKS
12973 FARMINGTON ROAD
LIVONIA, MI 48150
734-466-2655

GAS & ELECTRIC
CONSUMER ENERGY

TELEPHONE
AT&T

DEVELOPER:
SPEEDWAY LLC
500 SPEEDWAY DR.
ENON, OHIO 45323
1-800-643-1948

SURVEYOR:
CESO INC.
13060 OLD US 27, SUITE D
DEWITT, MI 48820
517-6223000

REVISIONS

NO.	DATE	DESCRIPTION

ALTA/NSPS LAND TITLE SURVEY

SPEEDWAY LLC
STORE #8801

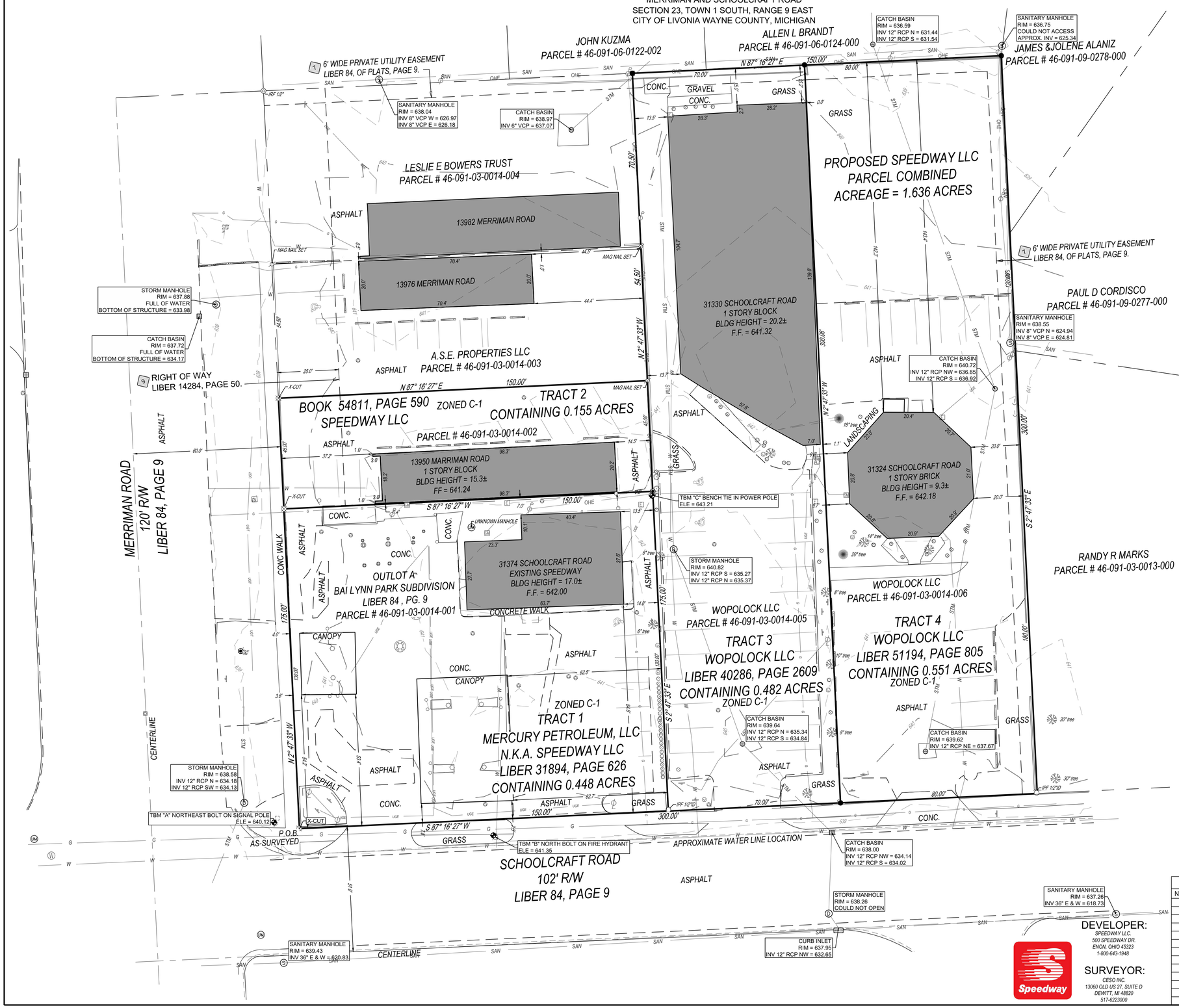
MERRIMAN & SCHOOLCRAFT ROAD
LIVONIA, MICHIGAN
SEC 23, TWN 1S, RNG 9E
WANYE COUNTY, MICHIGAN

SCALE: N/A
DATE: 5/20/2019
DESIGN: N/A
DRAWN: DAS
CHECKED: JKH
CESO
WWW.CESOINC.COM
JOB NO.: 755768
SHEET NO.: 1 OF 2

W:\PROJECTS\SPEEDWAY_CIVIL\755768-LIVONIA, MI_#8801\04-SURVEY\DWG\755768 ALTA ADDITIONAL 5-1-2019.DWG - 5/20/2019 10:15 AM

ALTA/NSPS LAND TITLE SURVEY

MERRIMAN AND SCHOOLCRAFT ROAD
SECTION 23, TOWN 1 SOUTH, RANGE 9 EAST
CITY OF LIVONIA WAYNE COUNTY, MICHIGAN



LEGEND:

SITE BENCHMARK	X-CUT SET
5/8" x 30" IRON REBAR WITH CESO CAP SET	MAG NAIL SET
IRON PIN FOUND	FIRE HYDRANT
IRON PIPE FOUND	UTILITY POLE
REFERENCE POINT NO MONUMENT SET OR FOUND	SANITARY MANHOLE
SIGN	DRAINAGE MANHOLE
TRAFFIC BOX	CURB INLET
POST	TELEPHONE MANHOLE
GUY WIRE ANCHOR	WATER VALVE
SIGNAL POLE	LIGHT POLE
ELECTRIC BOX	ELECTRIC TRANSFORMER
SPRINKLER VALVE	GAS METER
AIR PUMP	CATCH BASIN
CABLE RISER	MAIL BOX
TELEPHONE BOX	GAS PUMP
CLEANOUT	BOLLARD POST
(R) RECORD MEASUREMENT	ELECTRIC METER

	BOUNDARY LINE
	ADJOINER LINE
	SECTION LINE
	EASEMENT LINE
SAN	SANITARY LINE
STM	STORM LINE
OHL	OVERHEAD LINE
UGT	UNDERGROUND TELEPHONE
W	WATER LINE
UGE	UNDERGROUND ELECTRIC
G	UNDERGROUND GAS LINE

GRAPHIC SCALE

20 0 10 20 40

SCALE: 1" =20'

REVISIONS

NO.	DATE	DESCRIPTION

DEVELOPER:
SPEEDWAY LLC.
500 SPEEDWAY DR.
ENON, OHIO 45323
1-800-643-1948

SURVEYOR:
CESO INC.
13060 OLD US 27, SUITE D
DEWITT, MI 48820
517-6223000

ALTA/NSPS LAND TITLE SURVEY

SPEEDWAY LLC
STORE #8801

MERRIMAN & SCHOOLCRAFT ROAD
LIVONIA, MICHIGAN

SEC 23, TWN 1S, RNG 9E
WANYE COUNTY, MICHIGAN

SCALE: 1=20"

DATE: 5/20/2019

DESIGN: N/A

DRAWN: DAS

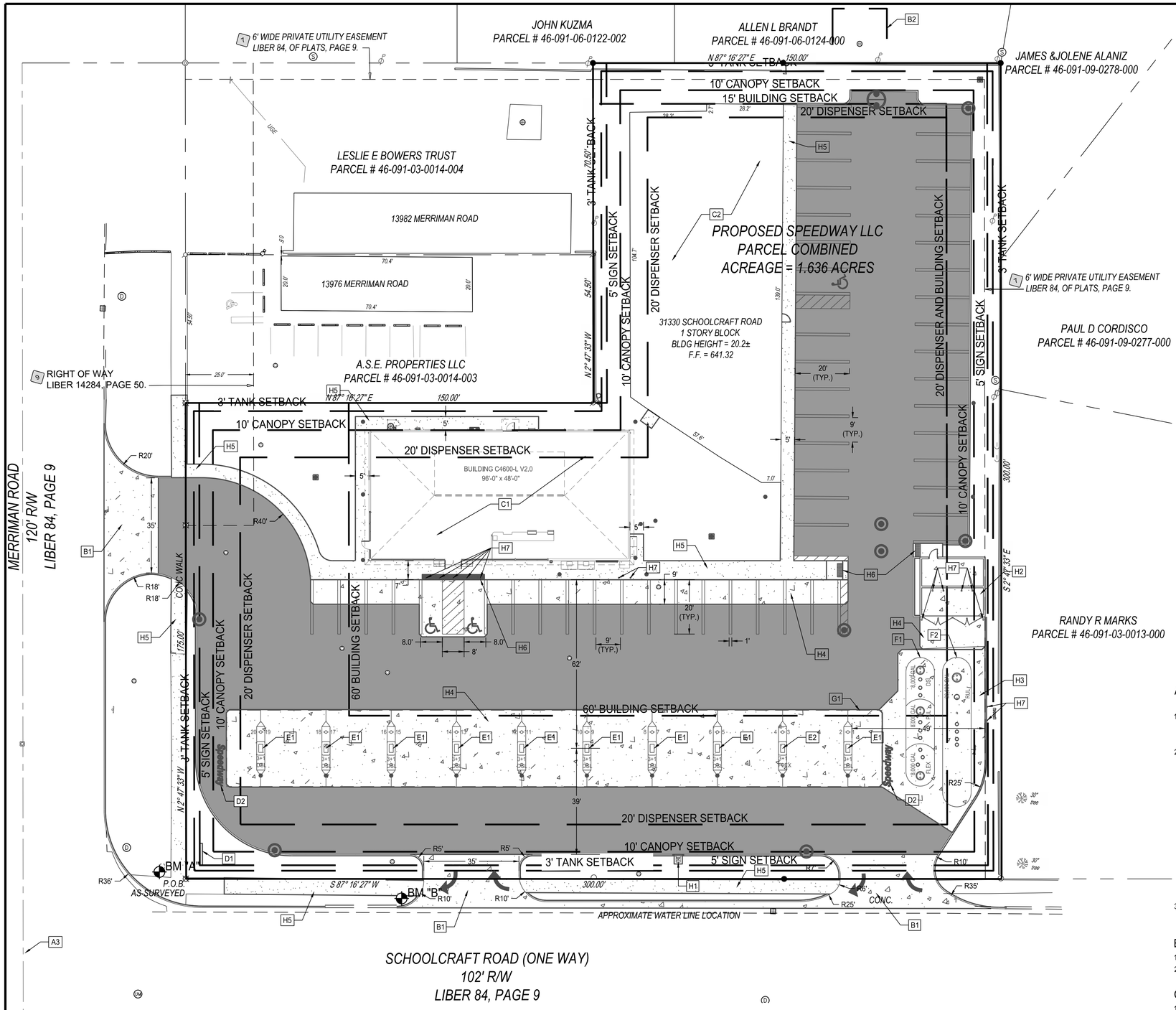
CHECKED: JKH

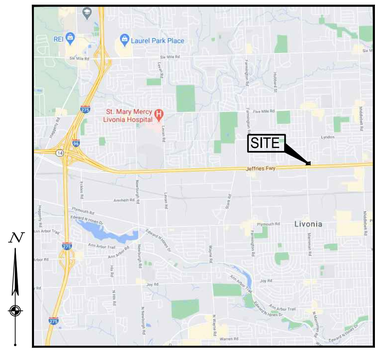
CESO
WWW.CESOINC.COM

JOB NO.: 755768

SHEET NO.: 2 OF 2

W:\PROJECTS\SPEEDWAY_CIVIL\755768-LIVONIA, MI_#8801\04-SURVEY\DWG\755768 ALTA ADDITIONAL 5-1-2019.DWG - 5/20/2019 10:12 AM





LOCATION MAP

PROPERTY DATA:

PARCEL ID:	46-091-03-0014-001 46-091-03-0014-002 46-091-03-0014-005 46-091-03-0014-006
ADDRESS:	31374 SCHOOLCRAFT ROAD, LIVONIA, MI 48150
PROPERTY AREA:	1.64± ACRES (71,438± S.F.)
ZONING:	C-1 LOCAL BUSINESS
PROPOSED USE:	SERVICE STATION / CONVENIENCE STORE

BUILDING SETBACKS:	REQUIRED:	PROPOSED:
FRONT BUILDING :	60'	117'
REAR BUILDING:	0'	10'
SIDE BUILDING:	20'	67'

BUILDING AREA: 0.27± AC. (16.5%)

IMPERVIOUS AREAS: 1.04± AC. (63.4% OF PROPERTY)

OPEN SPACE AREA: 0.33± AC. (20.1% OF PROPERTY)

FLOODPLAIN DESIGNATION: PARCEL IS LOCATED WITHIN "ZONE X" AS INDICATED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 26163C0063E, EFFECTIVE DATE: FEBRUARY 2, 2012; PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

A. GENERAL NOTES

1. GENERAL SCOPE OF WORK INCLUDES: BUILDING, CANOPY, FUEL TANKS, PIPING AND DISPENSERS AND PARKING.
2. REQUIRED PARKING:
   (1) SPACE PER 150 SF OF FLOOR SPACE IN THE RETAIL AREA PLUS
   (1) SPACE PER EMPLOYEE (2,340 SF / 150 SF = 16 + 5 EMPLOYEES)
   + (1) SPACE PER EACH TWO INTERIOR SEATING SPACES (12 / 2 = 6)
   + (1) SPACE PER 200 SF OF FLOOR SPACE IN THE OFFICE BUILDING
   (6,951 SF / 200 SF = 34)
   (62) PARKING SPACES

   PROVIDED PARKING: (PARKING DIMENSIONS: 9'W X 20'L)
   (3) ADA PARKING SPACES
   (52) STANDARD PARKING SPACES
   (55) TOTAL PARKING SPACES
3. THE ADJACENT INTERSECTION OF SCHOOLCRAFT ROAD AND MERRIMAN ROAD IS SIGNALIZED.

B. SITE WORK

1. PROPOSED CONCRETE DRIVE APPROACH.
2. PROPOSED 20' UTILITY EASEMENT.

C. BUILDING

1. STANDARD #4600-L V2.0 BUILDING (96'-0" X 48'-0") WITH SIDE DOOR OPTION
2. EXISTING BUILDING TO BE USED AS SPEEDWAY REGIONAL OFFICE

D. EXTERIOR APPEARANCE & SIGNAGE

1. (1) NEW 32 SQ.FT. GROUND MOUNT SIGN
2. CANOPY SIGNAGE: LED ILLUMINATED CHANNEL LETTERS

E. DISPENSERS

1. (9) 3+1 DIESEL DISPENSERS, SUMPS, AND ISLANDS
2. (1) 3+1 FLEX DISPENSER, SUMP, AND ISLAND

F. UNDERGROUND STORAGE TANKS

1. (1) 24,000 GALLON TANK FOR DIESEL, PREMIUM & ETHANOL FLEX
2. (1) 30,000 GALLON TANK FOR UNLEADED

G. CANOPY

1. 28' X 241' CAR ISLAND CANOPY PER CURRENT STANDARDS.

H. YARD

1. AIR ISLAND
2. TRASH ENCLOSURE
3. CONCRETE TANK SLAB
4. CONCRETE PAVEMENT
5. CONCRETE SIDEWALK
6. ADA ACCESSIBLE RAMP WITH DETECTABLE WARNING SURFACE
7. BOLLARDS

NOTES:

- SIGNAGE VARIANCE REQUIRED FOR WALL AND CANOPY SIGNAGE OVER 100 SQ. FT.

- PARKING VARIANCE REQUIRED FOR NUMBER OF REQUIRED SPACES TO BE REDUCED TO 55.

NOTE: AS AN AID TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/ OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES/STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

OWNER/DEVELOPER:
SPEEDWAY, LLC
500 SPEEDWAY DRIVE
ENON, OHIO. 45323
PHONE: (937) 864 3000

ENGINEER:
CESO INC.
13060 US HIGHWAY 27
SUITE D
DEWITT, MICHIGAN 48820
PHONE: (517) 622-3000

EXISTING LEGEND

CURBING TO REMAIN

PROPOSED LEGEND

PROPOSED CURB

NORMAL STRENGTH CONCRETE PER SPEEDWAY STANDARDS

CONCRETE SIDEWALK PER SPEEDWAY STANDARDS

NORMAL STRENGTH ASPHALT PAVEMENT PER SPEEDWAY STANDARDS

CONTRACTOR SHALL REVIEW THE COMPLETE DRAWING SET AND NOTIFY THE DESIGN PROFESSIONAL IN WRITING PRIOR TO CONSTRUCTION, IF ANY DISCREPANCIES ARE FOUND WITHIN THE DRAWINGS OR WITH ACTUAL FIELD CONDITIONS.

CESO
WWW.CESOINC.COM
PROJECT NO.755768

NOT FOR CONSTRUCTION

Speedway®
Prepared by:
Speedway
Engineering and Construction Dept.
Enon, OH 45323

REVISIONS			DRAWN BY	CHECKED BY	DATE
0	INITIAL CE PLAN SUBMITTAL		JMS		09/20/19
1	REVISED CE PLAN SUBMITTAL		JMS	RAP	01/10/20
2	FE PLAN SUBMITTAL		JMS	RAP	05/06/2021

This drawing is the property of Speedway and is not to be used or reproduced without expressed written consent of Speedway.

ZONING PLAN
REBUILD #8801
31374 SCHOOLCRAFT ROAD
WAYNE COUNTY
LIVONIA, MI

BLDG TYPE & VERSION: C4600-V2.0
PROJECT ID NO.: 114923
SCALE: 0 10 20 GRAPHIC SCALE IN FEET

DESIGN TEAM		DATE
DGNR.	PCW	06/19/20
P.MGR.	T. HACKATHORNE	06/19/20
RVWR.	RAP	06/19/20

DRWG. NO. Z1

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Image capture: Aug 2019 © 2021 Google

Image capture: Aug 2019 © 2021 Google

Image capture: Nov 2020 © 2021 Google

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

June 11, 2021

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2021-06-01-04 – Speedway

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition. The properties associated with the project are assigned the addresses of **#31324, #31330 and #31374 Schoolcraft Road, as well as #13950 Merriman Road**. The legal description for the parcel submitted with the drawings appears to be correct, and should be used for future submittals.

We have no objections to the proposed rezoning at this time, although the following items should be addressed prior to submitting plans for site plan approvals:

- The submitted drawings do not indicate any information for utility service leads or proposed water and sewer demands for the proposed development. Without this information, we cannot determine impacts to the existing systems. It should be noted that the developer has been in contact with this office and they are aware of the Engineering requirements for the proposed project.

- Storm sewer, including storm water detention will be required per the Wayne County Storm Water Ordinance. We will perform a full review of the utilities once full engineering drawings are submitted to this Department for permitting.

Please note that any work within the Merriman Road right-of-way, including excavations for service connections will require permits through the Wayne County Department of Public Services.

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: 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

June 10, 2021

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2021-06-01-04 - Speedway – 13950 Merriman and 31324, 31330 and 31374 Schoolcraft

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

June 11, 2021

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

Re: Petition 2021-06-01-04 13950 Merriman
31324, 31330 and 31374 Schoolcraft Road
Speedway

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

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

June 14, 2021

Scott Miller
Planning Department

SUBJECT: **Petition 2021-06-01-04 Speedway**

The Department of Assessment has reviewed the proposal submitted by Speedway to rezone the properties at 13950 Merriman- parcel 091-03-0014-002; and 31374 Schoolcraft parcel 091-03-0014-001; and 31330 Schoolcraft- parcel 091-03-0014-005; and 31324 Schoolcraft- parcel 091-03-0014-006.
Based on the rezoning plans a request to combine the 4 parcels should be submitted to the Department of Assessment. The Lot Split/Combination 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

OTHER ITEMS RELATED TO THE PETITION

UNAPPROVED MINUTES

MINUTES OF THE 1,172nd PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, July 13, 2021, the City Planning Commission of the City of Livonia held its 1,172nd Public Hearings 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	Peter Ventura	Ian Wilshaw

Members absent: Smiley

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 2021-06-01-04 Speedway L.L.C.

Mr. Caramagno, Secretary, announced the first item on the agenda, Petition 2021-06-01-04 submitted by Speedway L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General Business.

Mr. Taormina: This petition seeks to rezone four properties located at the northeast corner of Schoolcraft and Merriman Roads. The purpose of the rezoning is to allow for the redevelopment and expansion of the existing Speedway Gas Station. The change would be from C-1 (Local Business) to C-2 (General Business). The rezoning is necessary because gas stations are treated as a waiver-use in a C-2 zoning district and are not allowed in a C-1 district. The existing facility operates as a valid non-conforming use. Four parcels make up the site. They are all owned by Speedway. The corner property is the location of the existing Speedway Gas Station. This is identified on the survey as Track 1. This property measures approximately 150 feet in width along Schoolcraft by 130 feet on Merriman. The other three parcels include the one immediately north of the gas station which contains the former Bai-Lynn Party Store. This is identified as Track 2. It measures 45 feet by 150 feet. Next is the parcel immediately to the east of the gas station which contains a one-story office building. It measures 70 feet by 300 feet and is identified as Track 3. Finally, the last parcel to the east, which also contains a one-story office building, measures 90 feet by 300 feet and is identified as Track 4. To familiarize everyone with this survey, this is the existing gas station building and the structure immediately to the north is the former Bai-Lynn Party Store. This next parcel to the east is the office owned by Speedway, followed by the other office owned by Speedway. The surrounding properties to the west across Merriman and partially to the north are commercial and bordering the site to the east and north are single-family homes with frontage on both Schoolcraft Road and Kendall Street. The proposed redevelopment project involves demolishing and removing the current gas station building, as well as the former Bai-Lynn Party Store and the office building that is at 31324 Schoolcraft, which is Track 4, and constructing a new gas station. The existing office building at 31330 Schoolcraft that is immediately to the east of the site, would remain and be utilized by Speedway for office purposes. The preliminary site plan shows a new 4,600 square foot gas station building positioned in the approximate location of the former party store. The new building would be setback approximately 117 feet from Schoolcraft and 62 feet from Merriman. Extending along a majority of the site's frontage on Schoolcraft, the plan shows ten fuel pumps configured in a single row with one large overhead canopy that would measure 28 feet by 241 feet. Each pump would be equipped to accommodate two vehicles, one on either side, with a total capacity of 20 vehicles. Required parking is

computed on the size of the gas station at a ratio of 1 space for each 150 square feet of usable floor area, as well as the size of the general office building at a ratio of 1:200 square feet. For the gas station, 25 parking spaces are needed and for the office building, 28 spaces. That brings the total to 53. The current plans show 51, which results in a slight deficiency. Site access would be from the three existing driveways which includes the two on Schoolcraft and one on Merriman. The Future Land Use Map shows the property at Corridor Commerical, which is suitable for the proposed rezoning and use. 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 June 11, 2021, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above referenced petition. The properties associated with the project are assigned the addresses of #31324, #31330 and #31374 Schoolcraft Road, as well as #13950 Merriman Road. The legal description for the parcel submitted with the drawings appears to be correct, and should be used for future submittals. We have no objections to the proposed rezoning at this time, although the following items should be addressed prior to submitting plans for site plan approvals: The submitted drawings do not indicate any information for utility service leads or proposed water and sewer demands for the proposed development. Without this information, we cannot determine impacts to the existing systems. It should be noted that the developer has been in contact with this office and they are aware of the Engineering requirements for the proposed project. Storm sewer, including storm water detention will be required per the Wayne County Storm Water Ordinance. We will perform a full review of the utilities once full engineering drawings are submitted to this Department for permitting. Please note that any work within the Merriman Road right-of-way, including excavations for service connections will require permits through the Wayne County Department of Public Services."* The letter is signed by David W. Lear, P.E., Assistant City Engineer. The next letter is from the Finance Department, dated June 10, 2021, 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 June 11, 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. The last letter is from the Department of Assessment, dated June 11, 2021, which reads as follows: *" The Department of Assessment has reviewed the proposal submitted by Speedway to rezone the properties at 13950 Merriman- parcel 091-03-0014-002; and 31374 Schoolcraft parcel 091-03-0014-001; and 31330 Schoolcraft- parcel 091-03-0014-005; and 31324 Schoolcraft- parcel 091-03-0014-006. Based on the rezoning plans a request to combine the 4 parcels should be submitted to the Department of Assessment. The Lot Split/Combination procedures can be found on our Website @ Livonia.gov".* The letter is signed by Kathie Siterlet, City Assessor. That is the extent of the correspondence.

Mr. Wilshaw: Are there any questions of the Planning Director?

Mr. Bongero: Did we ever figure out exactly how Tony Baloney's parking is going to be affected?

Mr. Taormina: We are in discussion with the petitioner regarding the circumstance there. It has not been fully analyzed, nor have we reached out to the adjacent property owner other than the public hearing notice. That is something that we plan to do should this move forward to a site plan review.

Mr. Bongero: Okay, thank you.

Mr. Wilshaw: Thank you, Mr. Bongero. Any other questions for our Planning Director?

Mr. Ventura: I note that the eastern most parcel is going to strictly serve as a parking lot for the office building that will remain. Is there another zoning category that we could change that to or leave it zoned the way it is instead of changing the zoning? Since it is only going to serve for parking

Mr. Taormina: To answer your question on whether the current zoning could remain, yes it could, as long as at least one of the pumps is eliminated. If you look at the plan, the last pump extends east enough that it falls on the property. Allowing a pump at that location would require C-2 zoning. Elimination of at least this one pump, you could keep this eastern most parcel zoned C-1

or consider an alternate parking designation, such as parking. That is a separate category.

Mr. Ventura: So, in line with the comments that were made at our study session, if we reduce the number of pumps and I understand that we wouldn't do that tonight because this is strictly zoning, but we could in effect reduce the number of pumps by simply keeping the zoning on that parcel?

Mr. Taormina: That is correct. If the decision is made to just change the zoning on the three parcels and not on that east parcel, that would restrict their abilities.

Mr. Ventura: Thank you.

Mr. Wilshaw: Thank you, Mr. Ventura. Any other questions for our Planning Director? If not, Mr. Taormina, did you receive any communication at all from the Police Department, Traffic Division?

Mr. Taormina: No.

Mr. Wilshaw: I wasn't sure if we received anything given that there was some concern.

Mr. Taormina: On the site plan there will be.

Mr. Wilshaw: Okay, good. That is a good Segway to remind everyone that as we embark into this petition that we are looking at a rezoning request. A lot of times these petitions come to us in two parts. First is a rezoning request to change the zoning to some particular use and then what we will do in this meeting tonight is focus on the discussion around the zoning. There will be some discussion about the site plan that we have seen before us. It is conceptual at this point. We are not going to dive into the details of that site plan. That would come to us in a second process where we would do the site plan approval. Just so you understand how that works. It is a two-part process. Zoning is first and then site plan. With that, out petitioner is here. We will need your name and address for the record please.

Mandy Gauss, 13060 South US Hwy. 27, DeWitt, Michigan, 48820. Thank you for having us here tonight. To kind of point out…I know you kind of already went over it pretty well so I won't rehash everything that has already been said. In comments of not rezoning that last parcel, I would be concerned with the

underground storage tanks being on that parcel. Also, with the discussions from last time, I went back to Speedway and discussed the options of dropping a dispenser. With that we would also like to get some green space on the left side so it would shift…it would be 24 feet, so it would be shifiting 12 feet and getting some green space and opening that drive more. It would then benefit both. I don't know if that shift would work, if that makes sense. If that whole parcel was not rezoned. That way it would allow more landscaping along Merriman in order to have some additional trees and shrubs along that right-of-way as well.

Mr. Wilshaw: I am sure we will have some more discussion about that as we proceed. Is there anything else you would like to tell us about your petition before we get into questions?

Mr. Gauss: No. I think it was well explained. If you guys have any questions, I would be happy to answer them.

Mr. Wilshaw: Thank you, Ms. Gauss. Do we have any questions from any of our commissioners for our petitioner?

Ms. McCue: Thank you. You were probably very clear, and I just didn't get this, but explain a little bit more about what you are talking about. Are you saying you would go from 10 to 9 pumps?

Ms. Gauss: Yeah. We were looking at was going from 10 to 9 and that would give us 24 additional feet because that is what is between the dispensers. With that shift we would look at doing half of it on each side so then we would have that additional 12 feet in the green scape on the left and then it would open that driveway on the right a little more to kind of balance it more.

Ms. McCue: Okay, thank you.

Mr. Wilshaw: Thank you, Ms. McCue. Mr. Long?

Mr. Long: So, without digging to deep into the site plan, I know what you are talking about. I really don't have a problem with the zoning change. My concern is going to be with the site plan, with the driveway, with the traffic coming in from the Michigan left and turning in there and the way it is drawn up right now. If someone comes across in a hurry to beat traffic and you have a pump right there kind of straight ahead from that driveway…there is no way I will be a yes on the site plan that is like this. I understand the demand out there. I understand why

you want to go to 10. I think it fits eight better, but we will look at nine with an open mind. I guess that was long winded and I have no question, but I was just kind of making my comments for the record. Thank you.

Ms. Gauss: Thank you.

Mr. Wilshaw: That is fine, Mr. Long. Any other questions or comments from any of our commissioners?

Mr. Caramagno: This prototype, this Speedway here, is this similar to what we are looking at what is being built at Seven Mile Road and Newburgh right now?

Ms. Gauss: Yes, it is the same size building. It is very similar.

Mr. Caramagno: I think you said at the study meeting…will this have a restaurant or no restaurant?

Ms. Gauss: It will not have a restaurant. It will be a food destination location. It will be grab-n-go type hotdogs, pizza, sandwiches, that are all hot and ready in the cookers.

Mr. Caramagno: Okay, thank you.

Ms. Gauss: Yep.

Mr. Wilshaw: Thank you, Mr. Caramagno. Any other question or comments from any of the commissioners?

Mr. Ventura: Just to clarify, I am looking at the site plan that is up here. That is the one you brought to us at the study session. That has not been reduced.

Ms. Gauss: Correct. This is the…we just made it colorful, so it was easier to see what is there.

Mr. Ventura: Where would the additional landscaping go?

Ms. Gauss: If we took away one of the dispensers along the front, it would add additional landscaping on the actual other side…the left side along the right-of-way. It would then open up the driveway some on the right side by basically shifting that halfway…12 feet each way, I guess. Basically taking 12 feet off each end if you think of it that way.

Mr. Ventura: So, you cut it down by one dispenser but then slide the dispensers east?

Ms. Gauss: Yes. So, we would slide it…depends on east or west. It is basically taking a dispenser off one of the ends then recentering it where it is right now. I didn't want to beat this to death, but I just wanted to understand where the additional landscaping could be. Thank you.

Mr. Wilshaw: Thank you, Mr. Ventura. Any other questions from any of our commissioners? If not, we are going to check to see if there is anyone in the audience that wishes to speak for or against this item? Feel free to come forward. We will just ask that we have your name and address for our minutes.

Ethar Alkarawi, ASE Properties, we currently own Tony Baloney's. We are objecting to the rezoning of the 13950 Merriman Road due to the fact that the parcel 13950, formerly known as Bai-Lynn, and parcel 13976 Merriman, which is Tony Baloney's, are combined parcels for parking and drive. There is a 99-year easement for the egress and ingress going to the public roadway. There couldn't be any structures that would or fences that would hinder that access to the public roadway. I submitted a survey plan to the commission pre-COVID. It was during the first rumblings when Speedway was in the process of buying properties, the clinic and whatnot. I also have one with me today if anyone wants to take a look at it. Our main thing is the fact that there is no possible way for the customers of Tony Baloney's to enter or leave without using the Bai-Lynn in order to reverse and also go forth. If there is any kind of encroachment, whether it is the location of the structure, the fencing, whether demolishing, any kind of land use in that area that is contrary to that right-of-way it is in violation of that easement. That is also recorded in the Wayne County records, the survey plan, the land titles…the land surveyor has the meets and bounds, so I am surprised that no one has approached us in regard to that once they did buy the property. They had these site plans constructed and there was no meeting of the minds where we would actually have a discussion on how that would go going forward.

Mr. Wilshaw: Very good. Thank you, ma'am. If you would like to hand a copy to our planning staff, they will make sure that it is included in our record as it moves forward. Mr. Taormina?

Mr. Taormina: If I could just ask a question. Could we please get your contact information, and are you available to maybe come back to City Hall so that we could make a copy of that document?

Ms. Alkarawi: Sure.

Mr. Wilshaw: Thank you, Mr. Taormina. Anybody have any questions?

Mr. Caramagno: Is this part of the discussion you said you were having and engaging with the neighboring property or is this something new to us?

Mr. Taormina: Since this petition was filed, there has been no direct contact between the city and the owner of the property. The petitioner's ALTA survey does not indicate any type of encumbrance or easement on the properties that were mentioned. That is something that Speedway is going to have to resolve. If it was recorded as indicated, it should be discovered as part of the title search and reflected on the survey. I don't know if it has to necessarily have to slow down this rezoning process. The rezoning…it is the site plan that is the critical issue.

Mr. Wilshaw: Right, placement of buildings.

Mr. Taormina: It is the placement of buildings and everything else and whether or not any easements that are recorded that are going to be respected as is or altered. That is something that would be considered part of the waiver-use and site plan review process.

Mr. Caramagno: Is that more an easement for utilities or cross parking type deal?

Mr. Taormina: Here is the situation. It is rather convoluted going back through the history files. I have had some contact in the past with the owner of this property, but years ago the Bai-Lynn party store was owned in common with the property that is now Tony Baloney's. It was originally a florist, I believe. The properties were separate and then they were combined under single ownership. At some point following that, they were once again separated in ownership. It has this long history of both separate and common ownership. When they were commonly owned, the parking functioned as a single lot. There was cross-access between both properties, as well as cross parking. Those agreements were never really something that we could locate in our files. They were alluded to, but there was nothing that we could find that was recorded. The driveway runs right through the property line with parking on either side. It is going to be

necessary to maintain some amount of driveway on the Speedway property, on the former Bai-Lynn property in order for the parking to function properly on Tony Baloney's. This is what needs to get resolved between the parties most certainly.

Mr. Caramagno: Thank you.

Ms. Alkarawi: I am sorry to interrupt. You are correct. What happened was the florist shop as well as Bai-Lynn was sold to…it was actually my parents, and they had both properties. They leased out the florist shop and it turned into Tony Baloney's for the restaurant. Unfortunately, my parents became deceased, and we had to sell the business. We ended up selling to another person and unbeknownst to us, Tony was the one the approached us and let us know that they sold Bai-Lynn and it was to Speedway. That is kind of how this ball started getting rolling. Throughout those years I want to say 30+, 40+ years, you guys know that it is a standing staple. It was used the same way throughout. I remember the clinic actually wanted to build a fence to kind of expand the area and they couldn't because at the same time it was an encroachment on the easement, so it was objected to and they never ended up having that happen. So, it has just been…what I have is a warranty deed, the meets and bounds, the survey, as well as yourself that from the date because this was before digital, before anything, so it is on paper. That is what I have too.

Mr. Wilshaw: Very good. Mr. Bongero?

Mr. Bongero: Just a question. Who maintains the parking lot and who owns it?

Ms. Alkarawi: So, Tony has been doing a good job a maintaining it since it is a vacant building, but at the time when Bai-Lynn was previously owned it was Bai-Lynn on their side and Tony on their side. Tony has been doing both.

Mr. Wilshaw: Mr. Taormina?

Mr. Taormina: There was recent paving done on the Tony Baloney's property. Is the southerly edge of that paving right at the property line? Do you know?

Ms. Alkarawi: I am not sure of that. I would have to double check that.

Mr. Taormina: The reason I ask that, Mr. Chairman, is that for anyone that wants to visually see where that property line is, I believe it is along the mew pavement line. You can see the new pavement on the Tony Baloney's property as opposed to the older pavement on the former Bai-Lynn property. It gives you a good idea of the circumstance.

Mr. Wilshaw: Good. Any other questions for this resident that is here? Mr. Long?

Mr. Long: Actually, it is for Mark. If we went forward and changed the zoning today and then they were unable to come to any kind of agreement or resolve all of this, we aren't doing any harm to the existing gas station?

Mr. Taormina: I don't believe so. First this has to go before Council. Council does not officially change the zoning until the site plan has been reviewed by the Planning Commission and then it finds its way back to Council. Again, we can move forward with not committing anything at this point.

Mr. Long: Thank you.

Mr. Wilshaw: The point that was just made is important because as Mr. Taormina just stated, we are a recommending body. We are going to either recommend an approval or denial of this zoning and we would be recommending it to City Council. It will go to City Council and they will have a first reading and a second reading. What they will usual do then is that they will hold the item for a vote and they will wait on the vote until the site plan makes it through our process and then gets to them as well. So, they kind of bring those two items together at the same meeting for a vote. Any action we do take tonight is not a final action. There are still many steps that it will still go through. That is just so you are aware and anyone else who is interested in this item.

Ms. Alkarawi: I appreciate that. I just wanted a face to what has been going on. It has been rumors and everything, so…

Mr. Wilshaw: We really appreciate you coming and shedding the light that you have on the information that you know. It is very helpful.

Ms. Alkarawi: Thank you very much.

Mr. Wilshaw: Is there anyone else in the audience wishing to speak to this item, either for or against? If not, we are going to go back to the petitioner and see if there is any other final comments that she would like to make.

Ms. Gauss: We were not aware of the easement when we ran the ALTA and title work. It did not show up in our documents. I mean…we have known about this, and we are more than willing to see and work with and try to figure out an option. We know it is a problem. We are willing and want to work with them.

Mr. Wilshaw: Good, thank you, Ms. Gauss. If there are no other questions or comments from anyone in the audience, I am going to go back to the commission and see if there is anyone wishing to speak on this item before we make our decision. If not, I am going to close the public hearing…

Mr. Ventura: One more question for Mr. Taormina. So, if we don't change the zoning on the eastern most parcel, which abuts residential to the east and north, does that preclude the underground tanks on the property?

Mr. Taormina: It could. I would consider that a necessary part to the operation waiver and so it really should occur on that C-2 zoned property, not C-1.

Mr. Ventura: Thank you.

Mr. Wilshaw: Great question, Mr. Ventura. Any other questions or comments? If not, I think we can say that the public hearing has been closed and a motion would be in order.

On a motion by Bongero, seconded by McCue, and unanimously adopted, it was

#07-32-2021 ***RESOLVED***, That pursuant to a Public Hearing having been held by the City Planning Commission on July 13, 2021, on Petition 2021-06-01-04 submitted by Speedway L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest ¼ of Section 23, from C-1, Local Business to C-2, General Business, the Planning Commission does hereby recommend to the City Council that Petition 2021-06-01-04 be approved for the following reasons:

1. That a change of zoning to C-2, General Business is compatible to and in harmony with the surrounding land uses and zoning districts in the area.

2. That the proposed change of zoning and projected redevelopment represents a reasonable and logical transformation of the subject properties which adheres to the principles of sound land use planning.

3. That the proposed change of zoning would cause the zoning of the property to correspond to the use of the property more accurately.

4. That the proposed change of zoning is supported by The Livonia Vision 21 (LV21) Future Land Use map which shows the subject area of the rezoning as *Corridor Commercial*, and

5. That the proposed zoning and projected use is consistent with 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 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.

WARRANTY DEED - Statutory Form
M C L 565.151

KNOW ALL PERSONS BY THESE PRESENTS: That Olga Panagos and Christine Panagos a/k/a Christine Panagos-Gryebet, as joint tenants with full rights of survivorship and not as tenants in common, whose address is 61 S Moross, Grosse Pointe Farms, MI 48236, Convey and Warrant to Sami Al-Karawi and Jalila Al-Karawi, his wife, whose address is 13950 Merriman Road, Livonia, MI 48154, the following described premises situated in the City of Livonia, County of Wayne and State of Michigan, to-wit:

Parcel 1: South 53 feet of the North 125 feet of West ½ of Outlot A, BAI-LYNN PARK SUBDIVISION, according to the plat thereof recorded in Liber 84, Page 9 of plats, Wayne County Records

Parcel 2: South 1 5 feet of the North 72 feet of West ½ of Outlot A, BAI-LYNN PARK SUBDIVISION, according to the plat thereof recorded in Liber 84, Page 9 of plats, Wayne County Records

This deed is given pursuant to a land contract between the Grantors and Grantees dated April 11, 1992

Exempt pursuant to MCL 207.526(r)

Commonly known as: 13976 Merriman Road

for the full consideration of One Hundred Thirty Five Thousand and 00/100 ($135,000.00) Dollars,

subject to easements and restrictions of record

Tax I.D Number: 091-03-0014-003 as to Parcel 1 and 091-03-0014-004 as to Parcel 2

Dated this 24th day of May, 1997

Witnesses

Bill C. Panagos
BILL C. PANAGOS

ALAN C. APPLEBAUM

Olga Panagos
Olga Panagos

Christine Panagos
Christine Panagos a/k/a Christine Panagos-Gryebet

STATE OF MICHIGAN

COUNTY OF MACOMB

The foregoing instrument was acknowledged before me this 24th day of 1997 by Olga Panagos and Christine Panagos a/k/a Christine Panagos-Gryebet.

My commission expires:

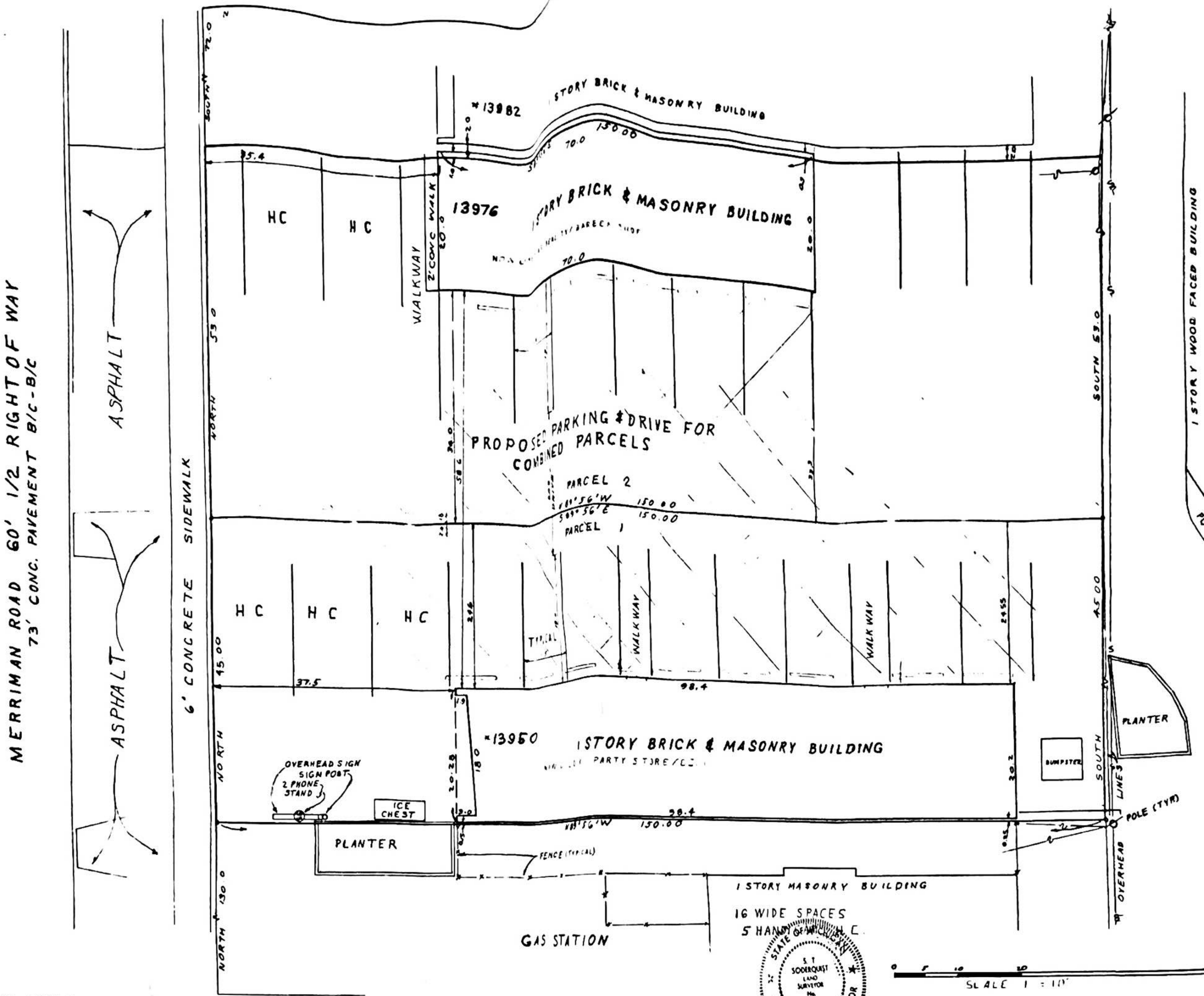
8/17/2000 19___

Instrument

Drafted by Alan C. Applebaum
After recording return to Drafter

Lori A. Noel
LORI A. NOEL

Notary Public MACOMB, County, Michigan
Business
Address 29355 N.W., #130, Southfield, MI 48034



S. T. Soderquist

LEGAL DESCRIPTIONS:

PARCEL 1: The North 45 feet of the South 175 feet of the West 150 feet of Outlot A, BAI-LYNN PARK being a Subdivision of part of the Southwest 1/4 of Section 23, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, as recorded in Liber 84, Page 9 of Plats, W.C.R.

PARCEL 2: The South 53 feet of the North 125 feet of the West 1/2 of Outlot A BAI-LYNN PARK being a Subdivision of part of the Southwest 1/4 of Section 23, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, as recorded in Liber 84, Page 9, of Plats, Wayne County Records.

LICENSED STS LAND SURVEYORS

S.T. SODERQUIST
LICENSED LAND SURVEYOR
6048 JOHN DALY
TAYLOR, MICHIGAN 48180
PHONE (313) 291-0812

JOB 91057
DATE AUG 16, 1991
DRAFTED STS 8-20-91
CHECKED STS 8-31-91
REVISED STS 9-20-1991

MARSHALL WALLACE WALLACE & WAL
1320 NORTH PARK PLAZA
17117 WEST NINE MILE ROAD
SOUTHFIELD, MICHIGAN 48075
TEL. (313) 557-8244 (FAX (313) 557-21

LETTER TO THE LIVONIA CITY COUNCIL

10.

Law
August 10, 2021

MEETING DATE	PREPARED BY
August 23, 2021	Lori Miller, Deputy City Clerk,

AGENDA ITEM

ROLL CALL: Department of Law, re: Petition 2020-12-06-03, to consider the adoption of a compiled and revised LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.
First Reading given by Councilmember Jim Jolly on August 9, 2021.

BACKGROUND

Among the goals of the new Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map is to make the zoning ordinance reflect the realities on the ground by reducing the number of zoning nonconformities. Another goal is consistency with the Master Plan. Indeed, the process of generating this ordinance is the coda to the Master Plan process. Longstanding Inspection Department rules are codified in this draft, and the new ordinance will promote efficiency by, among other things, easing parking requirements.

In broad terms, this ordinance provides new definitions, creates some new zoning districts while deleting others; updates the list of permitted and waiver uses for each zoning district; provides new requirements for lot sizes and setbacks; and adds new or revised approaches to signage and alternative energy systems; and introduces the concept of form-based zoning.

RECOMMENDATION

Second Reading

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. New Data for Livonia Vision 21 Zoning Ord - Recd 8-9-21
2. R072621 New Data Item 19 (recd 7-21-21)
3. LTC R072621

4. PH0071421 Petition 2020-12-06-03 DIRECTION
5. PH071421 Petition 2020-12-06-03 Livonia Vision 21 Minutes
6. PH0701421 Petition 2020-12-06-03 NEW DATA (Received 07-14-21)
7. LTC: PH071421
8. 2020-12-06-03_LV21 Zoning Ordinance_E-COUNCIL Pkt
9. LV21_ZoningMap_48X36
10. Repealing and Replacing Ordinance 543 w LV21 Zoning Ordinance

APPROVED BY

Date: August 02, 2021

Mike Fisher, Chief Assistant City Attorney

Date: August 03, 2021

Paul Bernier, City Attorney

Date: August 03, 2021

Mark Taormina, Planning and Economic Development Director

Date: August 03, 2021

Maureen Miller Brosnan, Mayor

LETTER TO THE LIVONIA CITY COUNCIL

9.

Law
July 29, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Carol Driskill, Legal Stenographer II

AGENDA ITEM

PROPOSED REPEAL AND REPLACEMENT OF ZONING ORDINANCE NO. 543, AS AMENDED: Department of Law, re: Petition 2020-12-06-03, to consider the adoption of a compiled and revised LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.

BACKGROUND

Among the goals of the new Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map is to make the zoning ordinance reflect the realities on the ground by reducing the number of zoning nonconformities. Another goal is consistency with the Master Plan. Indeed, the process of generating this ordinance is the coda to the Master Plan process. Longstanding Inspection Department rules are codified in this draft, and the new ordinance will promote efficiency by, among other things, easing parking requirements.

In broad terms, this ordinance provides new definitions, creates some new zoning districts while deleting others; updates the list of permitted and waiver uses for each zoning district; provides new requirements for lot sizes and setbacks; and adds new or revised approaches to signage and alternative energy systems; and introduces the concept of form-based zoning.

RECOMMENDATION

Assuming Council is amenable to these changes, the Departments of Law and Planning respectfully suggest that Council consider this matter for a first reading.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. R072621 New Data Item 19 (recd 7-21-21)

2. LTC R072621
3. PH071421 Petition 2020-12-06-03 Livonia Vision 21 MINUTES
4. PH0071421 Petition 2020-12-06-03 DIRECTION
5. PH0701421 Petition 2020-12-06-03 NEW DATA (Received 07-14-21)
6. LTC: PH071421
7. 2020-12-06-03_LV21 Zoning Ordinance_E-COUNCIL Pkt
8. LV21_ZoningMap_48X36
9. Repealing and Replacing Ordinance 543 w LV21 Zoning Ordinance

APPROVED BY

Date: August 02, 2021

Mike Fisher, Chief Assistant City Attorney

Date: August 03, 2021

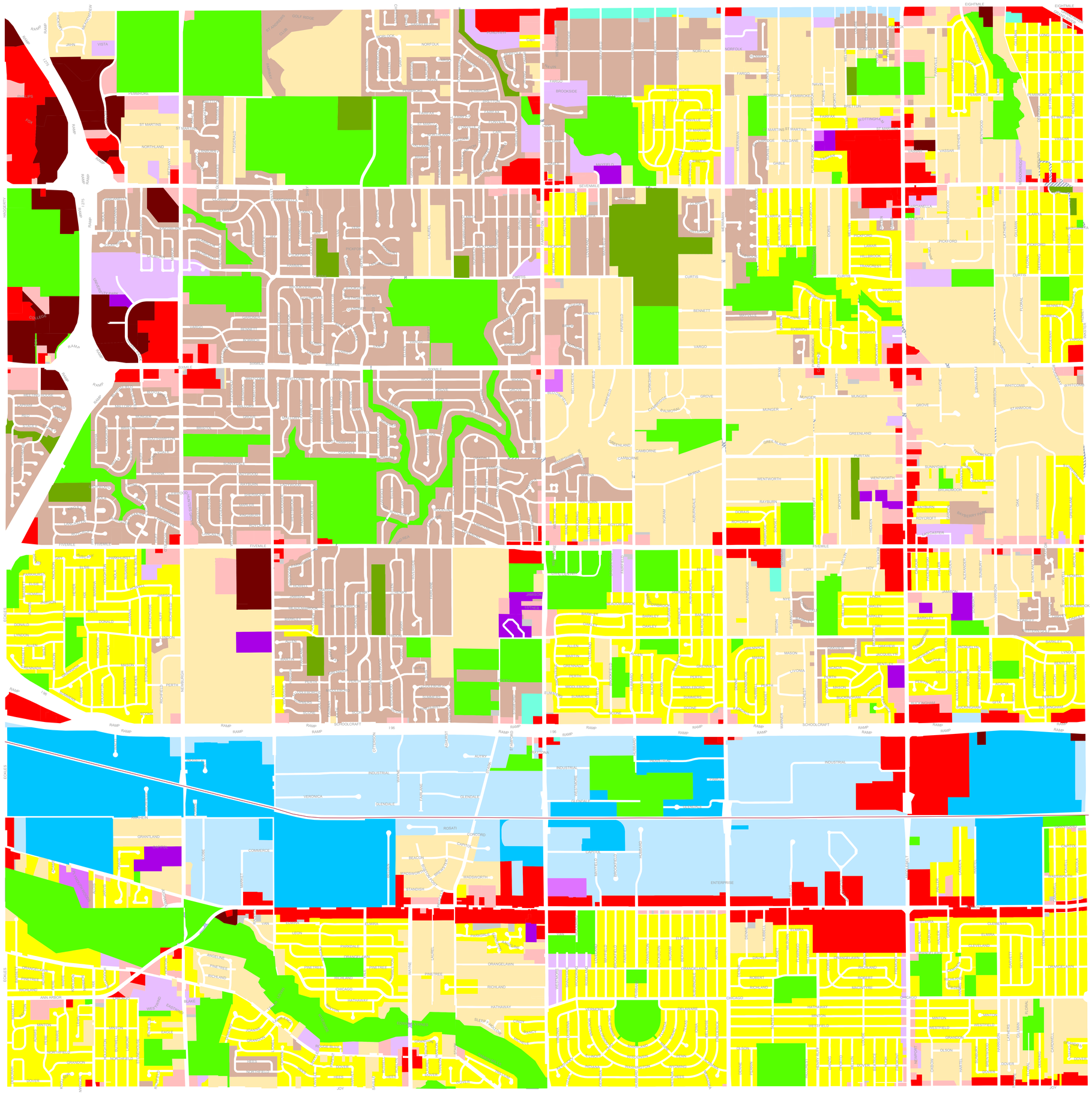
Paul Bernier, City Attorney

Date: August 03, 2021

Mark Taormina, Planning and Economic Development Director

Date: August 03, 2021

Maureen Miller Brosnan, Mayor



LIVONIA VISION 21 ZONING MAP

LEGEND

Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

CERTIFICATION

Planning Commission Approval: _____.

_____
(Chair)

_____
(Secretary)

City Council Approval: _____.

_____
(Council President)

Authenticated by:

_____
(Mayor)

_____
(City Clerk)

This is to certify that this map includes all corrections and district amendments through and including amendment number _____.

N
W E
S

0 1 2
Miles

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 543, AS AMENDED, WITH A COMPILED AND REVISED ORDINANCE HEREAFTER, KNOWN AND CITED AS "THE LIVONIA VISION 21 ZONING ORDINANCE"

THE CITY OF LIVONIA ORDAINS:

Section 1. Pursuant to the report of the City Planning Commission recommending approval of Petition 2020-12-06-03, adopted June 1, 2021, and having been considered by the Council, and the Council having conducted a public hearing on July 14, 2021, on said petition, and having concurred in the recommendation of the City Planning Commission, the Council hereby adopts said Petition 2020-12-06-03 to repeal and replace the Zoning Ordinance and Zoning Map of the City of Livonia and all proceedings heretofore conducted on said petition are hereby approved.

Section 2. The City of Livonia Zoning Ordinance, Ordinance No. 543, as amended, is hereby repealed and replaced by the Livonia Vision 21 Zoning Ordinance, Articles I - XIV, Version 6.1, dated July 30, 2021, attached and incorporated by reference in its entirety, as if fully set forth herein.

Section 3. All zoning ordinances enacted and adopted by the city council as required by law, after the date of publication, being _____, 2021, are continued and declared to be in full force and effect, and the city clerk, with the assistance and advice of the city attorney, is authorized and directed to arrange, classify and number such ordinances according to the plan and method of the Livonia Vision 21 Zoning Ordinance adopted and consistent therewith, and to supplement this Livonia Vision 21 Zoning Ordinance by reproducing and including them, and all subsequent zoning ordinances, in this code. All such additions and amendments shall be construed and deemed to be included and incorporated hereafter in and as part of this ordinance, so that any reference to the Livonia Vision 21 Zoning Ordinance shall be understood as including them.

Section 4. All zoning ordinances not included in this Livonia Vision 21 Zoning Ordinance, or incorporated by reference therein, and enacted and adopted prior to the date of publication, being _____, 2021, are repealed. Such repeal shall not abrogate or affect any pending litigation or prosecution or any vested rights, obligations or liabilities incurred or accrued prior to the effective date of this Livonia Vision 21 Zoning Ordinance.

Section 5. The repeal of any zoning ordinance, as set forth in Section 4 above, shall not affect any offense which was committed contrary to or in violation of the provisions

of any ordinance so repealed; or any penalty, forfeiture or punishment which was incurred by reason of such offense or violation.

Section 6. The repeal of any zoning ordinance, as set forth in Section 4 above, shall not be construed or interpreted to revive any zoning ordinance or part thereof that has been repealed by a subsequent ordinance repealed by this ordinance.

Section 7. The city clerk shall at all times keep a copy of the Livonia Vision 21 Zoning Ordinance on file in his/her office, and it shall be the duty of the clerk to keep such code up-to-date at all times by including in the code all additions and amendments thereto, and the same shall be available for public inspection and sale at a price determined by resolution of the city council.

Section 8. Should any portion of this Livonia Vision 21 Zoning 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 Livonia Vision 21 Zoning Ordinance.

Section 9. 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.

_____

LIVONIA VISION 21
Zoning Ordinance

City of Livonia, Michigan

PREPARED JUNE 1, 2021 BY

MCKENNA
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Kalamazoo, MI 49007
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E info@mcka.com
MCKA.COM

MCKENNA

Communities for real life.

Acknowledgments

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Maureen Miller Brosnan

City Council Members
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Scott Bahr—*Council Vice President*
Rob Gjonaj Donovic
Jim Jolly
Brandon McCullough
Laura M. Toy
Cathy K. White

Planning Commission Members
Ian Wilshaw, Chairman
Glen W. Long, Jr.—*Vice Chairman*
Sam Caramagno—*Secretary*
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Elizabeth McCue
Carol A. Smiley
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Zoning Board of Appeals Members
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Timothy J. Klisz, Secretary
Christopher N. Boloven
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Michael Testa

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Ian Wilshaw—*Chairman, Planning Commission*
James M. Baringhaus—*Zoning Board of Appeals*
Michael E. Fisher—*Chief Assistant City Attorney*
Jerome Hanna—*Director of Inspection*
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Consulting Planners: McKenna
John Jackson, AICP —*President*
Paul Lippens AICP, NCI — *Project Manager*
Mike Campbell, RA — *Urban Designer*
Carrie Leitner—*Graphic Designer*
Hunter Whitehill—*Project Planner*
Cameron Carley—*Project Assistant*

MCKENNA

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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. 54
Section 3.18 NP District Regulations. 56
Section 3.19 P District Regulations. 56

Article IV. Schedule of Regulations 57
Section 4.01 Statement of Purpose. 57
Section 4.02 Schedule of Regulations. 57
Section 4.03 Footnotes to Schedule of Regulations. 59

Article V. Supplemental Zoning District Standards 62
Section 5.01 Special Area Development Control. 62
Section 5.02 Special Waiver Use Standards for Planned Residential Developments and Planned General Developments. 63
Section 5.03 Single-Family Clustering. 67
Section 5.04 Form-Based Development Option in Commercial Districts. 70

Article VI. Standards Applicable to Specific Uses 94
Section 6.01 Adult Entertainment. 94
Section 6.02 Adult Foster Care. 94

Section 6.03 Alcohol Sales (Specially Designated Merchant [SDM] and Specially Designated Distributor [SDD]). 95
Section 6.04 Apartments. 95
Section 6.05 Automobile Sales and Rental and Mobile Home Sales. 96
Section 6.06 Automobile Repair (Up to One (1) Ton GVWR). 96
Section 6.07 Auto-Wash Establishments. 97
Section 6.08 Bed and Breakfast Establishments. 97
Section 6.09 Brewer, Micro Brewer, Brewpub, and Distilleries. 98
Section 6.10 Caregiver Grow Facilities 99
Section 6.11 Child Care, Family Home. 99
Section 6.12 Child Care, Group Home. 100
Section 6.13 Day Care Nurseries. 101
Section 6.14 Dance Halls and Ballrooms. 101
Section 6.15 Dwelling, Accessory Unit. 101
Section 6.16 Dwelling, Condominium. 101
Section 6.17 Dwelling, Mobile Homes and Modular Homes. 102
Section 6.18 Dwelling, Multi-Family and Apartments. 103
Section 6.19 Dwelling, Single-Family. 103
Section 6.20 Dwelling, Two-Family. 104
Section 6.21 Essential Services. 104
Section 6.22 Establishments Having Liquor Licenses Such as Class C, Tavern, and Club. 104
Section 6.23 Facilities for the Detention, Incarceration, Commitment, and/or Rehabilitation of Adults or Minor Children and Psychiatric Hospitals. 105
Section 6.24 Garages, Repair Shops, Rustproofing and Similar Highway Services. 106
Section 6.25 Gardening and Tree Nurseries. 106
Section 6.26 Gasoline Service Station. 106
Section 6.27 Heliports. 108
Section 6.28 Home Occupations. 109
Section 6.29 Hospitals. 110
Section 6.30 Hotel. 110
Section 6.31 Housing for the Elderly. 111
Section 6.32 Indoor Recreational Uses. 111
Section 6.33 Internet-based Exotic Vehicle Sales 111
Section 6.34 Keeping of Animals (Fowl, Rabbits, Horses, Cows, etc.). 112
Section 6.35 Kennels. 112
Section 6.36 Local and Suburban Passenger Terminals; Trucking Transportation Terminals Including Maintenance and Service Facilities. 112
Section 6.37 Massage Establishment. 112
Section 6.38 Motels. 113
Section 6.39 Nature Preserves 113
Section 6.40 Nursing Homes and Convalescent Homes. 114
Section 6.41 Oil and Gas Wells and Storage. 114
Section 6.42 Open Air Business Uses Sales, Display, and/or Rental of Utility Trailers and Recreational Equipment. 114
Section 6.43 Open-Air Sales of Christmas Trees by Churches, Public and Parochial Schools and Other Bona Fide Charitable Organizations. 115
Section 6.44 Outdoor Storage of Recreational Equipment. 115
Section 6.45 Pawnshops. 115
Section 6.46 Payday Lenders. 116
Section 6.47 Personal Service Establishment. 116
Section 6.48 Privately Owned and Operated Recreational Uses. 116
Section 6.49 Raising of Fur Bearing Animals. 117
Section 6.50 Religious Institutions. 117

Section 6.51 Restaurants. 118
Section 6.52 Retail Sales. 119
Section 6.53 Second-hand Stores. 121
Section 6.54 Self-Storage, Indoor Climate Controlled. 121
Section 6.55 Small Cell Wireless Facilities. 122
Section 6.56 Temporary Uses and Sidewalk and Tent Sales. 124
Section 6.57 Terminals, Ambulances Services, Bus, and Taxicab. 124
Section 6.58 Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, Special Trade Contractors, and Vehicle Tow Yards. 125
Section 6.59 Veterinarian. 126
Section 6.60 Wireless Communication Facilities. 126

Article VII. General Provisions 137
Section 7.01 Applicability. 137
Section 7.02 Scope. 137
Section 7.03 Buildings Under Construction. 137
Section 7.04 Building and Easement Grades. 138
Section 7.05 Minimum Lot Size and Width. 138
Section 7.06 Application to Lots of Record. 138
Section 7.07 Approval of Plats. 139
Section 7.08 Lot Limitation. 139
Section 7.09 Residential Accessory Building and Recreational Equipment Storage. 139
Section 7.10 Separate Dwellings for Domestic Employees. 140
Section 7.11 Yards; Double Frontage Lots. 140
Section 7.12 Front Yards; Schoolcraft Road. 140
Section 7.13 Yards; Use. 141
Section 7.14 Yard; Alley. 141
Section 7.15 Lots; Use for Yards, Courts, Etc. 141
Section 7.16 Room Requirements. 141
Section 7.17 Heights; Public, Quasi-Public, Form-Based Development Option, Planned Developments, and Major Business Buildings. 141
Section 7.18 Height; Items Not Included. 142
Section 7.19 Height; Parapet Walls. 142
Section 7.20 Height; Public Buildings; Utilities. 143
Section 7.21 Division or Partitioning of Lots. 143
Section 7.22 Lighting. 143
Section 7.23 Accessory Structures and Uses. 145
Section 7.24 Fences and Walls. 146
Section 7.25 Alternative Energy. 146
Section 7.26 Encroachments and Exempt Structures. 149
Section 7.27 Subdivision and Site Condominiums. 149

Article VIII. Environmental Performance Standards 151
Section 8.01 Sound/Noise. 151
Section 8.02 Odors. 151
Section 8.03 Waste and Rubbish Facilities. 151
Section 8.04 Soil Removal, Excavation, and Dumping Soil, Sand, Clay, or Gravel. 151
Section 8.05 Performance Standards for Industrial Uses. 154
Section 8.06 Special Flood Hazard Areas. 155
Section 8.07 Outdoor Toilets. 156

Article IX. Parking, Loading, and Access Management 157
Section 9.01 Applicability. 157
Section 9.02 Access Management. 157

Section 9.03 Off-Street Parking Requirements. 159
Section 9.04 Off-Street Parking Space Layout Standards. 161
Section 9.05 Minimum Number of Parking Spaces Required. 161
Section 9.06 Barrier-Free Parking Required. 166
Section 9.07 Parking and Loading for Multiple Uses and Joint Use. 166
Section 9.08 Off-Street Loading Space. 167
Section 9.09 Parking structures. 167
Section 9.10 Surfacing and Drainage. 168
Section 9.11 Curb. 168
Section 9.12 Approval. 169
Section 9.13 Off-Street Parking: Study and Report. 169
Section 9.14 Illegal Parking of Motor Vehicles; Tickets; Towing of Motor Vehicles. 169
Section 9.15 Electric Vehicle (EV) Charging Stations or Ports 170
Section 9.16 Limitation of the Use. 171

Article X. Landscaping and Screening 172
Section 10.01 Applicability. 172
Section 10.02 Landscape Plan Requirements. 172
Section 10.03 Landscaping Design Requirements. 173
Section 10.04 Standards for Plant Materials. 178
Section 10.05 Landscape Installation and Maintenance. 179
Section 10.06 Modifications. 180

Article XI. Signs 181
Section 11.01 Applicability. 181
Section 11.02 Intent. 182
Section 11.03 Substitution Clause. 182
Section 11.04 General Requirements for All Signs. 182
Section 11.05 Prohibited Signs. 183
Section 11.06 Exempt Signs. 184
Section 11.07 Measurement of Sign Area. 186
Section 11.08 Zoning District Regulations. 188
Section 11.09 Billboards. 192
Section 11.10 Sign Illumination. 192
Section 11.11 Construction and Maintenance. 193
Section 11.12 Permits. 195
Section 11.13 Sign Removal. 197
Section 11.14 Dangerous Signs 197
Section 11.15 Non-Conforming Signs. 197
Section 11.16 Severability. 198

Article XII. Nonconformities. 199
Section 12.01 Nonconforming Uses and structures; Continuance. 199
Section 12.02 Certificates of Valid Nonconforming Uses and structures. 199
Section 12.03 Nonconforming Uses and structures; Termination. 199
Section 12.04 Nonconforming Uses and structures; Restoration. 200
Section 12.05 Nonconforming Uses and structures; Repair. 200
Section 12.06 Nonconforming Uses and Structures; Exceptions. 200
Section 12.07 Nonconforming Uses and Structures; Elimination. 201
Section 12.08 Nonconforming Due to Reclassification. 201

Article XIII. Administrative Procedures 202
Section 13.01 Administration and Enforcement. 202
Section 13.02 Zoning Permit and Zoning Compliance Permit Required. 202

Section 13.03 Duties and Limitations of the Building Official. 202
Section 13.04 Permit Fees. 203
Section 13.05 Duration of Permit. 203
Section 13.06 Revocation of Permit. 204
Section 13.07 Inspection. 204
Section 13.08 Certificate of Compliance Required. 204
Section 13.09 Temporary Certificate of Occupancy. 205
Section 13.10 Application for Certificates. 205
Section 13.11 Record of Certificates. 205
Section 13.12 Exception to Barrier Free Design Requirements—Posting of Final Order. 205
Section 13.13 City Planning Commission. 205
Section 13.14 Board of Appeals. 211
Section 13.15 Amendments. 214

Article XIV. Violations and Penalties. 218
Section 14.01 Compliance and Responsibility. 218
Section 14.02 Violation Nuisance Per Se. 218
Section 14.03 Penalty. 219
Section 14.04 Other Remedies. 219
Section 14.05 Severability. 219
Section 14.06 Repeal. 219

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.

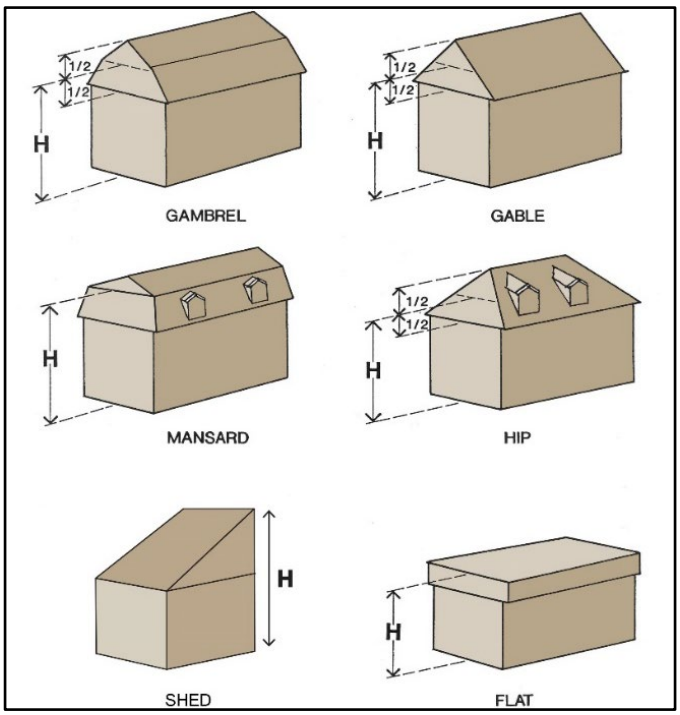
Building, Front of. That façade of a building most nearly parallel to and nearest the front lot line.

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.

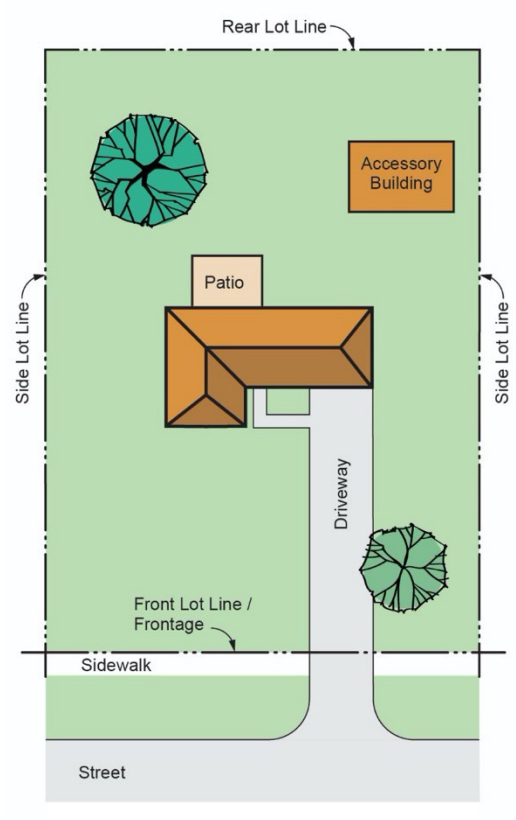
Lot of Record. A lot of record is a lot the dimensions of which are shown on a plat recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, and which actually exists as so shown.

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.

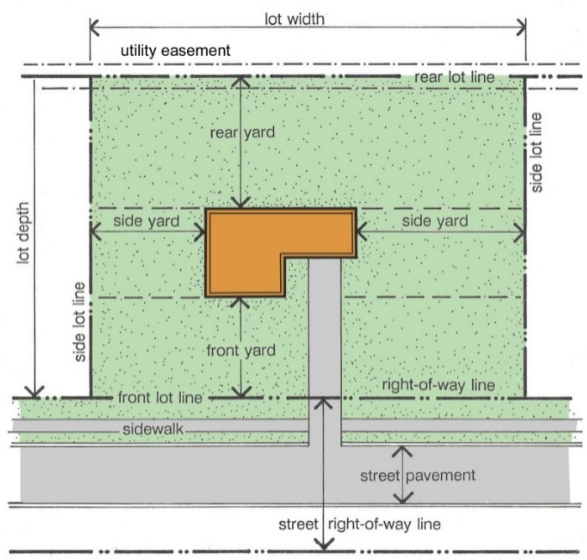
Lot Line, Front. The line abutting a street. On a corner lot the shorter street line shall be considered the front lot line. Where new street lines are established by ordinance or the Future Transportation Map of the City of Livonia, such lines shall be the front lot line. See Figure above.

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.

Awning Sign

Banner. A temporary sign made of cloth used in connection with some special event or promotion.

Banner

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.

Blade Sign

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.

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.

Monument Sign

Pole Sign

Projecting Sign

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 uses 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*
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													P	P			*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 terminal 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					W		W	W	W	W							*Section 5.02*
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			
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	P			*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	WAIVER 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)*)	• Bed and breakfast establishments (*Section 6.08*) • 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	WAIVER 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)*)	• Bed and breakfast establishments (*Section 6.08*) • 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	WAIVER 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	• 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 • 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*) • Parks and outdoor recreational uses (*Section 2.02, Section 2.02(2)*) • Two-family dwellings (*Section 6.20*) • Home occupations (*Section 6.28*)	• Bed and breakfast establishments (*Section 6.08*) • Boarding, rooming and lodging houses or tourist homes • 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	WAIVER 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*) • Parks and outdoor recreational uses (*Section 2.02, Section 2.02(2)*) • Two-family dwellings (*Section 6.20*)	• 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*) • 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%
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	WAIVER 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)*)	• 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 6.39*) • 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	(*(j)*)
Front Yard Setback	15 feet
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 3.11 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(1)D)*) • 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 terminal 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 6.39*) • 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
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(1)D)*) • Ambulance services, local and suburban bus terminal 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 6.39*) • 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
Side Yard Setback	25 feet
Total of two side yard setbacks	50 feet
Rear Yard Setback	*((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(1)D)*) • 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 6.39*) • 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
Side Yard Setback	40 feet
Total of two side yard setbacks	80 feet
Rear Yard Setback	40 feet
Max. Ground Coverage by Principal Structure	20%
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 3.14 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 • 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: a) All uses permitted in N1, N2, R-U-F, NM1, NM2, C-1, C-2, and C-3 Districts. b) All waiver uses listed in N1, N2, R-U-F-Districts, NM1, NM2, C-1, C-2, and C-3 Districts. c) Outside storage of trucks, materials, and/or supplies. d) 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 • 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)*) • 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 terminal 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*) • Outdoor storage of recreational equipment (*Section 6.44*) • Parking structure (*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*)
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 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 terminal and taxicab terminals (*Section 6.57*) • Heliports (*Section 6.27*) • 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, filing 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 ((a))	120 ((a)) ((b))	((c))	25 ((r))	5	14	15	25	30	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
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 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
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 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
NM1, Neighborhood Multifamily	—	—	—	80 ((a))	--	25%	30	25 ((d))	60 ((d))	((e))	—	50	35, except as provided in Section 7.17 to Section 7.20	2 ½, except as provided in Section 7.17 to Section 7.20
NM2, Neighborhood Multifamily	—	30%	—	—	—	—	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	8 ((p))	16	—	—	8 ((p))	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
C-2, General Business	((k))	—	((l))	—	—	—	15	8 ((p))	16	—	—	8 ((p))	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
C-3, Highway Services	((k))	—	((l))	—	—	—	50	25	50	—	—	((q))	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
C-4, High Rise Commercial	4,000 sq. ft.	—	—	--	--		40	40	80	—	—	40	((g))	((g))
ML, Manufacturing Limited	—	—	—	—	—	—	((m))	((m))	—	—	—	((m))	35, except as provided in Section 7.17 to Section 7.20	—
M-1, Light Manufacturing	—	—	—	—	—	—	((n))	((n))	—	—	—	((n))	50, except as provided in Section 7.17 to Section 7.20	—
M-2, General Manufacturing	—	—	—	—	—	—	((o))	((o))	—	—	—	((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 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
		Provided, however, that when an NM3 District abuts single family residential district the required yards abutting said residential district shall be no less than seventy-five (75) 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) 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.

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 ¼ of Section 25; the Northwest ¼ of Section 36; the Northeast ¼ of Section 35; and the Southeast ¼ 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 ¼ of Section 1: The Northwest ¼ of Section 12; the Northeast ¼ of Section 11; and the Southeast ¼ 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 ¼ of Section 5; all of Section 6; all of Section 7; the west ½ of Section 8; the Northwest ¼ of Section 17; and the North ½ 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 ½ of Section 3; the East ½ of Section 4; the Northeast ¼ of Section 9; and the N.W. ¼ 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 ¼ of Section 27; the Southeast ¼ of Section 28; the Northeast ¼ of Section 33; and the Northwest ¼ 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 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.

(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, 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)*.

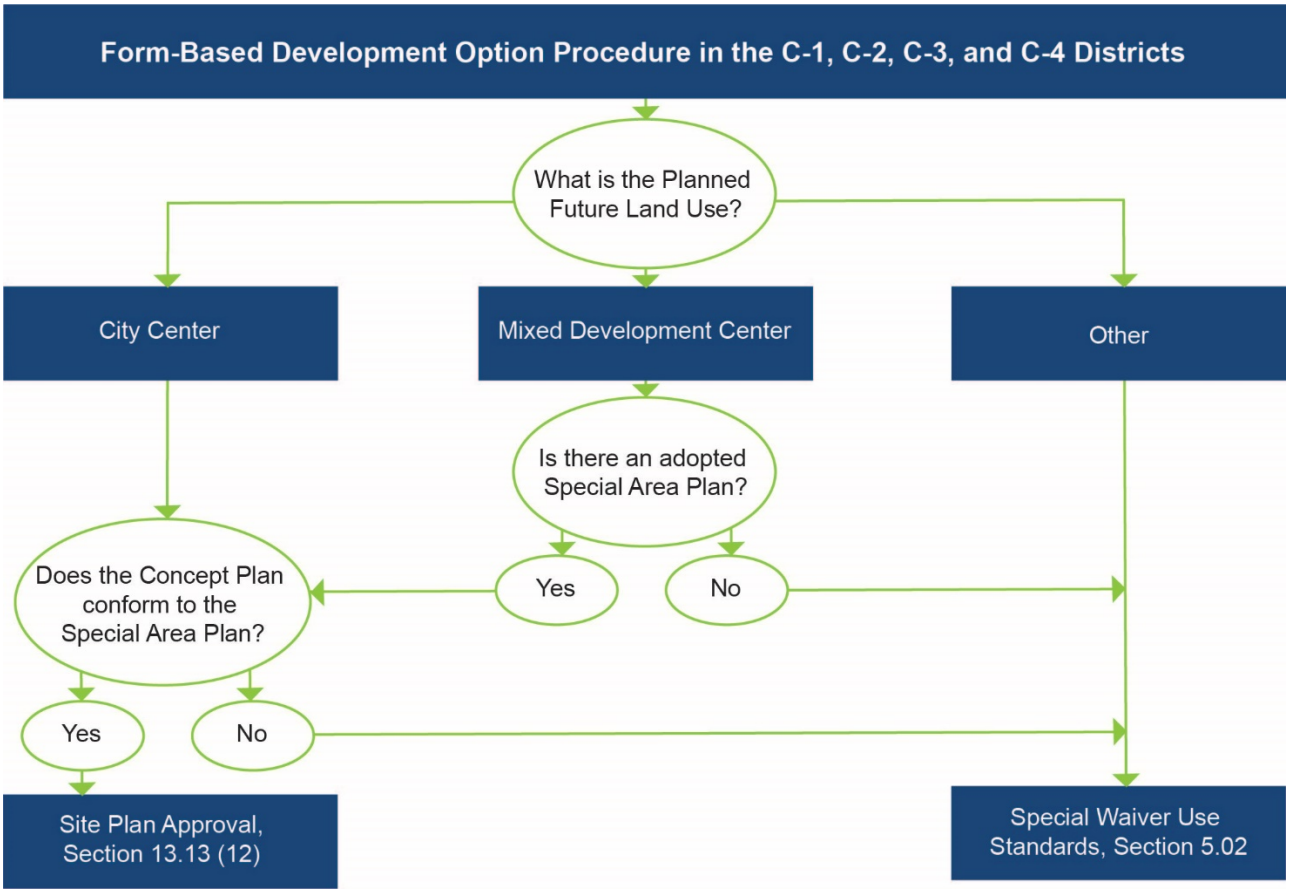
B) Areas designated on the Future Land Use Plan as Mixed Development Center

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.

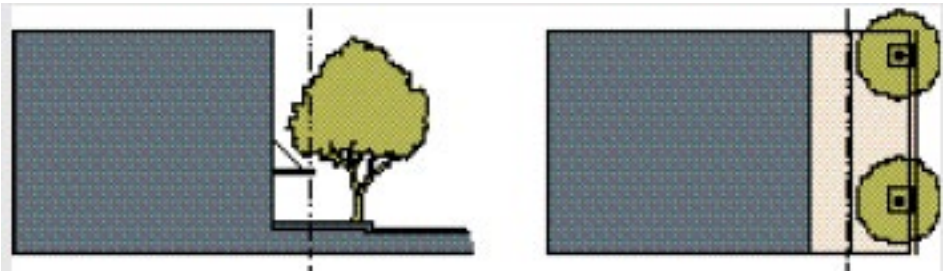
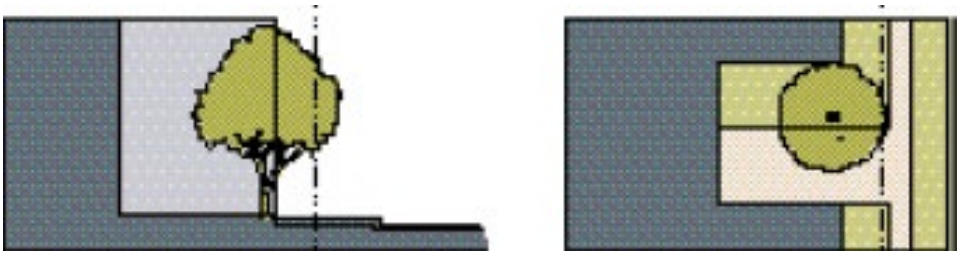
v) The modification will not negatively impact the potential of adjacent parcels to develop according to the requirements of this Section.

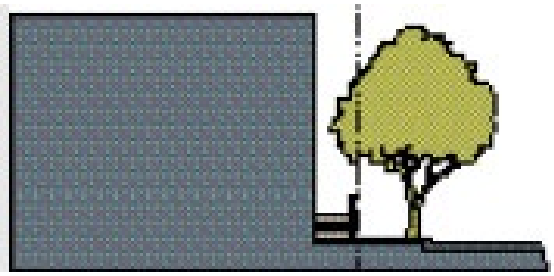
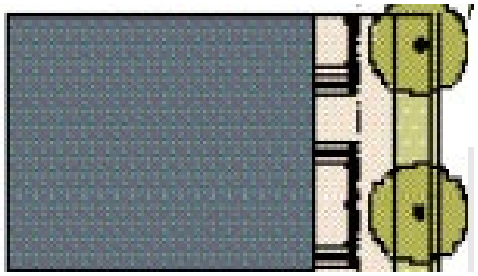
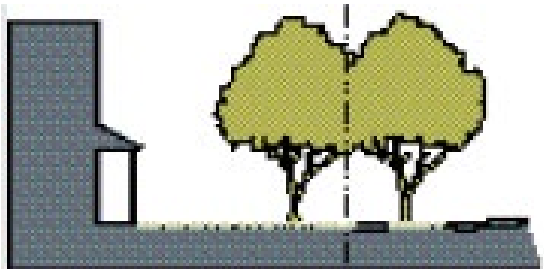
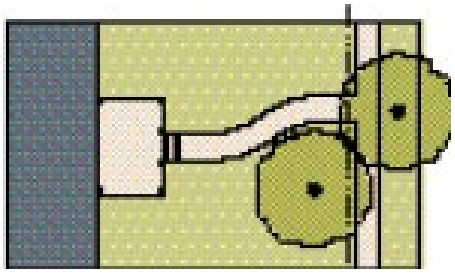
(5) Architectural Standards for Adaptive Reuse.

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.

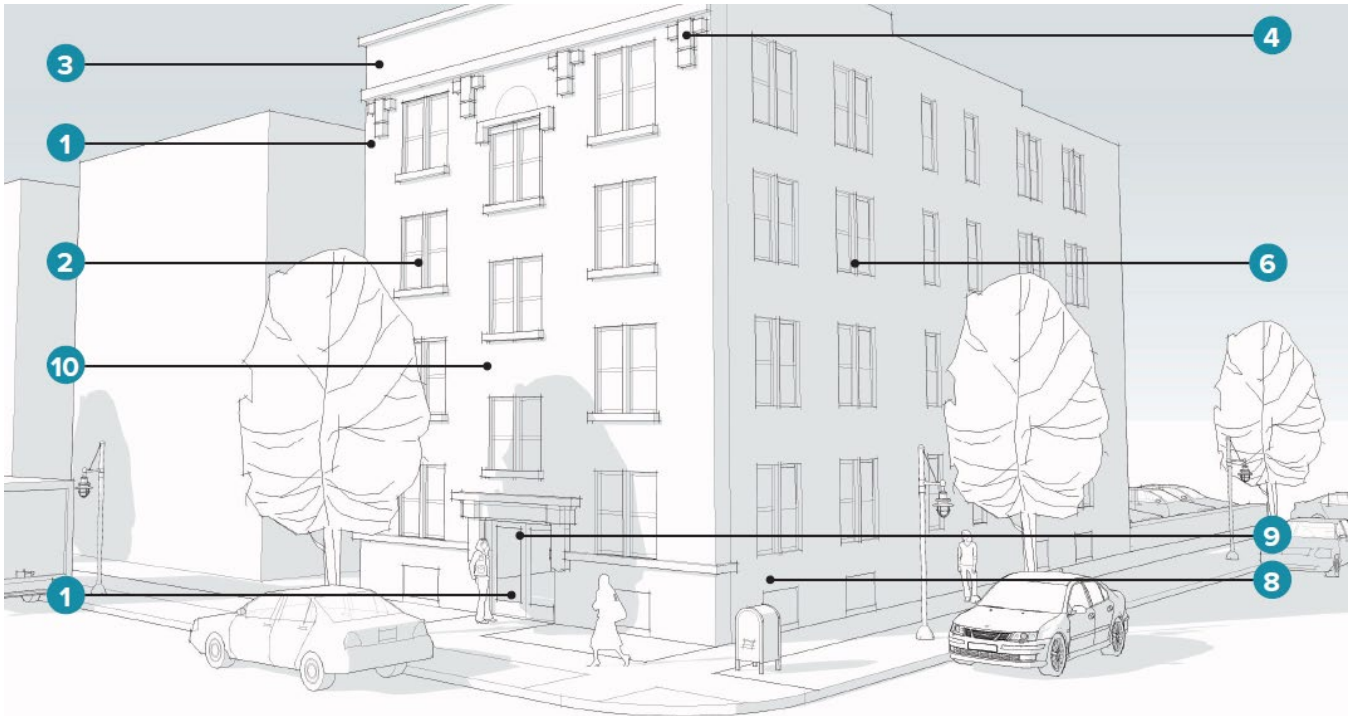
J) Service areas. All service areas, including utility access, above ground equipment and dumpsters shall be located in side or rear yards and shall be screened from view from any street.

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.

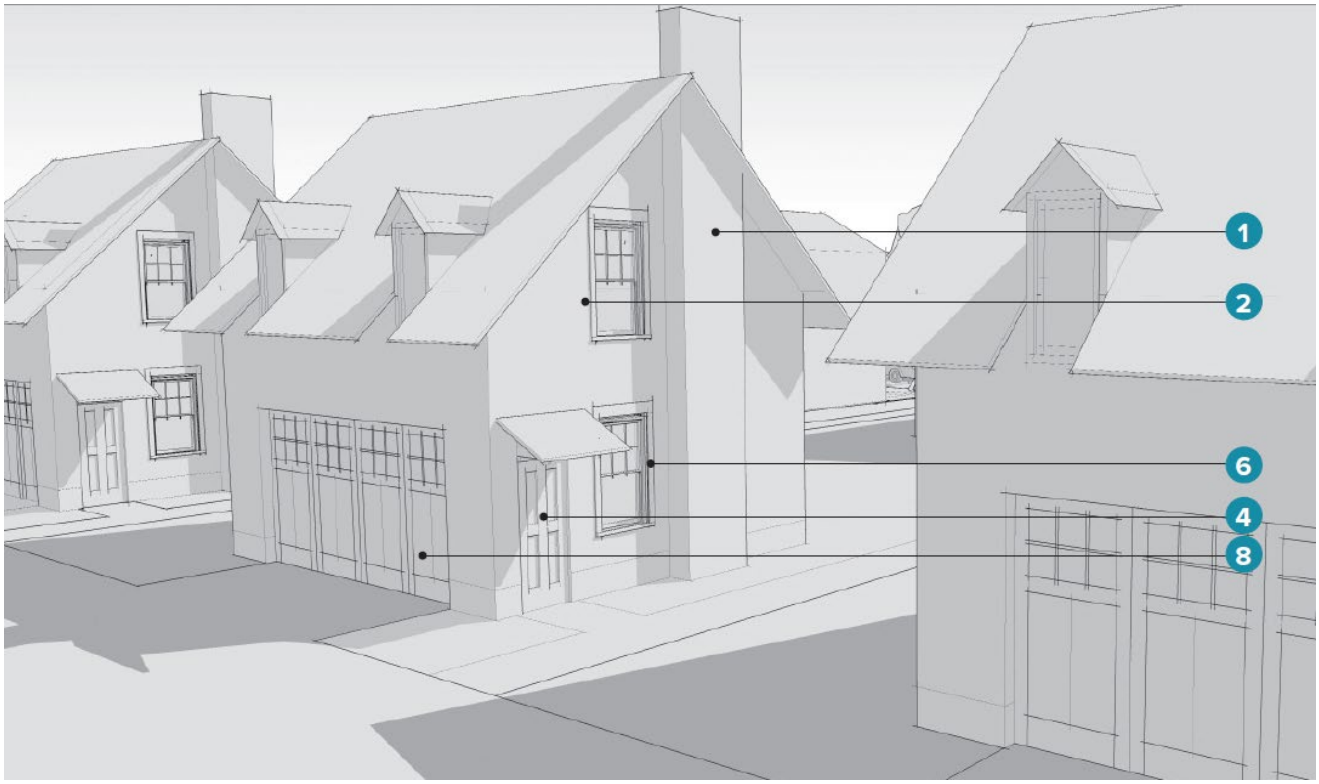
A) **Apartments.** A medium sized building that contains five (5) to ten (10) dwelling units either side-by-side or stacked between two floors. There can be one shared entry or individual entries facing the street.



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 and can contain a small dwelling unit or similar use. They are often above a garage but can also be at ground level.

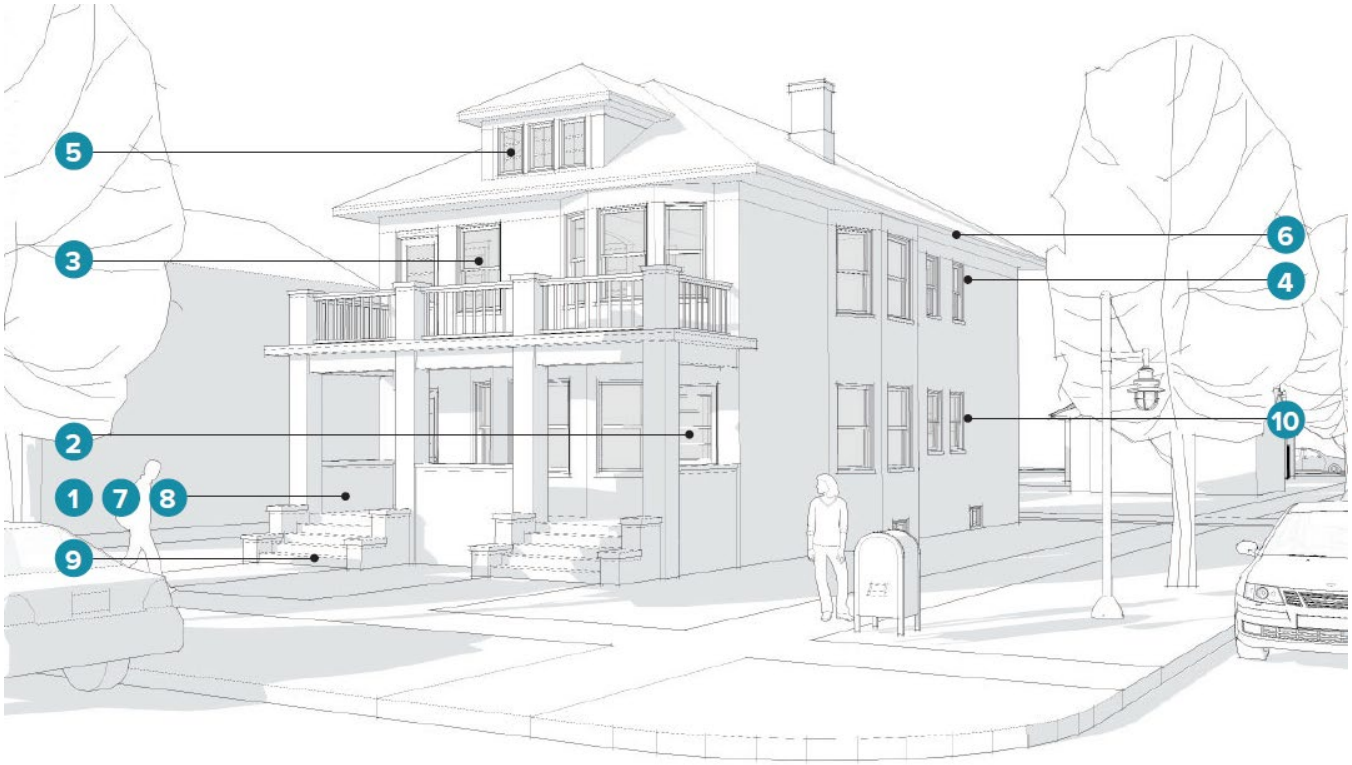


ILLUSTRATED DESIGN STANDARDS: CARRIAGE HOUSE / ACCESSORY DWELLING UNIT
1. Small, traditionally-styled residential garage form containing one (1) residential unit, indoor parking, or one (1) residential unit above indoor parking. Ground floor finish floor 24”-36” above grade (if not above parking).
2. 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.

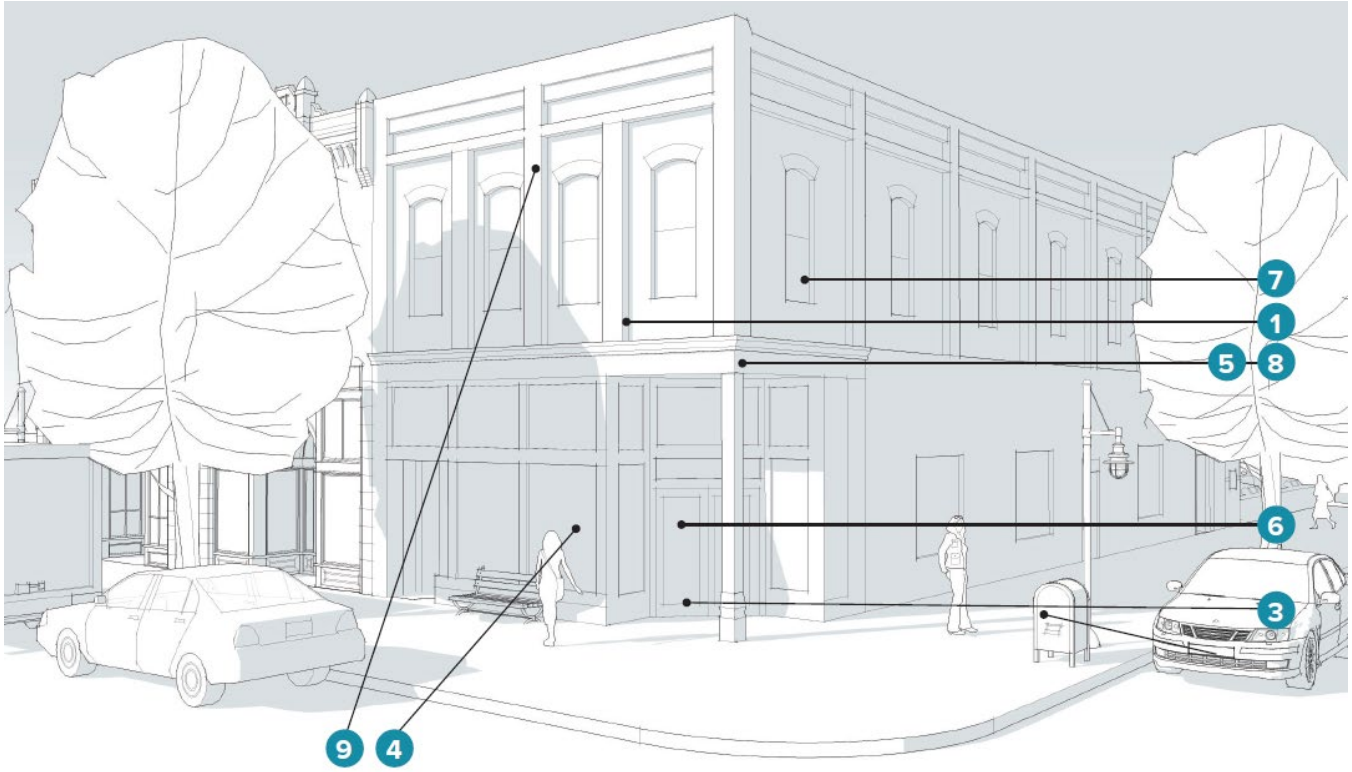
ILLUSTRATED DESIGN STANDARDS: LIVE / WORK UNIT	
1.	Ground floor elevated 30" to 42" above average grade at front of building with interior lift for accessibility (Type A). Main level may be accessible at grade with plate glass storefront (Type B) or if building is setback from right-of-way line minimum 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:

i) The architectural design of the proposed structure is consistent with the character of the surrounding area.

ii) The architectural design otherwise meets the building design standards for adaptive reuse in the C-1, C-2, C-3, and C-4 districts.

iii) 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 (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 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 facility or athletic training school permitted pursuant to 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.

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) **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) **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.

(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 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.

(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 Districts as a waiver use and in the C-3 District as a permitted use.

B) **Setbacks.** The front yard shall be a 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 a 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 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 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 District 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 (½) 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 (½) 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 of 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.

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.

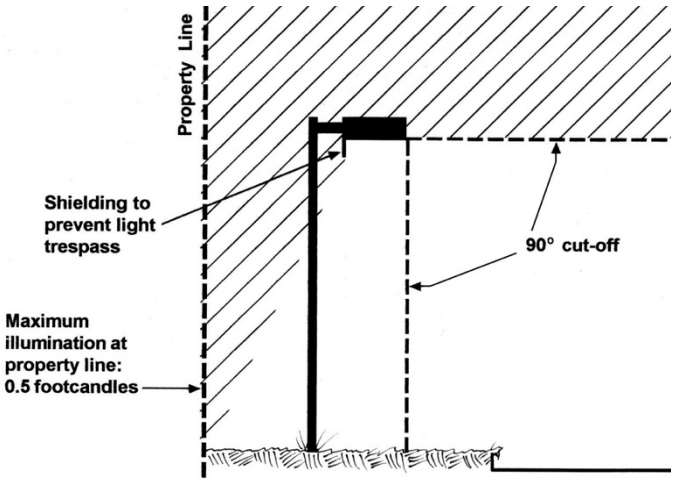
Upon petition by the owner of a parcel of land, the City Council may approve the division of the said parcel in accordance with Act 172 of the Public Acts of 1929 of the State of Michigan, as amended, and the City's Lot Partition Ordinance, Chapter 32 of Title 16 of the Livonia Code of Ordinances, as 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) **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) **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) **Swimming Pools.** Swimming pools may be located in required yard setback subject to the requirements in *Section 6.48*.

F) **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.

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.

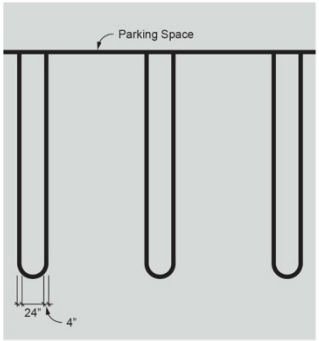
(9) **Changes in Use.** Should the use of the land or building change, the parking shall be provided based on the new use(s). For example, purposes only, should an approved elderly housing facility for independent or dependent living are converted to general occupancy, the parking shall be provided based 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 (½) shall be disregarded and fractions over one-half (½) 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 or 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.



Double Striped Parking

(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 parking space and maneuvering lane dimensions as part of Site Plan Review.

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.

USE	PARKING REQUIRED
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.
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.

USE	PARKING REQUIRED
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.
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.

USE	PARKING REQUIRED
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.
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.

USE	PARKING REQUIRED
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.
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 consistent with the provisions of this Section. Furthermore, where landscaping is 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

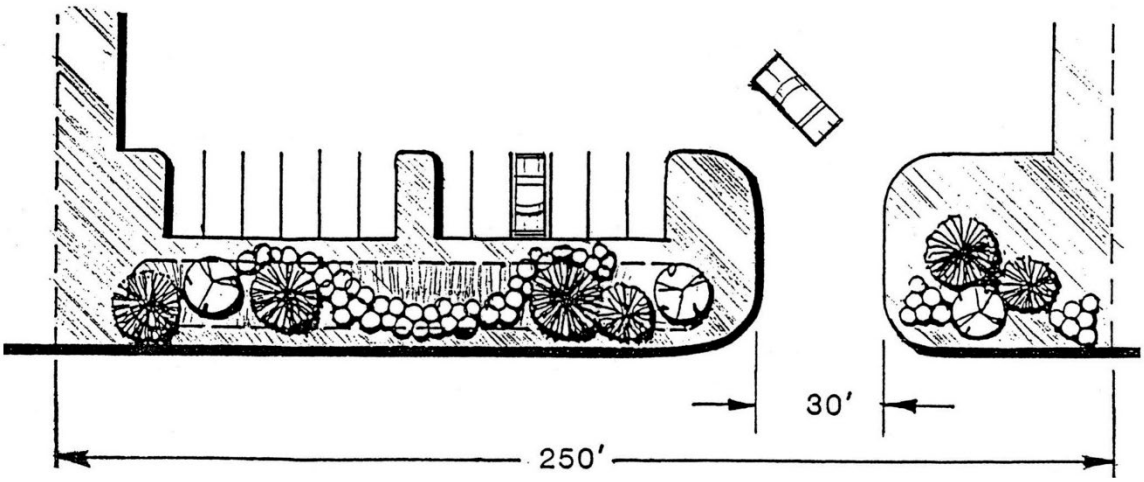
The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform 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 ft./40 ft. = 6 deciduous or evergreen trees
Ornamental trees	220 ft./100 ft. = 3 ornamental trees
Shrubs	(220 ft./40 ft.) x 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.

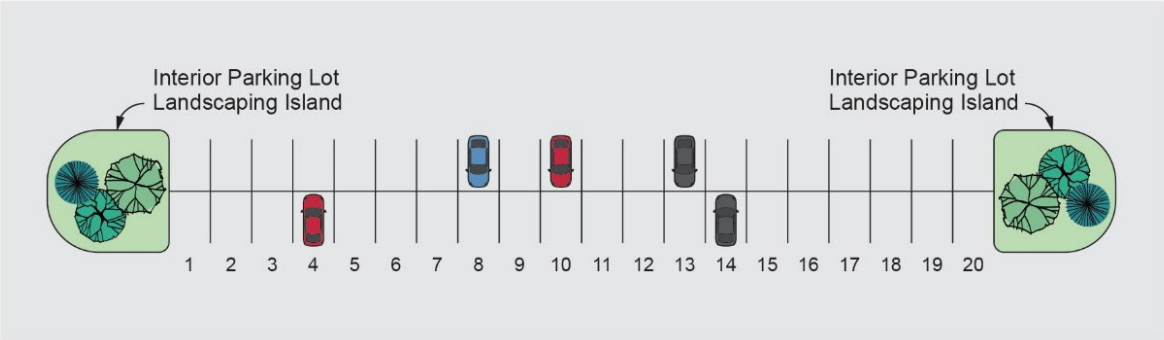
ii) **Minimum Number of Trees.** Each interior landscape area must contain at least one (1) tree. One (1) tree must be planted for each three hundred (300) square feet of interior landscaping.

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) Greenbelt Buffering. The intent of 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 greenbelt as specified in the table below shall be provided for all uses requiring Site Plan Review.

	Adjacent To			
Developing Zoning District	**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	c	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 twenty (20) foot wide 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 sixty (60) foot wide 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. 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.

(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, Fosythia, 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.

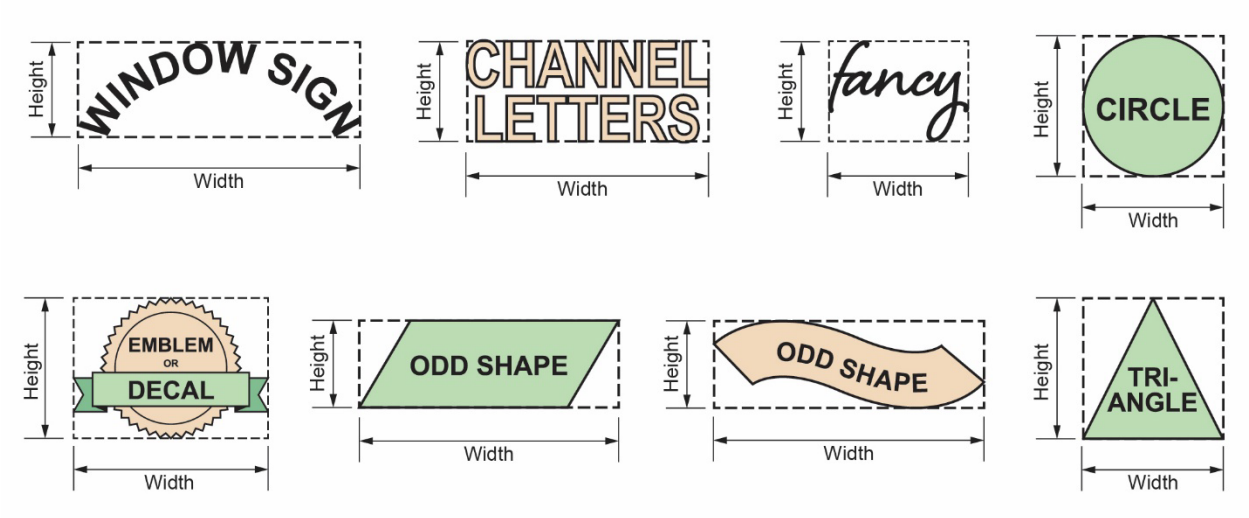
A) Within subdivisions, each home builder for each model shall be permitted, one (1) temporary real estate sign of whatever content the owner deems necessary, for each home builder for each model. Such signs shall not exceed of sixteen (16) square feet in area, five (5) feet in height, and shall have 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.

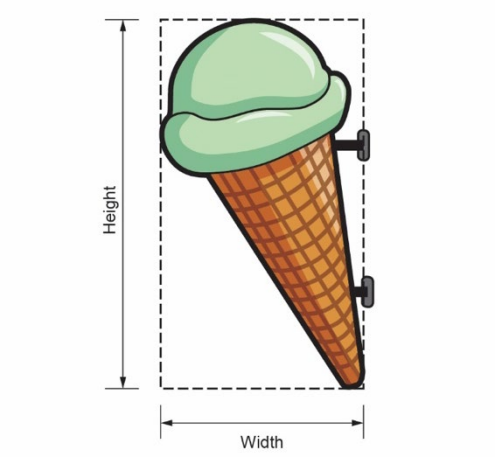


(2) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) 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) *Section 11.10*	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 (20) 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) *Section 11.10*	**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) *Section 11.10*	**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.

<table>
<tr><th>SIGN TYPE</th><th colspan="4">M-L, M-1, AND M-2 DISTRICTS</th></tr>
<tr><td>Blade Signs</td><td colspan="4">Maximum Area: Six (6) sq. ft.</td></tr>
<tr><td>Banner or Pennant Signs</td><td colspan="4">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.</td></tr>
<tr><td rowspan="2">Monument Signs</td><td colspan="2">For each industrial development site consisting of a single tenant occupying a single building</td><td colspan="2">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</td><td>At the entrance to an industrial park, an entranceway sign shall be permitted when constructed out of natural materials.</td></tr>
<tr><td colspan="3">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.</td><td>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.</td></tr>
<tr><td rowspan="2">Awning, Canopy, and Wall Signs</td><td colspan="2">For each industrial development site consisting of a single tenant occupying a single building</td><td colspan="2">Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area</td></tr>
<tr><td colspan="2">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.</td><td colspan="2">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.</td></tr>
</table>

Window Signs	**Maximum Area:** 20% of the window area.
Changeable Signs and Electronic Message Center Signs (EMCs) *Section 11.10*	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 (½) 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) **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) **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.

C) **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) **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) **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) **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) **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 (¾) 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.

LETTER TO THE LIVONIA CITY COUNCIL

19.

Planning
July 15, 2021

MEETING DATE	PREPARED BY
July 26, 2021	Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

LANGUAGE PETITION: Planning Commission, re: Petition 2020-12-06-03, to consider the adoption of an updated and re-formatted LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.

NEW DATA ITEM 19 - Letter from resident

BACKGROUND

RECOMMENDATION

At the 1,170th Public Hearing and Regular Meeting held by the City Planning Commission on June 1, 2021, the following resolution was unanimously adopted:

#06-27-2021 RESOLVED, That having conducted a Public Hearing with regard to Petition 2020-12-06-03, submitted by the City Planning Commission pursuant to Council Resolution #09-19, in connection with Phase 2 of the Livonia Vision 21 contract involving the preparation of a comprehensive update to the City of Livonia Zoning Ordinance, the Planning Commission does hereby recommend approval of the Livonia Vision 21 Zoning Ordinance, Version 6.0, dated June 1, 2021, prepared by McKenna, and the Livonia Vision 21 Zoning Map, dated June 1, 2021, as prepared by the City of Livonia Planning Commission, for the following reasons:

1. That this comprehensive rewrite of the City's zoning regulations is the culmination of over two (2) years of hard work by the Zoning Ordinance Technical Committee, including several Special Study Meetings of the Planning Commission and a Joint Work Session with City Council and members of the Zoning Board of Appeals.

2. That the Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map are in full compliance with the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

3. That the overall organization, recodification, and functionality of the Livonia Vision 21 Zoning

Ordinance represents a substantial improvement over the existing ordinance and streamlines all of the City's zoning regulations in a more efficient, effective and user-friendly format.

4. Adoption of the Livonia Vision 21 Zoning Ordinance achieves the #1 priority project as identified in the Three-Year Priority Project List in Book 4, Strategic Development, of the Livonia Vision 21 Master Plan, which recommends updating the Zoning Ordinance to jump start Livonia Vision 21 implementation.

5. Adoption of the Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map is consistent with the recommended Revisions to the Zoning Ordinance and Zoning Map as outlined in Book 4, Strategic Development, of the Livonia Vision 21 Master Plan, including:

a. Consolidating and simplifying the City's one-family residential zoning districts to reduce the number of non-conforming lots;
b. Consolidating and simplifying the City's multiple-family residential zoning districts, and providing new incentives and standards to encourage infill housing and neighborhood investment;
c. Consolidating and simplifying the City's commercial zoning districts by eliminating the office districts and incorporating the eligible uses and standards into the corresponding corridor and regional districts;
d. Incorporating form-based regulations for the City's Special Planning Areas, Mixed Development Centers, and commercial districts; and
e. Providing incentives and standards that will encourage sustainable use of land, materials, energy, and resources.

To be referred to the Law Department to prepare the necessary documents

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. PH071421 Petition 2020-12-06-03 Livonia Vision 21 MINUTES
2. PH0071421 Petition 2020-12-06-03 DIRECTION
3. PH0701421 Petition 2020-12-06-03 NEW DATA (Received 07-14-21)
4. LTC: PH071421
5. 2020-12-06-03_LV21 Zoning Ordinance_E-COUNCIL Pkt
6. R072621 New Data Item 19 (recd 7-21-21)

APPROVED BY

July 21, 2021

Mark Taormina
Director Planning & Economic Development
33000 Civic Center Drive
Livonia, MI 48154

Christopher LeBlanc
31545 Grove Drive
Livonia, MI 48154

Re: Proposed Livonia Vision 21 Zoning Ordinance; Keeping of Animals (Fowl, Rabbits, Horses, Cows, etc.) in Rural Urban Farm (RUF) Zoning District and Applicable Permitted Structure(s)

My name is Christopher LeBlanc, located at 31545 Grove Drive, Livonia, MI 48154, and I am writing to comment on the proposed new Livonia Vision 21 zoning ordinance regarding the keeping of animals (fowl, rabbits, horses, cows, etc.) in Rural Urban Farm (RUF) zoning district and applicable permitted structure(s) for the raising/keeping of these animals. In addition to submitting these comments through the planning inquiry portal, I have also disseminated these comments to other departments within the city, which I have been actively communicating with on this topic, including the Law Department and City Council, concerning the current zoning regulations surrounding permitted structures for these animals. Despite the current allowance for structures to raise/keep fowl, rabbits, horses, cows, etc. in RUF zoning, the proposed regulations will prevent such a structure from being permitted. The proposed Livonia Vision 21 Zoning Ordinance **cannot** be considered for adoption as it's currently written, since it does not accommodate a structure in RUF zoning to raise/keep fowl, rabbits, horses, cows, etc., on a property with a residence. Additionally, the adoption of these updated/re-formatted regulations would directly conflict with the Generally Accepted Agricultural and Management Practices (GAAMP) for the Care of Farm Animals.

According to the proposed regulations, the following animals are permitted in RUF zoning:

> **Section 6.33 - 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.

Further, according to the proposed regulations, the following structures are permitted in RUF zoning:

> **Section 7.09 - Residential Accessory Building.**
>
> **(1) Attached Garage**. A garage building attached to the principal building shall comply, in all respects, with the requirements of this Ordinance applicable to the principal building.

(2) Detached Garages and Accessory Buildings.

A) Maximum Height. Shall not exceed sixteen (16) feet in height.

B) Maximum Lot Coverage. Shall not occupy more than twenty (20) percent of the area of any rear yard; provided, however, that the combined total area of all accessory buildings other than a garage shall not exceed three hundred (300) square feet.

C) Maximum Size. Occupying a ground floor area of not to exceed seven hundred twenty (720) square feet, except that on lots which are one-half (½) acre or more, a ground floor area not to exceed nine hundred (900) square feet shall be permitted. Provided, however, that in the event there are no other accessory structures located on the site, and further provided that all other provisions of this Ordinance regarding percent of lot coverage and yard requirements are adhered to, then an attached garage shall not exceed one twelve hundred (1,200) square feet in size.

Further, according to the proposed regulations, the following standards apply in RUF zoning:

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: …

According to section 7.09, it appears the city is requiring residents to keep fowl, rabbits, horses, cows, etc. in a residential accessory building, such as a private garage and further stating that the combined total area of all accessory buildings other than a garage shall not exceed three hundred (300) square feet. The current RUF zoning regulations (section 5.02(e)) allow for a structure to raise/keep these types of animals and states '**Accessory buildings or structures and uses customarily incidental to any of the above uses when located on the same property…'** and one of the specified permitted uses referenced within section 5.02 is the raising/keeping animals (fowl, rabbits, horses, cows, etc.).

Section 7.23 states that accessory structures in RUF zoning **'Must be customarily incidental to the principal permitted use on the site**,' as opposed to customarily incidental to <u>any of the permitted uses on the property</u>, which is how the current regulations are written. For example, according to the proposed regulations, if the principal use on the site is a residence, than the accessory building must be customarily incidental to that of a residence/housing. However, a structure for the raising/keeping of fowl, rabbits, horses, cows, etc. is not customarily incident to that of housing. Through previous correspondence with Assistant City Attorney, Michael Fisher, he clearly explained/outlined that a structure utilized to keep these animals <u>is not</u> incidental to housing. Therefore, according to the proposed regulations, there is not a permitted structure (non-residential) for these types of animals.

RUF allows for these types of animals, so there should be regulations explicitly allowing/outlining a permitted structure to raise/keep these animals in accordance with GAAMP for the care of farm animals.

Residences and residential accessory buildings are customarily incidental to that of housing and not intended to raise/keep these types of animals. Otherwise, the proposed regulations are allowing for these types of animals to be kept in a residence and presents the option to build an addition onto a residence or alter a current residence to accommodate such use, but we know this is not the intent and most likely not allowed. In previous correspondence with the Director of the Inspection Department, Jerome Hanna, he explained there would most likely be code violations with keeping these types of animals within a residence.

Additionally, the Livonia Vision 21 agenda has completely overlooked and disregarded the GAAMP for the care of farm animals. In laying out the regulations and criteria for permitted structures to raise/keep fowl, rabbits, horses, cows, etc., it is pertinent to reference the GAAMP in terms of sufficient space to keep these animals. For example, a minimum box stall for a horse would be 10 feet by 10 feet and up to 16 feet by 20 feet, depending on the size horse. Although, stall lengths up to 12 feet are often used. Additionally, there would need to be sufficient space for certain residents to have three horses, numerous fowl, and other animals, as well as room for feed hay, animal care tools, animal pasture care equipment, etc. These items are customarily incidental to raising/keeping these types of animals and, therefore, not customarily incident to that of housing. A separate permitted structure(s) accommodating these animals needs to be clearly defined in the proposed zoning ordinance, similar to the current zoning ordinance.

As the proposed regulations are written, this will cause numerous issues for Livonia residents that currently keep or plan to keep fowl, rabbits, horses, cows, etc. in RUF zoning who want to modify existing structures or build new ones on their property with a residence. This would be a major oversight and have a detrimental effect on RUF land owners. The proposed Livonia Vision 21 Zoning Ordinance **cannot** be considered for adoption as it's currently written. The proposed regulations may have clarified certain parts of the zoning ordinance, but, at the same time, overlooked/omitted structures for permitted uses, including raising/keeping of fowl, rabbits, horses, cows, etc. In previous correspondence with City Council, I understood that regulations concerning structures for keeping these animals should be explicitly defined, similar to the current regulations, but it appears the proposed regulations have disregarded this topic.

In the event I overlooked a section within the proposed regulations, please advise what structure is permitted in RUF zoning that would be utilized to raise/keep fowl, rabbits, horses, cows, etc.

Thanks,

Christopher LeBlanc

CC: City Council
Law Department

Mayor, Law, S. Kasprowicz,
S. Nash, File

PUBLIC HEARING
DIRECTION

WEDNESDAY, JULY 14, 2021

PETITION 2020-12-06-03 submitted by the City of Livonia Planning Commission to consider the adoption of an updated and re-formatted LIVIONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.

DIRECTION: 1) Approving

THESE ITEMS ARE TO BE PLACED ON THE AGENDA FOR THE REGULAR MEETING OF JULY 26, 2021

CITY OF LIVONIA
PUBLIC HEARING

Minutes of Meeting Held on Wednesday, July 14, 2021

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **Wednesday, July 14, 2021**.

MEMBERS PRESENT: Kathleen E. McIntyre, President
Scott Bahr, Vice President
Jim Jolly
Laura M. Toy
Cathy K. White

MEMBERS ABSENT: Rob Donovic
Brandon McCullough

OTHERS PRESENT: Mark Taormina, Planning and Economic Dev. Director
Mike Fisher, Assistant City Attorney
Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:03 p.m. with President Kathleen McIntyre presiding. This item is regarding **Petition 2020-12-06-03** submitted by the City of Livonia Planning Commission to consider the adoption of an updated and re-formatted LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts. This item will move to the Regular Meeting of **July 26, 2021.**

The Public Hearing is now open. There were 14 people in the audience.

McIntyre: Mr. Taormina would you like to start?

Taormina: Thank you Madam President. I would. Tonight's public hearing involves consideration of a brand-new zoning ordinance as well as a zoning map. The task of rewriting of the zoning ordinance, as you know, was authorized by Council in 2019 shortly after the official adoption of the Livonia Vision 21 (LV21) Master Plan.

Updating the zoning ordinance was identified as the #1 priority for implementing the LV21 Master Plan.

The master plan outlines several general changes, including consolidating and simplifying the City's many zoning districts; incorporating form-based regulations for the City's Special Planning Areas and Mixed Development Centers; and providing incentives and standards that will encourage sustainable land use, materials, energy, and resources.

The proposed new zoning ordinance and map are officially referred to as the Livonia Vision 21 Zoning Ordinance and the Livonia Vision 21 Zoning Map.

The LV21 Zoning Ordinance has been completely reformatted and recodified. The ordinance has been completely – excuse me. By consolidating the zoning districts and making other organizational changes, the number of Articles that make up the LV21 Zoning Ordinance has been reduced from 31 to 14. Additionally, hundreds of hyperlinked cross-references and dozens of tables and graphics have been incorporated to make the LV21 Zoning Ordinance much easier and efficient to navigate.

The 14 Articles that make up the new ordinance are as follows:

Article I will remain more-or-less as the preamble, and is devoted to the Title, Purpose and Scope of the Zoning Ordinance.

Article II provides Definitions for the various words and terms that are used throughout the Zoning Ordinance.

Article III establishes the Zoning Districts and Map. The big change here is that the total number of districts is being reduced from 26 down to 16, resulting in a much better alignment with the nine (9) land use classifications that are identified on the LV21 Future Land Use Map. In general, the changes include:

Consolidating the six (6) current single-family districts into three (3) new single-family districts: R-1 would become N1, which stands for Neighborhood 1, with minimum lot size of 50' x 120'. The R-2, R-3 and R-4 districts would become the N2 or Neighborhood 2 District, with a minimum lot size of 70' x 120,' and the RUF – oh, excuse me, the R-5 would become RUF, which remains, with minimum lot size of 15,000 square feet.

It also involves consolidating the six (6) multiple-family districts into three (3) new multiple family districts: The R-6, R-7 and R-C districts would become the NM1, which stands for Neighborhood Multi-Family 1; R-8 and R-8C would become NM2; and R-9 would become NM-3.

It involves consolidating the six (6) commercial districts into the four (4) existing districts: C-1, C-2, C-3, and C-4.

All OS-zoned properties would change to C-1.

All PO districts would become C-4.

Finally, the P-L (Public Land), ML (Manufacturing Limited), M-1 and M-2 (Industrial Districts), the P (Parking District), and the Nature Preserve Districts would all remain.

And the AG (Agricultural District) and R-E (Research Engineering Districts would be eliminated.

Article III also includes Section 3.03, which is Permitted Uses by District. This is best described as a quick-reference table that provides a comprehensive list of land uses and how each is treated within each of the 16 zoning districts – either as permitted, not allowed, or as a waiver use.

Article IV is the Schedule of Regulations, which is another easy-to-use and navigate table that provides the height, the area, bulk, and placement standards for every zoning district.

Article V, Supplemental Zoning District Standards establishes and provides regulations with respect to four (4) unique elements of the Zoning Ordinance that are not specific to any single zoning district. These include, Section 5.01, which is the Special Area Development Control Standards; Section 5.02, the Special Waiver Use Standards for Planned Residential Developments and Planned General Developments; Section 5.03, Single Family Clustering; and Section 5.04, Form-Based Development Option in Commercial Districts.

This last one is probably the most significant. The Form-Based regulations are intended to encourage development consistent with the recommended design principles of the LV21 Master Plan. This section focuses mainly on the three (3) Special Planning Areas: City Center, Former Livonia Mall, and the East Plymouth Road; but it would also be available for any commercially zoned property. Section 5.04 establishes design objectives as well as standards for the location and spacing of buildings, as well as their height, area, bulk, and appearance. Mixed-use developments which include medium to high density housing is encouraged. Important to the success of the Form-Based option is the review procedure. The process would differ depending on the scale of the project and whether it conforms to the form-based development standards. If it does, then a typical site plan review procedure is followed, which is a much more streamlined and predictable process versus a project that does not conform to the standards, in which case the Special Waiver Use Standards of Section 5.02 would apply, requiring a public hearing and affording the Planning Commission as well as the City Council much greater discretion in the decision-making process.

Article VI, Standards Applicable to Specific Uses provides standards and regulations for over 60 different land uses, ranging from Adult-Entertainment to Wireless Communication Facilities. The special rules that apply to many of the uses listed in Section 3.03, are provided in section – or in Article VI and are cross-referenced and hyperlinked to assist the user. One of the great things about this Article is that it eliminates significant redundancy, since—in many instances—the same rules apply to the uses that are permitted in

multiple districts, and unlike the current Zoning Ordinance, are not repeated over and over.

Article VIII, Environmental Performance Standards places all regulations pertaining to environmentally related uses and issues under a single division, including waste and rubbish facilities, noise, odors, soil removal, and dumping. It also includes a section on the City's flood hazard areas.

Article IX, which is Parking, Loading, and Access Management; Article X, Landscaping and Screening; and Article XI, Signs consolidates and puts all the City's rules for these items into separate, easy-to-find chapters, since—in one way or another—they affect nearly all development and redevelopment projects.

A few changes incorporated into the Parking regulations include new standards for shopping centers in an effort to reduce the amount of unused parking spaces, as well as a cap of 20% on the number of spaces in excess of the minimum number of required spaces – in other words, we don't want to overbuild these parking lots. It also includes standards for parking structures; as well as allowances for electric vehicle (EV) charging stations or ports. Changes were also made to the Sign regulations that focused mainly on making sure that they are content-neutral.

Article XII deals with Nonconformities. This was created as a separate category due mainly to the unique nature of the subject matter and the fact that several sections are needed to fully address all the complexities surrounding the issue.

Article XIII is Administrative Procedures, and Article XIV, Violations. These are provisions that are common to all zoning ordinances and typically reside as separate articles or divisions for ease of reference.

Also, under consideration this evening is the LV21 Zoning Map, which designates each and every property in the city into one (1) or more of the 16 zoning districts as established in the Zoning Ordinance. These include the six (6) residential classifications, the four (4) commercial classifications, three (3) industrial classifications, one (1) district for parking, one (1) for public lands, and one (1) for the City's nature preserves.

As mentioned earlier, several districts have been consolidated and renamed, which are reflected on the map. It is important to note that, in reference to the zoning classifications, all single-family residential districts have been retained as single-family; all multiple-family residential has been retained as multi-family residential; all commercial has been retained as commercial; industrial as industrial, and public land has been retained as public land, no changes.

I would like to note one change as it effects the Caregiver Grow Facilities. The draft before you adds a provision that will require a 1,000 ft. separation between facilities. The Planning Commission agrees with this amendment as

a way to curtail the rapidly growing number and concentration of these facilities in the industrial's corridor – I mean industrial corridor.

Should this item move forward, additional minor edits are in the process of being finalized and will be presented to Council for First Reading.

I'd like now to turn this over to Paul Lippens, who has been our consultant throughout this process, and was also instrumental in the development of the LV21 Master Plan. Thank you.

McIntyre: Thank you, Mr. Taormina. Go ahead Mr. Lippens.

Erle: Our televisions aren't turned on so we can't see what you guys are able to see.

McIntyre: Well, we have a technical difficulty this evening that I apologize for. I don't know if we have a work around for it.

Lippens: Would anybody like to move? If anyone in the audience would like to move to a place where you can see it easier, I think that would be a good solution. We apologize, but, at this time, we are not able to get those going for you.

Bahr: Madam President.

McIntyre: Please, Mr. Bahr.

Bahr: Just a quick comment. I do apologize. About two years ago, we specifically made a change so we would be able to see those public hearings, and I know Livonia TV has been doing that, I don't know how it slipped through the cracks tonight, so we'll definitely follow up on that for future public hearings and make sure they fix that, but I apologize for that.

Toy: Can you see it?

McIntyre: Mayor, do you know if we have folding chairs anywhere easily accessible in the building?

Brosnan: Hmm, let me see if we've got some down that side corridor where the Clerk's office is.

McIntyre: Alright.

Brosnan: We had some temporarily located there.

McIntyre: We have one of our outstanding Reserve Officers that could help, or we could help bring them in if needed. So, if you'll just give us a moment. I appreciate your patience, and again it was unanticipated that the monitors would not be working tonight as Mr. Bahr said and he was one of the people that urged this

change. We always like to have the monitors working and they just – you got it going Scott?

Miller: I've got them on, but I don't know if they're working.

Bahr: Oh, perfect.

McIntyre: Alright, thank you everyone for your patience in this delay, it was simply due to I was trying to make sure that everyone who took the time to be here tonight is able to see the TV.

Miller: It's only these two batteries that work.

Taormina: Well, if it had batteries, it would have worked.

Bahr: You just had to go get the chairs first, that's all.

Taormina: I just switched them back, I apologize.

McIntyre: No, no apology necessary. Alright, as soon as Mr. Lippens gets back and the Mayor gets back.

Lippens: Alright, well thanks to Scott for getting the TV's going. That's the solution we wanted for this problem, so and now everybody can see. Good evening Council, it is my pleasure to be here this evening. I think Mark covered the main points of the ordinance. He walked you through all the chapters. I'm going to cover just a little bit tonight about the processes and some of the high points. Michigan Zoning Enabling Act is the authorized Act that creates the opportunities to zone in the state. It is ruling to the Michigan Planning Enabling Act which also governs the rules by which City's plan. So, we have been working on this ordinance now for a little over two years. We were slightly delayed throughout the pandemic, but I think it allowed us to have a little more diligence. We've done a lot of review, had time to outreach with the Technical Committee, several working meetings with Planning Commission, a joint session recently with Council and all that leads up to the required adoption process, which is what we're currently working on now. So, the authority to develop and recommend Zoning Ordinances lies with Planning Commission. Your Planning Commission, in addition to serving as a working group and a body that helps this develop many of the recommendations in this ordinance, they are also required to hold a public hearing. That is required to have a 15-day notice. One of the key elements we want highlight for the Zoning Enabling Act, and this is really designed for when you make changes like adopting an entire zoning ordinance for an entire city. The City is not required to send a notice to every property owner about the process so the notice happens and a paper of record, of course it's been on the City website and advertised the way public meetings are advertised in the City, but since there are more than 11 properties effected, the City did not send out notices to every property effected, and that is in line with State of Michigan requirements for zoning and that's state wide. Planning Commission is charged with making a

recommendation to City Council, City Council is the adopting body, so the charge of adopting this ordinance lies with the City Council and City Council may take action. The state does not require that City Council hold public hearings, so Livonia is going above and beyond in doing addition outreach at the Council level. State does not also require multiple readings. That's another Livonia practice that is making sure that residents and Council does adequate time and takes time to review this ordinance, which was something Council expressed to us when we met earlier this Spring. We wanted to take a process that allow Council to thoroughly review the document. When Council does decide to act on the document, if you choose to adopt the new zoning ordinance, the City is required to publish a notice of that adoption and that notice of adoption, the actual ordinance comes into effect seven (7) days after the notice of adoption. So, that outlines the State of Michigan's required process for zoning amendments and the adoption of new zoning ordinances. For anyone in the audience, if you've had a neighbor or a commercial property near your house, if you got a notice of a rezoning, those amendments also follow the same procedure, so anytime the City gets a petition for an individual to rezone their property this is the procedure that is also followed in those cases as well. So, Mark covered some of the main accomplishments of this plan, I'm going to re-hit on some of those. I think one of the really important things to highlight is that this zoning ordinance was the number one priority project outlined by the Livonia Vision 21 Master Plan. So, the City has been working very diligently during this time to achieve those, and within the master plan you will find some guidelines for what we, the City, intended to achieve with this process. We also did a comprehensive diagnostic review, so we worked with a Technical Committee that included City Board Members, Commission Members, ZBA Members as well as department heads to really dissect the ordinance and the idea was that we would preserve all of the regulations that were working well and understand what wasn't working well and fix it and that was our philosophy that we wanted. We knew that the City worked well, that we had well established development procedures that were effective, we wanted to highlight those procedures, make sure they continued to work, but also fix elements and remove a little bit of the fat, right? We wanted to make it a clear ordinance that was very usable. That was the primary objective. So, we did incorporate those Master Plan recommendations. We also did an evaluation of variances, so we looked at variances for the last five (5) years and looked at them to say are they appropriate variances? Is the ZBA functioning as ZBAs are intended to function or are there things the ZBA is regularly being asked to do that would be better achieved through a zoning amendment. So, we are not asking for the ZBA to grant a variance for something that really, we would want any City similar property in the City to be able to do and so some of the changes we made were to address those types of issues as well. So, some of the accomplishments, district consolidation, usability of tables, hyperlinks. What this means is we've taken some of the information that was hard to reach or understand in the ordinance, and we've put it all together in one place so it's much easier to understand the regulations that applied to districts and that's without changing the regulations. What we've done is we've figured out which regulations are really governing values for districts, and we've put them all in one place. We've reduced non-

conforming lots, created more opportunities for housing and specifically we've done this at in commercial districts of the edges of neighborhoods. This was something that during the master plan was discussed at length. The opportunity to create more housing types including town homes, smaller units, apartments that were not currently being offered by the different residential districts and multi family residential districts in the City and where would be the appropriate places to add these. What the Master Plan Committee, when we were working on the Master Plan decided, was a great way to introduce these types of housing types in the City was actually in commercial districts at the edges of districts. That way we could keep the character and patterns of the neighborhood residential districts intact while we worked to also achieve more housing types in the City. Mark also covered the Form-Based Development option. This is really the way that we've intended for some new residential type development is through Form-Based Development, so anytime in a commercial district, if someone wanted to pursue one of these residential uses, if you're not in an are planned for Form-Based Development you'd have to get a special land use. I'll show you a table, a flow chart that explains that process in a minute. Again, we utilize established City procedure and we preserve what worked well, and what didn't we looked to update.

McIntyre: Paul, excuse me?

Lippens: Yes.

McIntyre: Is there a short way or do you want to wait to address it. There's just, I know this is difficult to encapsulate. I'm sorry, the difference between Form-Based Development option and traditional zoning. Is there a good way to kind of encapsulate what that is?

Lippens: Sure, I would say, when you talk about Form-Based Development Standards, you focus more on the architectural character and design of a site, than you do about the uses of a site. Now, both conventional zoning regulations and Form-Based regulations do regulate use and they also both regulate design. One of the fundamental differences between Form-Based Design Code is the types of regulations are shown graphically, the types of uses can be, multiple uses can be permitted in one building on one site. Also, it's easier to vary the proximity of those uses within a district. So, this Form-Based development option was not something that was not permitted in the City before, but it would have been permitted only through a PUD option. What we've done is we've created a bi-right way for people to do more creative types of development. In that respect, we've maybe facilitated some new development procedures. Now, any place that is not designed, or not designated in the Master Plan for Form-Based Development would have to go through a special land-use procedure in order to use that tool and that would involve public hearings and Council approval.

McIntyre: So, let me see if I got it right and I'm just asking because this is something that, to me, with a background in Planning took a while to get my head around. So, it means that in designated areas where we have this PUD designation, it

gives more flexibility to things that can go in there, but that sort of flexibility is restricted only to the areas that are identified for Form-Based design, right?

Lippens: Correct.

McIntyre: Okay, so it doesn't mean if you've got a residential area, right, that now you can go in and do all these things in there that you couldn't do before.
You can only do it where you have Form Based Development identified in specific places in the City.

Lippens: Correct.

McIntyre: Okay.

Lippens: At this time, it can be applied to commercial districts, but there's no neighborhood districts or neighborhood multi-use districts that have been identified for this particular tool.

McIntyre: Thank you.

Lippens: That was the preference of the Master Plan Committee, when we were working with them. So, we've implemented the recommendations that the Master Plan Committee made to Council at that time.

McIntyre: Thank you.

Lippens: Thank you, I appreciate it. Mark covered a little bit about this district consolidation. I think it's easier to see what this means on the map, I'm going to show you in a minute, but this is kind of a powerful stat. There are a lot of non-conforming lots, so one of the things you might think is that all of the residential lots in the City conform to the residential standards of those districts. That would make sense. In actual fact, that's not true. We did an analysis to prove that. So, what we've done is we've eliminated all of those non-conformities. So, if you live in a residential district now you might have a non-conforming lot. With this ordinance, we've made it so you probably will conform with those standards and be able to more easily upgrade, put an addition on your house, do things that you might have been limited to before because of non-conformance with required setbacks, etcetera. So, here's that map. Let me show you. The map on the left is the existing non-conforming lots to the residential requirements. You see all the red on this map are the lots that currently do not conform to the existing residential district that they are in. With the consolidation that we've done we have created the map on the right, which shows great improvement in the number of non-conforming lots. I would say what this really is, that there are regulations that probably were not practical or really utilizing the old code, so what we've done is we've tuned it. We've gone through and looked specifically at the actual lot dimensions; the sizes of the structures and we've created regulations that actually conform and support and protect the neighborhood structure that is there. Having non-

conformities is not really good for a district because it means that nothing can be protected because it's all non-conforming.

Toy: Paul, can you just kind of describe which street is north and south as you're looking at these maps.

Lippens: Well, this is Eight Mile at the top.

Toy: On the very top is Eight Mile, right, but what's down like in the center. Is that Five Mile and up?

Lippens: I'm going to hand it over to Mark. He's much more familiar.

Taormina: So, the City is bounded by Eight Mile Road along the north, which is here at the top part of the maps, both maps. These are identical obviously. On the east side is Inkster Road. On the south is Joy Road and on the west is divided between Haggerty Road and Eckles Road. I-96 Expressway runs generally here on the southern tier of sections in the community, Five Mile, Six Mile, Seven Mile again and Eight Mile. Middlebelt Road here just west of Inkster, a mile to the west of that is Merriman Road. Farmington Road runs through the center, then we have Newburgh Road, Wayne Road, Leven Road, other roads that run north/south through the community.

Toy: Thank you. It just makes it a little bit clearer. Thank you so much.

Lippens: So, I find this map to be really enlightening and we spent a lot of time on this analysis to make sure that we were effectively accomplishing the City's goals. And I, just to tell you, I talk about this with a lot of my clients now. This analysis is something I think is the best practice that should be done in all zoning ordinances. Certainly, it's a practice that I intend to keep doing. Mark mentioned the zoning map. This map also shows I think the consolidation of the land-use patterns of the City. I feel like this map reads. When I read this map and when I read the corresponding future land-use map I can tell that the way the City wants to develop is aligned with this policy. So, I also appreciate that the consolidation doesn't just disambiguate the code, it also disambiguates the vision and I think that's displayed very well on this map.

McIntyre: What's that word Mr. Lippens? I like that word.

Lippens: Disambiguate? That's a Planner's word.

McIntyre: Makes clear, right?

Lippens: Yes.

McIntyre: Yeah, more things that are clearly directed as opposed to open to interpretation?

Lippens: Absolutely.

McIntyre: That's a very good word though.

Lippens: Provides clarity.

McIntyre: Thank you.

Lippens: Provides clarity. So, the Form-Based development option. Mark also covered this a little bit too. So, one of the main things when we were looking at crafting these codes for Livonia is we wanted to create incentives for development. This is not a stick. I think that in five (5) years you might have some success with this option that you might make it requirements in more places, but for now what we've done is we've created the framework. We've put it in there where innovated developers can utilize it and I believe what they'll find if they chose to utilize it is that there's a lot of value in creating these building types and the market is demanding this type of development, so I think that creating this opportunity in Livonia. Again, you're getting this type of development, you're getting people thinking like this, but what we've done is we've made it easier in this zoning ordinance. So, I think the other thing that's important is conventional development in the C-District is still an option. We haven't made any of the types of developments that Livonia residents are interested in seeing and business owners are interested in the development. We haven't made anything that previously was an option in Livonia, not an option anymore. So, we've really focused on creating value. We mentioned that there are special area plans in the Master Plan, the City Center District is one of those special area plans I'm going to show you in a minute, but what this does is it shows consistency in getting that work done up front. So, if the City wants to work on more special area plans to implement, right now we did three (3) with the Master Plan. There are a few more districts on the Master Plan that are highlighted, but if that work's done up front, what it does is it means that any developer that wants to work with you on building that vision they can benefit from those special area plans being done up front and it takes a little bit of the question out of that process as well. We've also created guidelines for adapted re-use or renovation, so when people are renovating properties, we've shown ways to bring those more in line with the Form-Based Code District as well. In other words, most of those standards apply when you're building new, but if you're in the district we also want to provide some guidance on how to develop the buildings you have. So, we found, in the Form-Based Coded world, you talk about hybrid codes, which have elements of conventional zoning and elements of this Form-Based Coding. What we've created is an elegant approach to having both, and one of the main reasons we did this is because we did want to retain so much of the valuable regulation that the City of Livonia's development process is based on.

McIntyre: Mr. Bahr.

Bahr: Quick question Paul. So, it was just going through my mind here, and prior to this Form-Based, do we currently have any zoning districts that allow residential in commercial districts at all? I mean, I know it exists, but the ones

I'm thinking of are all really old, so I thought maybe they were just grandfathered, but -

Taormina: Yeah, Paul I think earlier referred to it as, or maybe the President did as Planned Unit Development. The Livonia Ordinance refers to it as Planned General Development and those regulations will remain and they are integrated into the Form-Based regulations, and what they do effectively is allow for a mix of uses within areas that are approved as Planned General Development. Now, a good example is the Haggerty Center where we have a combination of both retail and high density residential. It could also be done in strictly commercial developments such as Livonia Marketplace, so it's a very flexible tool and it's been, again, intertwined now with the Form-Based regulations to work together.

Bahr: Yes, I understand what it's doing now, I was just trying to figure out is this totally unique from what we've done in the past. So the Haggerty Square, is that what's it's called? I know it's not there now, we know what we're talking about, the apartments on Haggerty. We didn't rezone that to some form of residential?

Taormina: Nope, just strictly commercial.

Bahr: Okay. Alright.

McIntyre: Councilwoman Toy.

Toy: Now this is off the beaten path, but what about in our industrial areas? Has there been any thought in incorporation as we look at those? I know in Lansing they were doing some of that with some of those old factory buildings and things like that. Does any of this apply to possibly that in the future?

Lippens: It could and I'm certainly familiar with this idea. Essentially what we're talking about is retrofitting of commercial districts that were more limited in the types of uses that could be done by right in those districts.

Toy: Right, I heard you say that.

Lippens: Yeah, to create more development options, including housing.

Toy: Right.

Lippens: There are cities that are looking to do that also in industrial district. One of the one client's we're working with is the City of Holland which has a number of industrial districts, which they look to do this type of Form-Based retrofit as well. I would say that that is certainly an option in Livonia. It's not something that came up in our Master Plan process, so it wasn't on the forefront of us as we looked at districts to include. You'll see on the top of the flow chart here, and this is the flow chart for the Form-Based Development option procedure.

It describes that being applied to the C-1, C-2, C-3 and C-4 districts. So, those are your base districts that can be used to apply this loading zone.

Toy: I just wondered how far out we went. That's all.

Lippens: Well, I think it's a good point. I mean, I think if this becomes a tool that is utilized in the C-districts, I think it might be something you would consider down the I-districts. I know that the I-districts are highly functioning and also valuable, is that a good word? Not that the commercial districts aren't, but I would say when you look at areas in here, like these are working great, you don't necessarily look at changing them per se. I would say for the most part that's what we heard about the City's industrial corridor in the Master Plan was that these are highly functioning areas. We talked about the edges of them, to an extent, the Plymouth Road Corridor Plan, which was a commercial district. It does kind of border some of the City's industrial and connects to them.

Toy: Thank you, thank you Madam Chair.

McIntyre: Thank you.

Lippens: For sure. The other thing I wanted to point out on this flow chart here is the right side of this flow chart describes other, right? And the other process essentially what I would say is now, the PUD process for doing these types of developments follows the other project line of this, so you can do them, but there's no specific design standards that would apply to those projects and essentially, you're working with the developer to custom design any site, based on what the needs are through the PUD process. Now what we have is we have these Form-Based Development options with building design standards so we can actually help guide that PUD process towards a design that has been endorsed through the City's Master Plan process. Then you'll see on the left side of this chart, there are mixed-development centers, where there are five (5) of them on the future land-use map, and the City center, which is the area we are in now. In those areas, the idea is, if there is an adopted Special Area Plan, which there are three (3) of in the Livonia Vision 21 Master Plan, those would be eligible to go through a site plan process which City staff determines that the plan being submitted is conforming to the adopted land-use plan in the City's Master Plan. I'll show you one of those right now. This is the adopted Special Area Plan for City center. If you were to get a developer to submit a proposal for any site or one of the City-owned site, even a part of a City-owned site within this district, Planning Commission would be able to consider that proposal, make a determination if it really conforms with the adopted vision of the City center. If it does, consider that development plan through the site plan procedure, as opposed to a special waiver-use procedure. That's what we mean by a carrot not a stick. It's an incentive to follow this plan. I would say, if someone doesn't want to follow the adopted plan, they still have the option to go through a special waiver procedure. That' an important distinction too. People are not forced to conform to these plans, but if they do, they will have a stream-lined process. Here's some photos, or pictures, illustrations of the types of building types that are

included or design-standards that are included in the Form-Based Development option. Row houses, mixed-use apartments, basically, it's traditional urbanism. The idea is to achieve some more walkable places, to encourage commercial development, create new employment opportunities, and to diversify the City's housing opportunities, to accentuate the neighborhoods, which really were the focus of the Master Plan, building on the City's strong neighborhood and park system, employment centers, really building on what works. I have some notes here on some of the revisions that we've made since the first draft was considered at our working session. We have been working on signs to removed content-based regulations. This was a Supreme Court decision, so some of the subsequent changes to the sign section are designed to make sure that the overall time, place and manor, intent of the zoning ordinance is preserved, but that the content-based regulations are removed to align with US Supreme Court decisions. I don't know if I should go through each one of these? We made some more revisions to ordinances since our working session to align both with some of the feedback we got from Planning Commission as well, during this time, Scott has been conduction due-diligence review. If I would not be surprised, a year from now, if you had a handful, six or ten amendments that we didn't discover, but the intent of this review was to make sure we got as many of them as possible. Mark already mentioned that we've added a buffer from care-giver facilities, which aligns with the more recent State Court decision that clarifies the City's ability to regulate these uses. We've added some EV charging stations, these are all good things. I have this next step slide, we are actually on number three here. Planning Commission has made the recommendation to Council to adopt the zoning ordinance. This is the actual scheduled Council meeting to hear it. I believe following this, Council will have the opportunity to schedule two readings prior to making the decision, or do they make the decision at the second reading? So, you can make the decision at the second reading. The ordinance would become effective seven (7) days after that. We are here for questions and thank you very much for the opportunity to present some of these ideas. I think this is really an exciting ordinance and we're exited and thankful to have worked with the City to bring it to this point.

McIntyre: Thank you. Does Council have any questions before I go to those in the audience?

Toy: Yes, thank you, if I may. A couple of things come to mind. When you are talking about now and in the future, obviously, and the world has changed since we began this process, let's face it. Amazon was getting more into people's lives, probably even more so now than ever with people being locked in. Subsequently, I guess my thought is, were we basing a lot of those townhouses with retail underneath them or there's a lot of options there, we looked at that. I remember being over at the library, great response of people coming in, giving us feedback and things like that, but we took a lot of that into consideration, I know you did as you went through it and your committee went through it. Then also battery cars that seem to be coming even stronger as time goes on with the new Administration federally, are really promoting that, environmentally, etcetera. As we adapt into this, that we can be ahead of the

curve as much as possible so that we can allow those kinds of things to happen to keep our community viable, I know Maureen will do that, don't get me wrong, but you know what I'm trying to say to you, so if we can keep ahead of that curve. It's a hard one to judge at times, but I applaud you for a lot of this, it really turned out nice.

Taormina: If I could point out, just as an example, today, Scott Miller, one of our staff members and Stephanie, received calls today for EV charging stations on commercial property. While we don't currently have regulation for that type of use, this ordinance, in fact, will treat it as a permitted use, it provides some easy-to-understand standards, will not hamper in the ability of commercial properties to include those. So, that's a good example of trying to keep current.

Toy: Thank you so much.

McIntyre: Anyone else? All right. Are there members of the public that would like to communicate with us?

Brosnan: Madam Chair?

McIntyre: Oh, please, Mayor.

Brosnan: Just to wrap up the Administration side of this presentation this evening. As I did in the previous meeting, where you met with the Planning Commission. I really want to applaud the work that you've all done in getting us to this point. This is a long-range visioning process that began three (3) years ago. Council President McIntyre and myself, had the good fortune of serving on the Livonia Vision 21 Committee that helped to get us to this point where we actually decided that the number one priority for our community was to advance and change our zoning ordinance. We understood, sitting on that committee that this was going to be a huge, very brave, very bold lift for our community, but it's one that Livonia, being the city of foresight, undertook. When we did it, it was called Livonia Vision 21, very specifically, because it was designed to get to exactly this point in the year 2021. So, despite a pandemic, we managed to get here. As Paul points out, some of the precious time we garnered during the pandemic helped us put some of the finishing touches on the ordinances being presented to the community tonight. I really wanted to take just a moment to step back and look at this from the 5000-foot level, in terms of what a zoning ordinance change like this means for a city like Livonia. There's already a great deal of buzz throughout the County, throughout the State, neighboring communities are looking to us for guidance, we're already setting the standard a lot higher for folks. Our ability to turn around and say to people, 'we know where our city is headed, not just tomorrow, not just three years from now.' This plan looked at what is the city going to look like for my children, who I want to come back to this city, for my grandchildren that I'm hoping continue to live in this city. To Councilmember Toy's point, it not only looks at electric vehicles and charging stations, it looks at how does transit exist, future development of a community. Is there enough flexibility in the way we have zoned our community to allow for the changes that are going to drive our

economy, that are going to drive sustainability, that are going to drive the desire for people to want to come here? We believe strongly that the plan that's before the community tonight, because this in fact, their public hearing, the plan that we have before the community tonight does all of that and so much more. So, I did want to take a moment to step back to thank all of you for your commitment to the process, for your dedication to pushing this timeline through, to Mark Taormina and his team, these folks are genius. When they talk about working with other department heads and working with other commissions and board members, there were a lot of people involved in putting this together. Most importantly, this process began with the people in our community, we didn't just dream this up, as people who sit here regularly on a Wednesday night. This is a plan that came to us from hundreds and thousands of communications with people in our community over a course of close to two years and we got them together face-to-face, we got them together online, we got them together through surveys and all sorts of methodologies so that we have a lot of opinions weighing in on this, so the confidence I have in the zoning ordinance changes that are being brought to you tonight is significant. Driven not only by residents but businesses in our community. Many of you may recall that about a year and a half ago, we had a chance to conceptually introduce this to members of our business community in a bus tour that we did. We rode throughout the city showing the businesses what the changes in our zoning ordinances were going to mean to the future of our city. Trying, early on, to get buy-in, so that people were beginning to get energized around this concept. They were beginning to get excited about it. The call that Mark mentioned today is just one of just many that we get on a very regular basis, from people wanting to know, where is it that we're going to be using this new type of development in our city. They want to know, what are our plans? What are we looking at, what are our visions for this Civic Center campus area? What is it that we envision happening over at the Livonia mall area? What are we, as a city, what do our residents want to see happen on the Eastern side of the Plymouth Road corridor? If we can tell them what that is, if we can articulate what that means for the growth and expansion and development of our community, they will build it here. They will come, it truly is if you build it, they will come. First, we tell people what we would like to build, that's unique. There aren't a lot of communities that are out there right now that are capable of articulating that kind of vision. With your help tonight, with the residents input this evening, I am certain that we are going to be light years ahead of all the competing communities in being able to tell people what we want to see happen in our community, to solidify the future for our children. So, thank you very much for your time tonight.

McIntyre: Thank you, Mayor, very much. Mr. Bahr, go ahead.

Bahr: Thank you, Mayor, you voiced one thing, I'll ask Mark unless the Mayor wants to answer this, but you talked about preparing us for future transit. I don't know if you want to elaborate that, or if Mark, you wanted to? Are you talking about electric charging stations or are you talking about something else, I don't remember that topic coming up in our previous discussions on this? What are we doing drastically different, as far as future transportation in the city?

Lippens: In terms of the plan, the Special Planning Areas, including City center, are designed to create nodes of activity. Certainly, walkability is connected to the creation of transit routes and the transit system. I'd probably link that back to the Future Transportation Plan, which is a part of the Livonia 21 Master Plan, which outlines a number of potential connections to regional transit system and even the local circulator systems have a potential to upgrade those to service more city residents. It also talks about the connection to connect in automated vehicles, which is a part of our transportation services, its really a form of paratransit. In looking at the future land development, the development of land systems, transportation systems are entwined, we know that the decisions we make about transportation and the decisions we make about land-use are linked and connected to one another. That's really what the Future Transportation Plan and the Future Land-Use Plan in the Master Plan look to do, is align the way we look at our transportation systems with the way we look at our land systems. The one piece of that I did mention too, was the Livonia Bike Walk Plan, which was kind of the first plan that looked at mobility systems to enhance the City's mobility network. The Bike Walk Plan also looked at the integration of land-use systems with the destination analysis that was done and even seeing the Bike Walk Plan, how the links between, the fact destination analysis that was done for the City's biking and walking system, was then linked into the land-use plan and carried through in the future land-use plan. I think that when I earlier made the comment that you can tell now how those plans relate to the zoning map, I think that's the link, really that the Mayor was referring to and now updating our land-use regulations to match our land-use vision.

McIntyre: Before, if anyone from the audience would like to speak, I would like to reference some new data that I thought would be most appropriate to read this now. This is a letter from a resident, Mr. Thomas Erle. He expressed that he didn't feel a need for creating a City center at Farmington Road. We would have to dislocate many of the businesses. He said that Bates has been a landmark for decades. What was very interesting when I read that, if we recall the conversations that we had around City center, there was, people not being funny, that is an iconic part of Livonia. I'll have to let him know that he can rest easily knowing that everyone on the committee virtually felt that was not something that you would fool around with. He talked about the Sears building site as a great area for mixed-use and then he talks about what we talked about, missing our middle housing. He talks about it being helpful in building new homes in the space like Sears, where you could buffer between middle market, multi-family housing and residential. The need for senior housing and expressed the general doubt about the benefits of higher density living. I wanted to mention that since he couldn't be here this evening. Is there anyone else that is here this evening that would like to comment. That is what a public hearing is for, its an opportunity for any citizen to communicate with the Council and everyone else that is here tonight.

Campbell: Since no one else is standing, I guess I will.

McIntyre: As every public meeting, we ask that you give your name and address or if people don't want to give their full address, their street and city.

RESIDNET: I put my name up there, do I need to put it here too?

McIntyre: Yes, please. Gale, I'm sorry, if you could just state your name.

Campbell: Ok, Gale Campbell. 14368 Ramblewood Street, Livonia. I guess I wasn't aware of this wonderful Vision 21 Plan, I didn't see any of the ads, I didn't see it in the paper, I didn't know until I saw it on the calendar, I didn't see it anywhere, so, I didn't know until today, for the zoning ordinances. First off, I would like to thank the City Council for holding this public hearing on the new Livonia Vision 21 zoning ordinance and the zoning map. While reviewing the zoning ordinance, it is well laid out and relatively easy to use, though while doing a simple search for residential fence requirements, the document referred me back to check Article 44 of Title 15 of the Livonia Code of Ordinances, as amended. Is this new zoning ordinance meant to replace the older zoning ordinance or to be used as a supplement to it? By not having all of the zoning ordinances in one place, makes it more difficult to find what you are looking for. If this new zoning ordinance completely replaces the old, it was exceedingly difficult to compare the new zoning ordinance to the existing zoning ordinance. The new ordinance is 216 pages. When permanent changes are made to the zoning ordinance, would it be possible to have a list of changes published for residents to review? It would take an enormous amount of time for an individual to compare the two ordinances. Another concern is the potential changes to zoning ordinances within the budget reconciliation infrastructure package that have been proposed by the new HUD Secretary Fudge. According to the provision in the infrastructure package, if a local government does not comply with federal zoning guidelines, including ordinances that ban apartment buildings from certain residential areas, or set a minimum lot size for a single-family home, HUD will cease funding to that city. If this passes Congress, will Livonia be forced to comply and make additional changes to the zoning ordinances? If so, will Livonia citizens be informed of the changes? Being as I wasn't aware of the whole Vision 21 passing two (2) years ago, my only concerns with the actual Master Plan is the statement in the neighborhood section, where it says, to seamlessly incorporate multiple-family housing within established neighborhoods through in-fill development and strong urban design. This type of development is happening in nearby cities and is garnering a strong negative reaction from the residents. I would like to know if any of our existing neighborhoods are currently being targeted for this in-fill development? My other concern is the transportation portion. It states, prepare for the emergence of new transportation technologies by revisioning traditional uses of the transportation network and by investing in innovative mobility strategies and smart infrastructure. It makes an assumption that Livonia residents agree that the one-mode transportation days in the past, ride sharing, walking and riding a bike all sound great, though in the middle of January, how many residents will be out walking to the store or riding their bike? Thank you for the opportunity to speak.

McIntyre: Thank you very much, Ms. Campbell. I've made notes, as I'm sure we all have of the questions you asked. Most of them, I don't think we can give you a specific answer on tonight, but I did want to address just a few things. The question about provisions on the infrastructure bill that is currently being proposed by the President. We asked our Director of Governmental Affairs, LaShawn Thomas, who is here this evening, if she would get in touch with Haley Stevens' office, that we might have a representative her tonight to hear what we're doing, because so many elements of this run against the things, two provisions I know of specifically in the infrastructure. One is, communities and the inability to receive CDBG funds if you're not compliant, but there's one at the State level, that would deny a State's transportation funds if State's don't prohibit in every municipality, the State would say, there's no single-family residential zoning allowed. We were denied a representative here tonight, but we've made Representative Stevens office very much aware of our concerns and LaShawn is going to stay very engaged on behalf of everyone in the city on this issue and represent our position on this. The other thing that I wanted to address was the transportation question you raised, which Scott raised, and if I could paraphrase, Mark, Paul, please tell me if I'm wrong. We don't have anything in this plan that says, we do have a robust Bike Walk Plan and we do keep enhancing that. It is predicated, it is driven by data, where we know people want to ride their bicycles and a strategy that we've laid out on that plan, that's very clear about interconnecting certain things; parks to other parks and some of our residential areas to parks. To Paul's point, and again, I'm never good at paraphrasing Paul, because he knows this a lot more than I do, but in looking at the transportation piece, just to understand that things may be evolved in a way that we can't comprehend right now. To just recognize that as a factor, as we move forward in this. Not anything specific other than a bike walk.

Campbell: That was my concern, that the recommendations might lie with putting high-rise apartment buildings in neighborhoods. All those people, I mean, are we not going to have busses running through? That's the thing, I mean, you put something like that in a neighborhood –

McIntyre: Nothing in the Master Plan says that. Nothing you're hearing tonight comprehends or reflects that.

Toy: If I may hone-in on that just briefly. The way I was thinking of it, is that, let's say, I had a situation in my home where my father and my mother were very ill and I was able to add on something without going through a ton of hoops with the city. I was able to either lift my roof up to accommodate that kind of situation for other family members in that home, and/or to add on to their home, so that they can stay in their home. That's the kind of thing that I think we are talking about. As Paul mentioned, the edges, I think, is where it becomes more apparent. If you remember the way, and I don't mean to compare us, it's not a bad thing, but Detroit. People would walk to the corner store and it became more walkable in those areas. I think we're trying to open up the city so that we can take a look at some of those other types of possibilities as the environment changes, as the climate changes. All those kinds of things we

have to consider as we move forward as a major city in metropolitan Detroit. I don't know if that helps you, nothing is written in stone quite yet.

Campbell: Just so you know, there are no stores within walking distance of my home, so I would need a vehicle. I am not riding my bike to a store.

Toy: Depending on where you live in Livonia, I can walk to the store from my house, but I live in the center part of town, but I hear what you are saying. I'm just saying, there are those kinds of venues. Plymouth Road has a lot of little stores open at one point. I don't know if we're going back to that or if the market is demanding that, or if the entrepreneurs coming in will ask for that.

Campbell: Last year a lot of stores were forced to close, so there are less stores.

Toy: Thank you Madam President.

McIntyre: Vice President Bahr.

Bahr: President McIntyre did a nice job answering a lot of your questions, I think. There was one that I want to address and offer clarification. Your questions if this adds to or replaces the existing ordinance, this is a whole replacement of our current zoning ordinance. I, actually from a resident's perspective, this document is so much cleaner to read, so much easier to find things, so as someone that was on Planning Commission for four (4) years before being on Council and I've spent a lot of time looking at the zoning ordinances, this is such a welcome change. I think in the future, you're going to find it easier to find things.

Campbell: When I was on Zoning Board of Appeals, we changed fence ordinances. So, I just randomly looked up fences and it told me to go to Chapter 44 of Title 15 of the Livonia Code of Ordinances, as amended, it's in this new document. So, that's why I'm like, how many are we going to have?

Bahr: Just from a form perspective, I see this as huge improvement. The one clarification that I think it's the last question, is, while there are some consolidations of the districts here, residential is still residential, commercial is still commercial. The only place where we are talking about some of this mix is in those three districts, City center, East Plymouth Road and the old Livonia Mall area that are identified in Vision 21. Anything beyond that, as they said, would have an approval process and come through Council. You're not going to suddenly see the nature of these neighborhoods changing.

McIntyre: Thank you. Please, you may use either podium.

Erle: My name is Margaret Erle, the letter was from my husband.

McIntyre: I think I captured his points; I hope I did.

Erle: I live at 31545 Pembroke Street. I live in the Spring Lakes Subdivision. I'd like to thank you all, I know you have done a lot of hard work and I know that what you've done is very similar to what many other cities and municipalities are doing. We have a cottage on the west side of the state in South Haven. Some of the things that you alluded to with Holland, is kind of unique. Holland has a process that they developed years ago to keep the sidewalks snow-free, I don't know if you knew that. They never have to shovel the sidewalk in the walking area because they have the mechanics underneath. I also wanted to point out, and I'm so glad I was able to be here because there was a lot of clarification for me. I can only talk from my own personal experience and again, I'm going to go over to the west side of the state, where we have a nice community called St. Joe, it's a very trendy little spot. They closed off their streets, as did Holland for a while, to all motor vehicles, and made it just be a walking area. Now, Holland has a pretty established shopping area and St. Joe also, although theirs is more summer-resort style shops. Both of them, since then, have taken the barriers off and do allow vehicle traffic, because they found that it was more desirable by a lot of the people. They also incorporated parking right on the streets, so that you could park and do your shopping and get back in. So those were a couple of things. When you talk about looking into the future, I want to take you back to how many elementary schools and middle schools Livonia has closed and taken down. At one time, when we looked into the future, we overbuilt bigtime. That is providing a lot of the land that's within communities, neighborhoods that are already established. When it comes to walking to the store, I'm going to tell you a story about my daughter who, after she graduated from Central, went to Virginia in the Hampton area and taught. She was like a block and half from a grocery store. So, one evening, she walked to the grocery store to pick up a few things and she called me and said, "Mom, I got to the check out counter with a case of water and I realized that I had walked here and there was no way I would get that water back home." So, she had to pay for everything, walk back home, get her car, go back to the store and retrieve her water. When you come to the battery charging, I think that a lot of business would find it very appealing to have that capability. I would like the City of Livonia not to be responsible for putting those charging stations up or paying for the electricity that is used. We have a friend that has a cottage behind us, who purchased a resort area, and he has a Tesla, so he was able to contact the company and they were willing to put in a machine there for him and take care of all the powering, because his customers come from Chicago and Indiana, so they need to be able to charge their cars. The last thing I'm going to talk about is the parking. I don't know if you guys have gone to a store like Kroger where you have several handicapped spots. When you go into the store, there are several handicapped spots in the parking area, but there are also a large number of spots that are being used for the employees of the store to run groceries out to put in the cars of people who have shopped online. I think that we will never need the amount of parking that we see by the Sears at Livonia Mall, even at Twelve Oaks. When Twelve Oaks first opened, the employees at Christmas time had to be transported into the store because there were no spots. The expressway was lined up with cars waiting to find a spot. I don't think that after the pandemic, we're ever going to see that again. I think not only are the young

millennials shopping online, a lot of us older people are too, for convenience-sake. Again, I would like to thank you for your hard work. I hope that you will know that we love Livonia, and that we love the motto 'families first.' Thank you.

McIntyre: Thank you, Mrs. Erle, I really appreciate you being here and making sure that your husband knows that his voice was heard. It's nice that you were able to make it. I just want to address a few of the points that you made, thank you for your very thoughtful and relevant comments. Regarding cities that have closed off their commercial districts to vehicles and have gone back. We've seen that, we don't have a commercial district in that nature, so right now, even with our Master Plan, there is no area on this that you would consider cutting off vehicles from. You need vehicles to access most of these places, so I don't think there is anything in our plan that comprehends right now doing that, that's not what this plan is about. I understand your concerns, you point of how it seems like a good idea and then it doesn't turn out to be very viable. Regarding the electric charging stations, you mentioned that a friend of yours has a business and he put them in to accommodate his customers. In Livonia, we'd do the same thing. If a business chooses to put them in, the business pays for that cost and the business pays for their electricity, just like they pay for their electricity for everything else they use. Regarding charging stations in public places, I know that there are different models, and I don't know if we've determined what model we would use. There are some municipalities, I believe, that provide twenty (20) minutes of charging and then it's a fee-basis. Mark and Paul, you are better versed to answer this than I am. I don't know that we have gotten to that level of granular detail. Livonia has a good history of looking at best practices and so it certainly wouldn't be our plan to super subsidize, if you will, people that drove electric vehicles, in other words, rewarding those people and giving them free fuel. There are different models. You made all of your points very well and as someone who moved to Chicago after college, I found myself in that same situation of walking to the Jewell grocery store and then realizing that whatever I had, I had to carry home. A few times I had to call for help, so thank you very much. Your comments are very much appreciated, as are the comments of everyone who has been here this evening. Was there anyone else who would like to speak at this public hearing? Mayor, Paul, Mark, Administration? Anybody have any final thoughts they'd like to offer?

Cleaver: Hi, I am Mary Ann Cleaver. I'm at 15552 Alpine, Coventry West Subdivision. It's more of a comment than a question. I just saw on Facebook tonight about this meeting and I'm probably on Facebook every other day or so, and this is the first time I saw this advertised. I've seen dogs missing and several other things on this site, but if you could give a little more notice. I called a couple of my neighbors to see if they could run down here, because I came home from work and they are busy, but if you could notify the public a little bit more about this.

McIntyre: We do notify the public of all public hearings. You can subscribe to emails from the City that will notify you of meetings. Public hearings, information is always

posted, its in the Observer. Unfortunately, that's the legal vehicle that we use to notify people. I think what you are talking about is Livonia Community page and often times these meetings are publicized on there, but you can subscribe to the City emails and be notified of the meetings, the public hearings. I believe the ability to subscribe to public hearing notices are like with Council meetings, where you can be advised of the meetings. It is a challenge to make people aware, but you can check the City website, which I would say is the best source of information. Your point was well- made, that on the City's Facebook page, that we mention upcoming public hearings.

Cleaver: I mean, six (6) hours before?

McIntyre: It was published.

Cleaver: I understand that it was published somewhere else, but I'm just saying for people, I don't have the Observer and I understand there are other, but if you're going to, it would just be nice a week before maybe. I understand it's different in other areas, but I just didn't know about it and then I thought about the survey from this committee and that it was in all of the publications that would come to the house, so maybe something in our tax bills that come to our address that is residential friendly.

McIntyre: I appreciate your comments, but our tax bills are produced in a way that it would add considerable costs to start putting inserts in. The City website is an outstanding source of information. That said, I do appreciate your comments and we will endeavor to make sure when there are public hearings that we make extra effort to put that information on Livonia Community Facebook, but the meetings are communicated and I'm sorry that you found out about it today. Thank you very much, thank you for coming out tonight and thank you for your comments. Anyone else?

Toy: Madam Chair, just you know, not to beat up the comment, but I'm glad you were able to appear to this, but we also have started this process back in 2018. There have been tons of public input on this. In all sincerity, that's how we got to where we are tonight, with so many of those comments and insight. Our department heads and residents that came out, it was unreal, it was a community effort. It truly was and I'm sorry if you couldn't be part of that, certainly if you have any comments, get ahold of our Council office, any of us are all ears. They Mayor's office is that way as well. Please, you know, don't feel slighted in any way because this is no big secret. We've been at this for a long time and we're just trying to keep this city very viable, and I commend all those that have done that, including all of us. Please, we need your input. If I may, if its appropriate to move this, I would like to give this an approving resolution.

McIntyre: Thank you. All right, anything else? All right, before we close, I would like to note that the Mayor did a nice job summarizing all of the multi-faceted ways we went about this, in collecting information and calling upon every talent and resource we have. I think that a tremendous thank you. It is impossible, really,

to express enough gratitude to our Director of Planning and Economic Development, Mark Taormina. I told him today, and Mark is, and I don't want to embarrass you, but Mark is one of the most humble people you will ever meet. He is an absolute, rock star is an overused statement, but most cities would give their eye teeth to have Mark's knowledge, with Mark's experience, with Mark's work ethic and he knows the city inside and out as he does. We've had a lot of people behind this and working on it and we certainly did, we hired McKenna, our consulting firm, our community development firm, just like every other contract the city has, we go through a very rigorous project of bids and sealed bids and making sure they meet qualifications, and we were very careful and deliberate in how we ended up with McKenna. They have been a tremendous partner to us, but none of this would have happened without a tremendous amount of work above and beyond and Mark driving it. Thank you very much, we all owe you a debt in gratitude.

Taormina: I just want to say thank you for that and also express to the residents to anyone interested. If they have any questions regarding the ordinance, please reach out to the Planning Department directly, we will respond to them and get them the information or answer they are looking for regarding the ordinance. The answer is that they are looking forward to reading the ordinance, so please do not hesitate to reach out.

McIntyre: Thank you to everybody that took the time to come tonight. Again, we are sorry if you haven't found it easy to find information about these meetings, but there is nothing more important than engaged citizens and whether you wanted to say something tonight or whether you are just here to listen and learn, we very much appreciate you being here. We know your time is valuable too, but your presence here means a lot to us and reflects a lot of great things about our city. So, thank you.

Taormina: Just one last thing, that is, the ordinance is available on the website, so they can download a copy of it or view it directly over the internet. That's it.

McIntyre: All right, with that, thank you everyone, the public hearing is closed.

As there were no further questions or comments, the Public Hearing was declared closed at 8:25 p.m.

July 13, 2021

Dear Kathleen E. McIntyre, Council President:

I will not be able attend the meeting on Wednesday July 14, 2021 about the zoning. After reviewing Livonia's Vision 21 Master Plan that was past by the City Council, I felt that I had to comment on it and the next step – review of zoning guidelines.

My wife and I have raised our family at 31545 Pembroke in Livonia since 1976 We have been very happy here for the last 45 years (good schools, recreation and shopping near us). I love the sign on Farmington Rd. south of Eight Mile Rd. **"Welcome to Livonia** Established 1950 **Families First!"** Whatever we plan for our future this should be our focus.

I don't feel the need for creating a city center at Farmington Rd. and Five Mile Rd. We would have to dislocate many of the business current owners of the properties to do this master plan. The picture on page 31 of Book 2 doesn't match the map on page 29 section "E". Everything looks wonderful but what about across the street on Five Mile. Bates has been a landmark for decades. I love it! However, it looks like a lot of the businesses on Plymouth Rd. between Inkster and Middlebelt roads. Is your job to decide what stays and what goes? Anybody's?

Where to start? I would explore the Sears building site. First, the site is vacant. Second, a buffer between what is currently around it is easier to complete. Third accessibility is wonderful. Forth, it is great for mix usage plus some other retail is near site. The city would have to lineup many partners for this task but it would be better learning the ropes here then at City Center.

Page 24 of Book 2, defines the characteristics of missing middle housing that can be used in many of our family neighborhoods. Most of single-family housing are in areas with about 3 to 5 per acre. The densities of these other housing units are 16 to 35 per acre. This could be very helpful in building new homes in a space like Sears at Seven Mile and Middlebelt Roads. You need a larger space to create the green area to buffer the space between the mixed uses. I would be against dropping these middle housing units into single-family housing without major buffering.

The need for senior housing is growing. My neighbors have purchased homes near or across the street from their parents or children. We liked where we lived and we wanted to keep an eye on them.

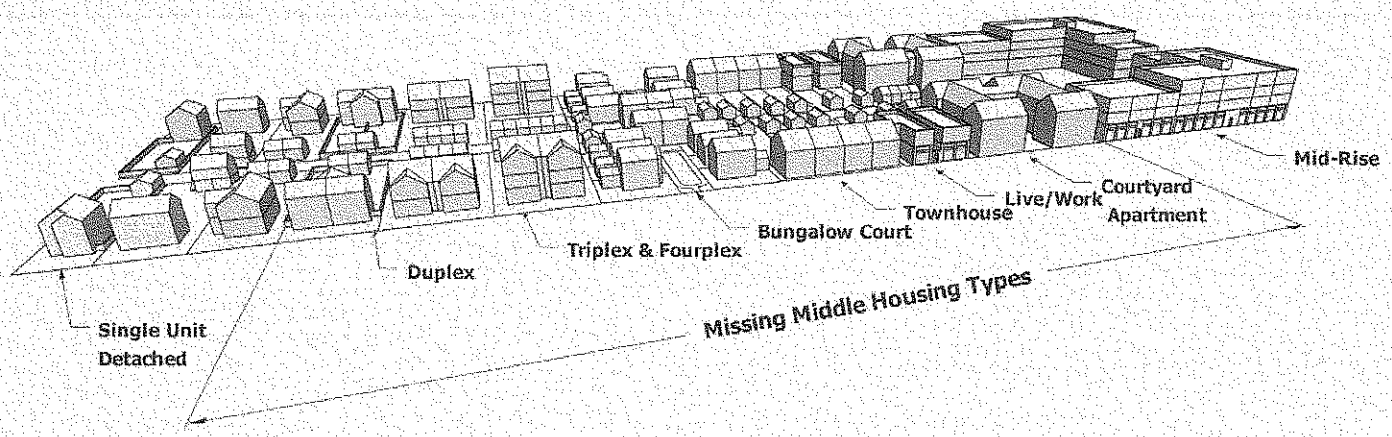
I have my doubts about the benefits of higher density living. Where public transit, retail and services become walkable these could become difficult to maintain. Livonia's current transit system is very good for our senior citizens.

Hope you have a productive meeting.

Sincerely

Thomas Erle

DEFINING CHARACTERISTICS OF MISSING MIDDLE HOUSING



According to the Smart Growth Network (SGN), in its ***National Conversation on the Future of Our Communities***, these housing types "are classified as missing because very few have been built since the early 1940s due to regulatory constraints, the shift to auto-dependent patterns of development, and the incentivization of single-family home ownership." The eight defining characteristics of missing middle housing – according to the Smart Growth Network - are as follows:

1. **Walkable communities** – according to SGN, the most important characteristic of missing middle housing is that it must be built in walkable urban areas close to services and amenities such as restaurants, markets, and work.

2. **Medium density but lower perceived densities** – SGN notes that perception and design is key when it comes to the perceived densities of missing middle housing. In short, those missing middle housing is typically medium density (16 dwelling units/acre to 35 dwelling units/acre), context-sensitive design and small building footprints help the densities feel more tenable to existing residents and neighbors.

3. **Small footprint and blended densities** – densities should be blended and small- to medium-sized building footprints maintained for ideal urban infill sites, "even in older neighborhoods that were originally developed for single-family homes but have been planned and often zoned to evolve with slightly higher densities", according to SGN.

4. **Smaller, well-designed units** – many urban experts believe that a common mistake of architects and builders that has resulted in obsolete denser housing types is the impulse to force typically suburban unit and building types into the urban core. SGN advocates for smaller, better-designed units to help keep costs down and widen the affordability of housing in urban cores.

5. **Off-street parking does not drive the plan** – since missing middle housing is best built in walkable environments, there is often a need for less parking than even zoning standards call for. When large parking areas are built, "the buildings become inefficient from a development potential or yield standpoint and can shift neighborhoods below the 16-dwelling unit/acre density threshold". The 16-dwelling unit/acre density threshold is the point at which a neighborhood generally can support public transit and streets where walkable services and retail become viable.

6. **Simple construction** – simple construction methods support two important pieces in the missing middle housing equation – profitability to the developer and affordability to the purchaser.

7. **Creating community** – with the common spaces typical of many of the forms of missing middle housing, such as courtyards and bungalow courts, there is the opportunity for neighbor interaction and community-building often greater than with traditional single-family and high-rise apartment development.

8. **Marketability** – the marketability of many of the missing middle housing types is key to their success in a competitive market; adding to the attractiveness of many of the forms is the ability to provide a scale and experience similar to single-family homes. For example, when occupants enter from a front porch with a dedicated entrance, rather than sharing interior common space entrances in typical apartment buildings.

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

Figure 1.1: Missing Middle Housing Types

POTENTIAL TYPES OF MISSING MIDDLE HOUSING FOR LIVONIA:

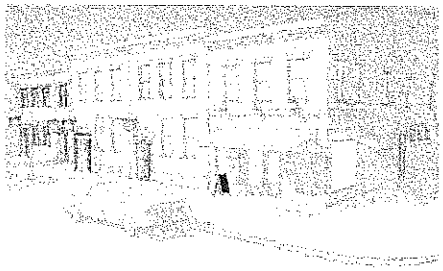
Duplex Adjacent

Duplex Stacked

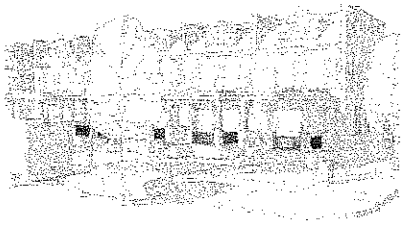
Triplex

Fourplex

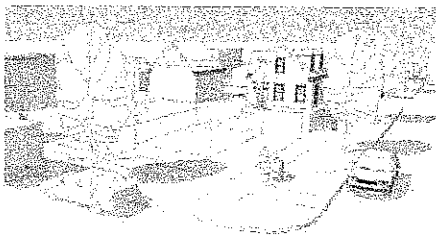
Small Apartment



Live Work



Rowhouses



Accessory Units

Conceptual rendering of the proposed vision for Civic Center. This view is looking west across Farmington Road into the proposed residential neighborhood.

THE VISION *for the* CITY CENTER

A dynamic mixed-use campus that is recognized as the Livonia entertainment, cultural and event destination.

Figure 1.7: Conceptual Master Plan of the proposed vision for City Center.

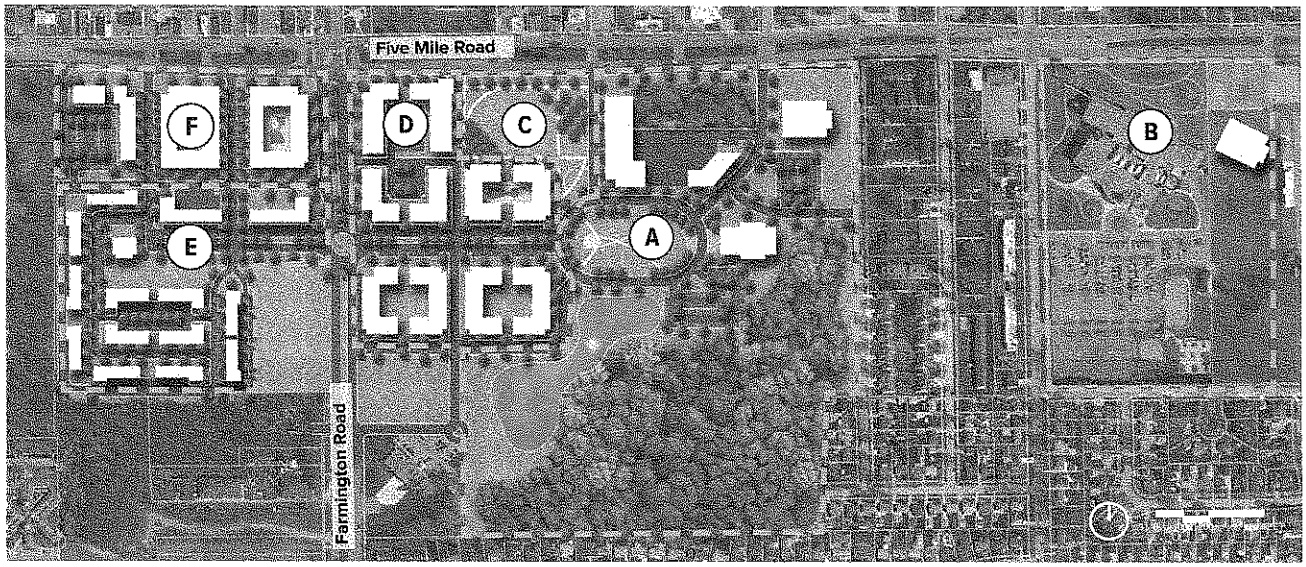


Table 1.10:
City Center – Site Development Data

A. Proposed Civic Campus

- City Hall/ Library
- District Court
- Public Safety (Police Dept., Fire Dept.)
- Community Space/ Amphitheater

B. Recreation Campus

- City Recreation Center
- Senior Center

C. Memorial Park

- +/- 5 acres

D. Mixed-Use Development

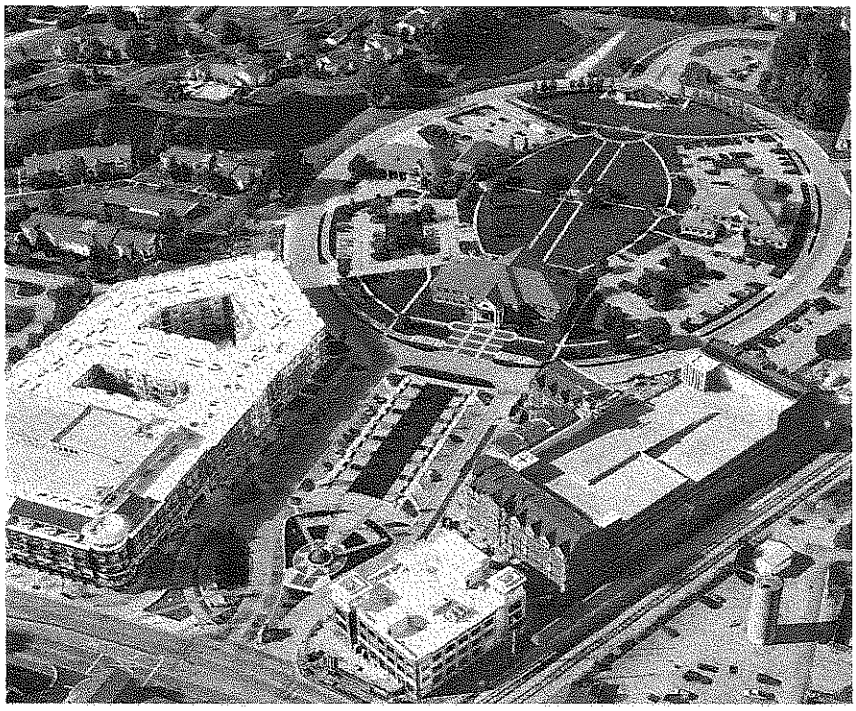
- +/-16 acres
- 22,000-40,000 sq. ft. (retail/office)
- 500 residential units
- 3-4 stories

E. Attached Single-Family Residential

- +/-16 acres
- 126 units

F. Commercial Mixed-Use Development

- +/-7 acres
- 15,000 sq. ft. (retail)
- 180 residential units
- 3-4 stories



The vision / concept for the Civic Center was inspired by civic campus in Fishers, IN shown above.

FARMINGTON RD
FIVE MILE RD
HAMBURGERS
Bates
HAMBURGERS

LETTER TO THE LIVONIA CITY COUNCIL

Planning
June 7, 2021

MEETING DATE	PREPARED BY
July 14, 2021	Stephanie Reece, Program Supervisor,

AGENDA ITEM

Petition 2020-12-06-03 submitted by the City of Livonia Planning Commission to consider the adoption of an updated and re-formatted LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.

BACKGROUND

RECOMMENDATION

At the 1,170th Public Hearing and Regular Meeting held by the City Planning Commission on June 1, 2021, the following resolution was unanimously adopted:

#06-27-2021 RESOLVED, That having conducted a Public Hearing with regard to Petition 2020-12-06-03, submitted by the City Planning Commission pursuant to Council Resolution #09-19, in connection with Phase 2 of the Livonia Vision 21 contract involving the preparation of a comprehensive update to the City of Livonia Zoning Ordinance, the Planning Commission does hereby recommend approval of the Livonia Vision 21 Zoning Ordinance, Version 6.0, dated June 1, 2021, prepared by McKenna, and the Livonia Vision 21 Zoning Map, dated June 1, 2021, as prepared by the City of Livonia Planning Commission, for the following reasons:

1. That this comprehensive rewrite of the City's zoning regulations is the culmination of over two (2) years of hard work by the Zoning Ordinance Technical Committee, including several Special Study Meetings of the Planning Commission and a Joint Work Session with City Council and members of the Zoning Board of Appeals.

2. That the Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map are in full compliance with the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

3. That the overall organization, recodification, and functionality of the Livonia Vision 21 Zoning Ordinance represents a substantial improvement over the existing ordinance and streamlines all of the City's zoning regulations in a more efficient, effective and user-friendly format.

4. Adoption of the Livonia Vision 21 Zoning Ordinance achieves the #1 priority project as identified in the Three-Year Priority Project List in Book 4, Strategic Development, of the Livonia Vision 21 Master Plan, which recommends updating the Zoning Ordinance to jump start Livonia Vision 21 implementation.

5. Adoption of the Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map is consistent with the recommended Revisions to the Zoning Ordinance and Zoning Map as outlined in Book 4, Strategic Development, of the Livonia Vision 21 Master Plan, including:

a. Consolidating and simplifying the City's one-family residential zoning districts to reduce the number of non-conforming lots;
b. Consolidating and simplifying the City's multiple-family residential zoning districts, and providing new incentives and standards to encourage infill housing and neighborhood investment;
c. Consolidating and simplifying the City's commercial zoning districts by eliminating the office districts and incorporating the eligible uses and standards into the corresponding corridor and regional districts;
d. Incorporating form-based regulations for the City's Special Planning Areas, Mixed Development Centers, and commercial districts; and
e. Providing incentives and standards that will encourage sustainable use of land, materials, energy, and resources.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2020-12-06-03_LV21 Zoning Ordinance_E-COUNCIL Pkt

APPROVED BY

Date: June 07, 2021

Mark Taormina, Planning and Economic Development Director

Date: June 17, 2021

Maureen Miller Brosnan, Mayor

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 1

Petition 2020-12-06-03 submitted by the City of Livonia Planning Commission and the Zoning Ordinance Technical Committee requesting adoption of the **Livonia Vision 21 Zoning Ordinance** and **Livonia Vision 21 Zoning Map**, pursuant to Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended.

June 1, 2021 Public Hearing:

Approving Resolution: That having conducted a public hearing with regard to Petition 2020-12-06-03, submitted by the City Planning Commission pursuant to Council Resolution #09-19 in connection with Phase 2 of the Livonia Vision 21 contract for the preparation of a comprehensive update to the City of Livonia Zoning Ordinance, the City Planning Commission does hereby recommend approval of the ***Livonia Vision 21 Zoning Ordinance***, Version 6.0, dated June 1, 2021, prepared by McKenna, and the ***Livonia Vision 21 Zoning Map***, dated June 1, 2021, as prepared by the City of Livonia Planning Commission, for the following reasons:

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3. That the overall organization, recodification, and functionality of the Livonia Vision 21 Zoning Ordinance is a substantial improvement over the existing ordinance, and streamlines all of the City's zoning regulations in a more efficient, effective and user-friendly format.

4. Adoption of the Livonia Vision 21 Zoning Ordinance achieves the #1 priority project as identified in the ***Three-Year Priority Project List*** in Book 4, Strategic Development, of the Livonia Vision 21 Master Plan, which recommends updating the Zoning Ordinance to jump start Livonia Vision 21 implementation.

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    a. Consolidating and simplifying the City's one-family residential zoning districts to reduce the number of non-conforming lots;

b. Consolidating and simplifying the City's multiple-family residential zoning districts, and providing new incentives and standards to encourage infill housing and neighborhood investment;
c. Consolidating and simplifying the City's commercial zoning districts by eliminating the office districts and incorporating the eligible uses and standards into the corresponding corridor and regional districts;
d. Incorporating form-based regulations for the City's Special Planning Areas, Mixed Development Centers, and commercial districts; and
e. Providing incentives and standards that will encourage sustainable use of land, materials, energy, and resources.

May 25, 2021 Study Meeting:

Based on suggestions stemming from the March 30th Joint Work Session, several changes were made to the proposed new zoning ordinance. A brief description of some of the more significant changes that appear in the latest draft are provided below:

1) Under Section 1.01, the official title given to the new zoning ordinance is: ***Livonia Vision 21 Zoning Ordinance***. A similar change was made to Section 3.02 to make the official title of the new zoning map: ***Livonia Vision 21 Zoning Map***.
2) Definitions for *Specially Designated Distributor (S.D.D.)* and *Specially Designated Merchant (S.D.M.)* liquor licenses were added to Section 2.01(8).
3) A definition for *Exotic Vehicle* was added to Section 2.02(2), and Section 6.33 was created for the purpose of regulating *Internet-Based Exotic Vehicle Sales,* which is proposed to be treated as a permitted use in M-1 and M-2 Districts.
4) *Vehicle Tow Yards* have been added as a waiver use in the M-1 and M-2 Districts, subject to the same special requirements that currently apply to Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, and other Special Trade Contractors under Section 6.58.
5) A 1,000 ft. separation requirement between *Caregiver Grow Facilities* was added to Section 6.10.
6) *Form-Based Development Option* and *Planned Developments* were added to Section 7.17 to allow for taller buildings.
7) *Fences*, except where specifically allowed, would be prohibited in all commercial zoning districts pursuant to changes made to Section 7.24.
8) Section 9.15 was added allowing for *Electric Vehicle (EV) Charging Stations or Ports* in all zoning districts subject to five (5) special requirements.

March 30, 2021 Update

This Special Study Meeting and Joint Work Session with the Planning Commission and City Council is to introduce and discuss the Version 4 Draft of the New Zoning Ordinance. Since the Commission's last study meeting held on March 16th, additional suggested changes involving the P, Parking district have been incorporated. In the previous draft, the P District was eliminated, which created a potential problem with many P-zoned parcels that either extend into or lie adjacent to residential-zoned

properties. The unanimous consensus was to reinsert the "P" District regulations into the New Zoning Ordinance and have Staff selectively sort through the New Zoning Map to determine where "P" zoning should remain and where it should be replaced with a more appropriate zoning classification. This has been done. Of the total existing 89 P Districts, 21 were changed (mostly to C-1 and C-2) and 68 will remain.

Included in the ePacket is a chart that compares the land area between the 26 current zoning districts and the 16 proposed zoning districts. This chart shows the acreage for each existing zoning district side-by-side with the acreage of each related proposed zoning district. It also shows the difference—whether land was added or subtracted—along with a brief explanation as to the reason for the change. For example, the amount of RUF-zoned land will increase 512.1 acres as a result of combining the existing RUF districts with the R-5 and AG districts, plus the addition of one (1) P, Parking district, and lastly, subtracting 2.9 acres that are being replaced with PL zoning. Another example is the 39.7-acre increase in PL-zoned land attributable to changing the zoning of several City-owned parcels that lie in the Rouge River floodplain which are currently zoned residential. This situation mostly exists in Section 16 adjacent to the Burton Hollow, Idyle Hills, and Coventry Gardens Subdivisions.

The Planning Department, on behalf of the Zoning Ordinance Technical Committee, is pleased to present to the Planning Commission, for its review and consideration, the latest draft of the ***New Zoning Ordinance***. This comprehensive rewrite of the City's zoning regulations is the culmination of several months of hard work by the Committee and Staff guided by the City's Planning Consultant, McKenna. Updating the Zoning Ordinance was identified in Book 4 of 4 of ***Livonia Vision 21 (LV21)***, Strategic Development, as the No. 1 Priority Project for implementing the Master Plan. Adopted by the Planning Commission in April of 2019, LV21 recommends several revisions to the Zoning Ordinance, including:

- New Zoning Districts that incorporate form-based regulations should be created for the Mixed Development Center and City Center designations.

- The Commercial Districts, C-1, C-2, and C-3 should be simplified and consolidated into a new district corresponding to the development intensity of the corridor commercial designation.

- The Commercial District C-4 should be modified to reflect a regional commercial designation with higher intensity development and traffic that results from its proximity to I-96 and I-275.

- The Office Districts should be eliminated - the eligible uses and standards of OS should be incorporated into a corresponding corridor district and the eligible uses and standards of PO into a regional commercial district.

- The five One-Family Residential Districts should be simplified and consolidated.

- The six Multiple-Family Residential Districts should be simplified and consolidated.
- New incentives and standards for infill housing and neighborhood investment should be developed for districts corresponding to the medium density residential designation. Strategies for affordable housing, accessory dwelling units, and adaptive reuse should be considered.
- The three Planned Unit Development (PUD) Districts should be simplified and consolidated.
- The Zoning Ordinance should be reviewed and edited according to lean-zoning principals. Regulations that do not contribute to the implementation of the Future Land Use Plan should be eliminated or reduced in scope.
- Additional incentives to encourage sustainable use of land, materials, energy, and resources should be developed for all districts.
- The City should consider initiating rezoning of the Mixed Development Centers and the City Center areas.

With the initiation of LV21 Phase 2, the first major assignment of the Zoning Ordinance Technical Committee was completing an inventory and analysis of past zoning variances. This, in turn, contributed to an in-depth Diagnostic Review of the City's current zoning regulations (see attached). The Diagnostic Review outlines a series of changes that were used to help guide in the preparation of the first draft of the ***New Zoning Ordinance***. The following describes some of the more significant changes, many of which will have a corresponding impact on the New Zoning Map:

1) The six (6) existing single-family zoning districts (R-1, R-2, R-3, R-4, R-5, and RUF) are being consolidated and replaced with three (3) new single-family districts: N1 Neighborhood, N2 Neighborhood, and R-U-F. The N1 District will largely replace the R-1 District and allow for slightly smaller lots: 50' x 120' vs. 60' x 120'. The N2 District will combine the City's R-2, R-3 and R-4 Districts and allow for a minimum lot size of 70' x 120', which is currently the minimum for the R-2 District. And the RUF District will be expanded to include the current R-5 and AG Districts with a reduced minimum lot size of 100' x 150' as opposed to the current one-half acre minimum. In considering whether to reduce the number of single-family residential districts and adjust the lot sizes, the Committee undertook a detailed evaluation of how the changes would affect the degree nonconformity within each of the new residential zoning districts as well as the potential for new land divisions (see attached "District Consolidation – Nonconforming Lot Area Analysis" and "District Consolidation – Lot Split Analysis"). It is important to note that the Lot Split Analysis is based on land area only, and hence not a true determinant of the number of potential divisions. The reason for this is that it is not practical to look at all the possible iterations of how each parcel might be split, including lot width and the location of structures. Instead, Staff performed a GIS analysis using lot area as

the only factor in determining whether a parcel could be subdivided based on the current and proposed zoning.

2) The six (6) existing multiple-family housing districts (R-6, R-C, R-7, R-8, R-8C, and R-9) will be consolidated and replaced with three (3) new multi-family districts: NM1 Neighborhood Multifamily, NM2 Neighborhood Multifamily, and NM3 Neighborhood Multifamily. Density would no longer be calculated according to a prescribed minimum land area per unit, but instead become a function of the yard requirements and allowable building height. Of the three (3) multifamily districts, NM1 would be the most restrictive, allowing for one and two-family dwellings and condominiums subject to a height restriction of 35 feet, or 2-1/2 stories. In the NM2 District, multiple dwellings and apartments would be allowed, and building height would be limited to four (4) stories unless one of four "zones" is affixed to the zoning designation (expressed as either I, II, III or IV), in which case building height could increase from between five (5) to twenty (20) stories. A similar methodology would be used to determine building height for the NM3 District, but with a limitation of nine (9) stories. Additionally, the NM3 list of permitted uses include condominium multiple dwellings and housing for the elderly, but not apartments.

3) The six (6) existing commercial zoning districts (PO, OS, C-1, C-2, C-3, & C-4) will be replaced with four (4) new commercial districts: C-1, C-2, C-3, and C-4. The OS Districts is being eliminated and replaced with C-1 zoning resulting in an expansion of permitted uses associated mainly under the category of neighborhood-oriented commercial. This change moves the City closer in the direction of form-based zoning regulations, which focuses more on site and building design and less on the separation of land uses. The C-2 District will continue to serve more intensive commercial and highway-oriented uses. The Committee felt that the C-3 District, because of its unique status and extremely limited application (only two parcels in the City are currently zoned C-3), should be retained—primarily for legal reasons—to have a "placeholder" for adult-oriented businesses and avoid the potential for exclusionary zoning. Lastly, the PO District will be replaced with a modified C-4 District to mostly accommodate high-rise commercial, including general and professional offices uses. Combining the two (2) districts results in an overall increase of just under 300 acres of C-4 zoning, much of which is concentrated along the I-275 expressway.

4) The P-L, ML, M-1, M-2, P, and NP Districts all remain, while the AG (General Agricultural) and R-E (Research Engineering) Districts get eliminated. All AG-zoned parcels get absorbed under the RUF District, and the R-E District gets replaced by the ML District. As previously noted, the majority of P-zoned parcels remain and—to a lesser extent—the others get replaced by the adjacent associated zoning classification.

With the changes enumerated above, the total number of zoning districts would go from 26 down to 16 resulting in a much better alignment with the nine (9) land use classifications identified on the ***LV21 Future Land Use Map***.

Another significant change is a complete restructuring and recodification that reduces the number of Articles from 31 to 14. Below is a list of the new Articles:

Article I: Title, Purpose, and Scope
Article II: Definitions
Article III: Zoning Districts and Map
Article IV: Schedule of Regulations
Article V: Supplemental Zoning District Standards
Article VI: Standards Applicable to Specific Uses
Article VII: General Provisions
Article VIII: Environmental Performance Standards
Article IX: Parking, Loading, and Access Management
Article X Landscaping and Screening
Article XI: Signs
Article XII: Nonconformities
Article XIII: Administrative Procedures
Article XIV: Violations and Penalties

The current zoning ordinance, with only one (1) exception (Article V.- R-1 through R-5 District Regulations), has separate articles for each zoning district that includes a list of the various land uses and whether they are treated as permitted, prohibited or as a waiver use, along with area, height, bulk, placement, and other regulations applicable to the specific district. As a result, significant redundancy exists throughout the current ordinance since—in many instances—the same rules apply to multiple districts. The ***New Zoning Ordinance*** attempts to streamline the information in a more user-friendly format. ***Section 3.03, Permitted Uses by District***, is a single table that provides a comprehensive list of land uses and how each use is treated within each of the 16 zoning districts (i.e., Principally Permitted, Waiver Land Use, or Not Permitted). Additionally, a separate table is provided for each zoning district under ***Sections 3.04 - 3.18*** that lists the Permitted Uses and Waiver Uses in two (2) separate columns, identifies any Prohibited Uses specific to that district, as well as the applicable Dimension Regulations (i.e., Lot Standards). ***Article IV, Schedule of Regulations***, uses a traditional table format that provides the various height, area bulk, and placement standards for each zoning district. For standards that are used in multiple instances or that require additional explanation, hyperlinks are provided to ***Section 4.04, Footnotes to Schedule of Regulations***.

Article V, Supplemental Zoning District Standards establishes and provides regulations with respect to four (4) unique elements of the ordinance which are not specific to any single zoning district. They are:

1) Section 5.01, Special Area Development Control.
2) Section 5.02, Special Waiver Use Standards for Planned Residential Developments and Planned General Developments.
3) Section 5.03 Single Family Clustering.
4) Section 5.04, Form-Based Development Option in Commercial Districts.

Most of the standards and development options proposed in ***Sections 5.01, 5.02, and 5.03*** are currently in place pursuant to Articles XVIII (Section 18.47) and XX. Only ***Section 5.04*** is new to Livonia. It introduces a technique referred to as "Form Based" zoning. The adoption of a form-based code and development option is an important and critical step towards the successful implementation of ***LV21***. Like most form-based codes, this part of the ***New Zoning Ordinance*** is highly technical. It outlines not only the procedural requirements of what is involved with developing under this option, but also establishes the detailed design criteria and architectural standards needed to achieve the desired built environment as envisioned in the ***LV21***. (See below for more information on the proposed Form-Based Regulations.)

Article VI, Standards Applicable to Specific Uses deals with several land uses where special requirements apply and that are possible in more than one zoning district. Many are treated as waiver uses and are permitted only upon review and submission of findings by the City Planning Commission and approval by the City Council.

Article VII, General Provisions provides multiple building and use requirements for items that might occur in many of the City's zoning districts, such as easements, lighting, fences, and walls, etc.

Article VIII, Environmental Performance Standards is intended to consolidate under a single division all the regulations pertaining to environmentally related uses and issues, such as waste and rubbish facilities, noise, odors, soil removal, and dumping. It also includes a section on the City's flood hazard areas.

Article IX, Parking, Loading, and Access Management; Article X, Landscaping and Screening; and Article XI, Signs consolidates, and puts all the City's rules for these items into separate, easy-to-find sections, mainly for convenience purposes, since—in one way or another—they affect nearly all development and redevelopment projects.

Article XII, Nonconformities was created due mainly to the unique nature of the subject matter and the fact that multiple sections are needed to fully address the complexities that surround this singular issue.

Article XIII, Administrative Procedures, and Article XIV, Violations are issues common to all Zoning Ordinance and typically reside as separate articles or divisions for many of the same reasons as cited above.

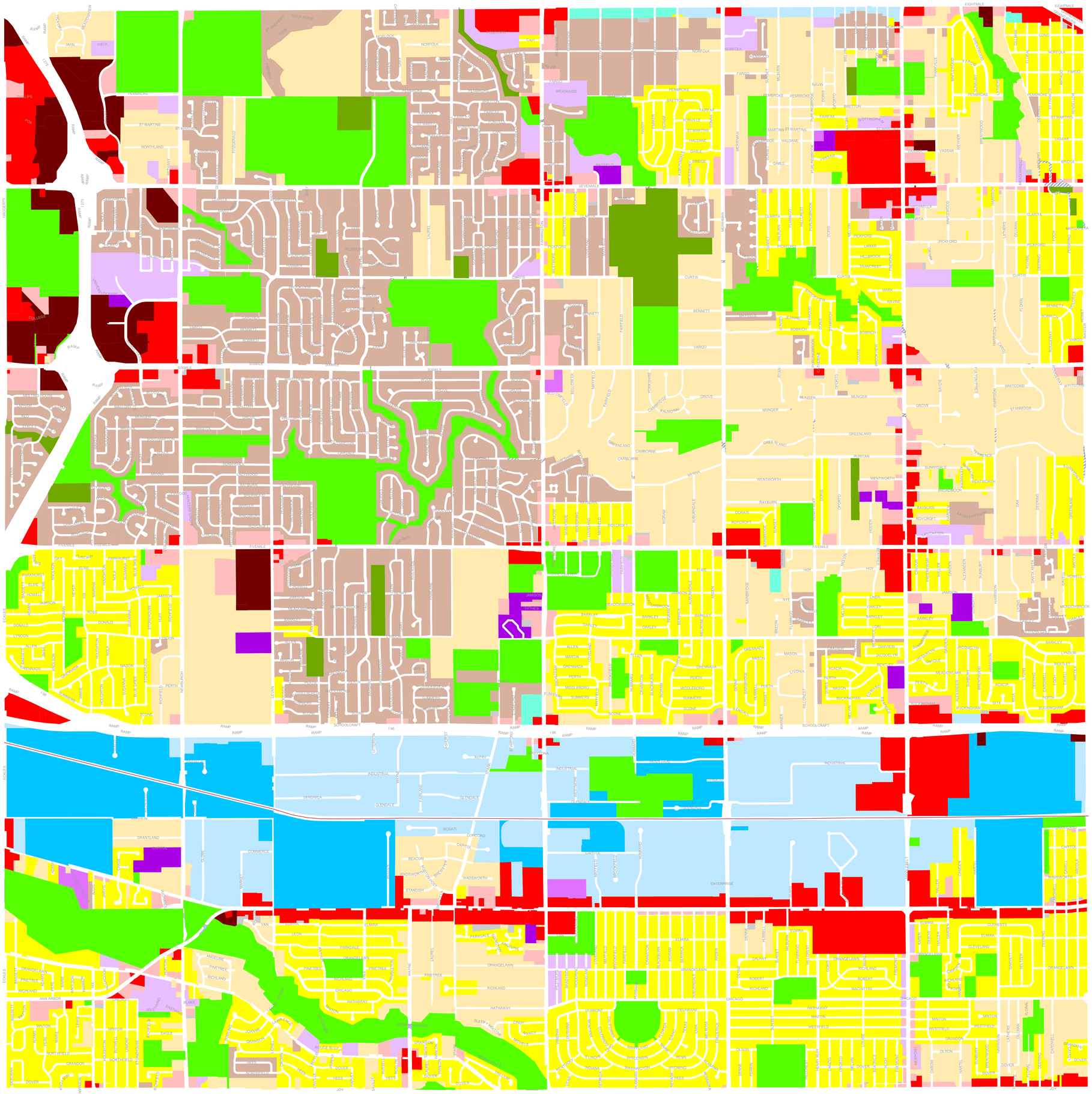
Form-Based Regulations

Probably the most significant change with the New Zoning Ordinance is the addition of a form-based code. This appears under Section 5.04, Form-Based Development Option in Commercial Districts. The primary purpose of Section 5.04 is to encourage development and redevelopment in a manner consistent with the recommended urban

design principles of LV21. Most prominent among these are outlined in the three (3) Special Planning Areas: City Center, Former Livonia Mall (Seven Mile and Middlebelt area), and East Plymouth Road.

As written, the form-based section is not a separate zoning district, but instead a set of standards and review procedures that apply to the C-1, C-2, C-3, and C-4 Districts. The main purpose of Section 5.04 is to guide and incentivize development in a way that adheres to the design objectives of the Master Plan. This includes the location and spacing of buildings, as well as the height, area, bulk, and appearance. Mixed-use with medium-high density housing is encouraged.

The entitlement process will differ depending on the scale of the project and—based upon a determination made at the onset of the review—whether it conforms to the form-based development standards. If it does, then a typical site plan review procedure is followed. Conversely, if the project does not conform to the recommended form-based development standards, then the Special Waiver Use Standards of Section 5.02 apply, requiring a public hearing along with a higher degree of discretion afforded to the Planning Commission and City Council as part of the evaluation. Smaller projects, such as façade renovations and small building additions, are not required to follow the form-based standards.



LIVONIA VISION 21 ZONING MAP

LEGEND

Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

CERTIFICATION

Planning Commission Approval: June 1, 2021
Resolution No. 06-27-2021

_____
(Chair)

_____
(Secretary)

City Council Approval: _____.

_____
(Council President)

Authenticated by:

_____
(Mayor)

_____
(City Clerk)

This is to certify that this map includes all corrections and district amendments through and including amendment number _____.

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PREPARED BY THE CITY OF LIVONIA PLANNING COMMISSION
JUNE 1, 2021

LIVONIA VISION 21
Zoning Ordinance

City of Livonia, Michigan

PREPARED JUNE 1, 2021 BY

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Communities for real life.

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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. 54
Section 3.18 NP District Regulations. 56
Section 3.19 P District Regulations. 56

Article IV. Schedule of Regulations 57
Section 4.01 Statement of Purpose. 57
Section 4.02 Schedule of Regulations. 57
Section 4.03 Footnotes to Schedule of Regulations. 59

Article V. Supplemental Zoning District Standards 62
Section 5.01 Special Area Development Control. 62
Section 5.02 Special Waiver Use Standards for Planned Residential Developments and Planned General Developments. 63
Section 5.03 Single-Family Clustering. 67
Section 5.04 Form-Based Development Option in Commercial Districts. 70

Article VI. Standards Applicable to Specific Uses 94
Section 6.01 Adult Entertainment. 94
Section 6.02 Adult Foster Care. 94

Section 6.03 Alcohol Sales (Specially Designated Merchant [SDM] and Specially Designated Distributor [SDD]). 95
Section 6.04 Apartments. 95
Section 6.05 Automobile Sales and Rental and Mobile Home Sales. 96
Section 6.06 Automobile Repair (Up To 1 Ton GVWR). 96
Section 6.07 Auto-Wash Establishments. 97
Section 6.08 Bed and Breakfast Establishments. 97
Section 6.09 Brewer, Micro Brewer, Brewpub, and Distilleries. 98
Section 6.10 Caregiver Grow Facilities 99
Section 6.11 Child Care, Family Home. 99
Section 6.12 Child Care, Group Home. 100
Section 6.13 Day Care Nurseries. 101
Section 6.14 Dance Halls and Ballrooms. 101
Section 6.15 Dwelling, Accessory Unit. 101
Section 6.16 Dwelling, Condominium. 101
Section 6.17 Dwelling, Mobile Homes and Modular Homes. 102
Section 6.18 Dwelling, Multi-Family and Apartments. 103
Section 6.19 Dwelling, Single-Family. 103
Section 6.20 Dwelling, Two-Family. 104
Section 6.21 Essential Services. 104
Section 6.22 Establishments Having Liquor Licenses Such as Class C, Tavern, and Club. 104
Section 6.23 Facilities for the Detention, Incarceration, Commitment, and/or Rehabilitation of Adults or Minor Children and Psychiatric Hospitals. 105
Section 6.24 Garages, Repair Shops, Rustproofing and Similar Highway Services. 106
Section 6.25 Gardening and Tree Nurseries. 106
Section 6.26 Gasoline Service Station. 106
Section 6.27 Heliports. 108
Section 6.28 Home Occupations. 109
Section 6.29 Hospitals. 110
Section 6.30 Hotel. 110
Section 6.31 Housing for the Elderly. 111
Section 6.32 Indoor Recreational Uses. 111
Section 6.33 Internet-based Exotic Vehicle Sales 111
Section 6.34 Keeping of Animals (Fowl, Rabbits, Horses, Cows, etc.). 112
Section 6.35 Kennels. 112
Section 6.36 Local and Suburban Passenger Terminals; Trucking Transportation Terminals Including Maintenance and Service Facilities. 112
Section 6.37 Massage Establishment. 112
Section 6.38 Motels. 113
Section 6.39 Nature Preserves 113
Section 6.40 Nursing Homes and Convalescent Homes. 114
Section 6.41 Oil and Gas Wells and Storage. 114
Section 6.42 Open Air Business Uses Sales, Display, and/or Rental of Utility Trailers and Recreational Equipment. 114
Section 6.43 Open-Air Sales of Christmas Trees by Churches, Public and Parochial Schools and Other Bona Fide Charitable Organizations. 115
Section 6.44 Outdoor Storage of Recreational Equipment. 115
Section 6.45 Pawnshops. 115
Section 6.46 Payday Lenders. 116
Section 6.47 Personal Service Establishment. 116
Section 6.48 Privately Owned and Operated Recreational Uses. 116
Section 6.49 Raising of Fur Bearing Animals. 117
Section 6.50 Religious Institutions. 117

Section 6.51 Restaurants. 118
Section 6.52 Retail Sales. 119
Section 6.53 Second-hand Stores. 121
Section 6.54 Self-Storage, Indoor Climate Controlled. 121
Section 6.55 Small Cell Wireless Facilities. 122
Section 6.56 Temporary Uses and Sidewalk and Tent Sales. 124
Section 6.57 Terminals, Ambulances Services, Bus, and Taxicab. 124
Section 6.58 Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, and Special Trade Contractors. 125
Section 6.59 Veterinarian. 126
Section 6.60 Wireless Communication Facilities. 126

Article VII. General Provisions 137
Section 7.01 Applicability. 137
Section 7.02 Scope. 137
Section 7.03 Buildings Under Construction. 137
Section 7.04 Building and Easement Grades. 138
Section 7.05 Minimum Lot Size and Width. 138
Section 7.06 Application to Lots of Record. 138
Section 7.07 Approval of Plats. 139
Section 7.08 Lot Limitation. 139
Section 7.09 Residential Accessory Building. 139
Section 7.10 Separate Dwellings for Domestic Employees. 139
Section 7.11 Yards; Double Frontage Lots. 140
Section 7.12 Front Yards; Schoolcraft Road. 140
Section 7.13 Yards; Use. 140
Section 7.14 Yard; Alley. 140
Section 7.15 Lots; Use for Yards, Courts, Etc. 140
Section 7.16 Room Requirements. 141
Section 7.17 Heights; Public, Quasi-Public, Form-Based Development Option, Planned Developments, and Major Business Buildings. 141
Section 7.18 Height; Items Not Included. 141
Section 7.19 Height; Parapet Walls. 142
Section 7.20 Height; Public Buildings; Utilities. 142
Section 7.21 Division or Partitioning of Lots. 142
Section 7.22 Lighting. 142
Section 7.23 Accessory Structures and Uses. 145
Section 7.24 Fences and Walls. 146
Section 7.25 Alternative Energy. 146
Section 7.26 Encroachments and Exempt Structures. 149
Section 7.27 Subdivision and Site Condominiums. 149

Article VIII. Environmental Performance Standards 151
Section 8.01 Sound/Noise. 151
Section 8.02 Odors. 151
Section 8.03 Waste and Rubbish Facilities. 151
Section 8.04 Soil Removal, Excavation, and Dumping Soil, Sand, Clay, or Gravel. 151
Section 8.05 Performance Standards for Industrial Uses. 154
Section 8.06 Special Flood Hazard Areas. 155
Section 8.07 Outdoor Toilets. 156

Article IX. Parking, Loading, and Access Management 157
Section 9.01 Applicability. 157
Section 9.02 Access Management. 157

Section 9.03 Off-Street Parking Requirements. 159
Section 9.04 Off-Street Parking Space Layout Standards. 161
Section 9.05 Minimum Number of Parking Spaces Required. 161
Section 9.06 Barrier-Free Parking Required. 166
Section 9.07 Parking and Loading for Multiple Uses and Joint Use. 166
Section 9.08 Off-Street Loading Space. 167
Section 9.09 Parking structures. 167
Section 9.10 Surfacing and Drainage. 168
Section 9.11 Curb. 168
Section 9.12 Approval. 169
Section 9.13 Off-Street Parking: Study and Report. 169
Section 9.14 Illegal Parking of Motor Vehicles; Tickets; Towing of Motor Vehicles. 169
Section 9.15 Electric Vehicle (EV) Charging Stations or Ports 170
Section 9.16 Limitation of the Use. 170

Article X. Landscaping and Screening 171
Section 10.01 Applicability. 171
Section 10.02 Landscape Plan Requirements. 171
Section 10.03 Landscaping Design Requirements. 172
Section 10.04 Standards for Plant Materials. 177
Section 10.05 Landscape Installation and Maintenance. 178
Section 10.06 Modifications. 179

Article XI. Signs 180
Section 11.01 Applicability. 180
Section 11.02 Intent. 181
Section 11.03 Substitution Clause. 181
Section 11.04 General Requirements for All Signs. 181
Section 11.05 Prohibited Signs. 182
Section 11.06 Exempt Signs. 183
Section 11.07 Measurement of Sign Area. 185
Section 11.08 Zoning District Regulations. 187
Section 11.09 Billboards. 191
Section 11.10 Sign Illumination. 191
Section 11.11 Construction and Maintenance. 192
Section 11.12 Permits. 194
Section 11.13 Sign Removal. 196
Section 11.14 Dangerous Signs 196
Section 11.15 Non-Conforming Signs. 196
Section 11.16 Severability. 197

Article XII. Nonconformities. 198
Section 12.01 Nonconforming Uses and structures; Continuance. 198
Section 12.02 Certificates of Valid Nonconforming Uses and structures. 198
Section 12.03 Nonconforming Uses and structures; Termination. 198
Section 12.04 Nonconforming Uses and structures; Restoration. 199
Section 12.05 Nonconforming Uses and structures; Repair. 199
Section 12.06 Nonconforming Uses and Structures; Exceptions. 199
Section 12.07 Nonconforming Uses and Structures; Elimination. 200
Section 12.08 Nonconforming Due to Reclassification. 200

Article XIII. Administrative Procedures 201
Section 13.01 Administration and Enforcement. 201
Section 13.02 Zoning Permit and Zoning Compliance Permit Required. 201

Section 13.03 Duties and Limitations of the Building Official. 201
Section 13.04 Permit Fees. 202
Section 13.05 Duration of Permit. 202
Section 13.06 Revocation of Permit. 203
Section 13.07 Inspection. 203
Section 13.08 Certificate of Compliance Required. 203
Section 13.09 Temporary Certificate of Occupancy. 204
Section 13.10 Application for Certificates. 204
Section 13.11 Record of Certificates. 204
Section 13.12 Exception to Barrier Free Design Requirements—Posting of Final Order. 204
Section 13.13 City Planning Commission. 204
Section 13.14 Board of Appeals. 210
Section 13.15 Amendments. 213

Article XIV. Violations and Penalties. 217
Section 14.01 Compliance and Responsibility. 217
Section 14.02 Violation Nuisance Per Se. 217
Section 14.03 Penalty. 218
Section 14.04 Other Remedies. 218
Section 14.05 Severability. 218
Section 14.06 Repeal. 218

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.

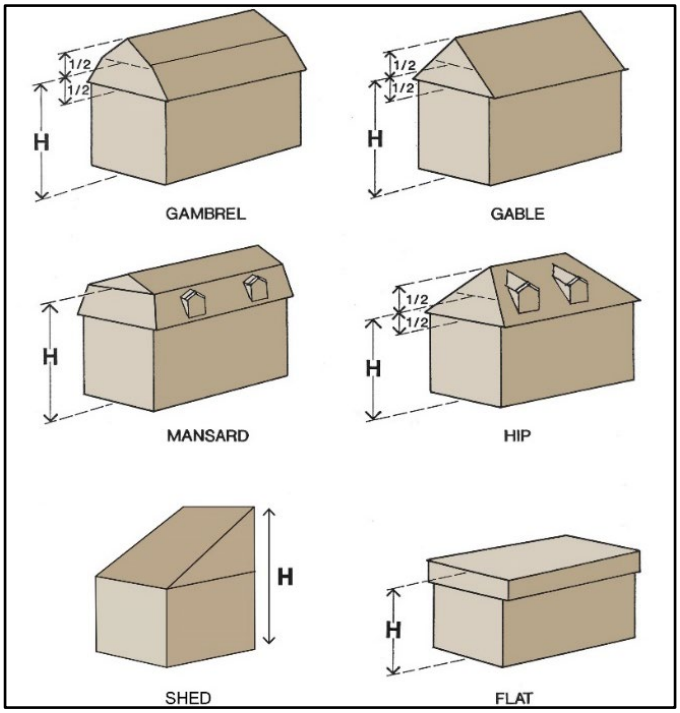
Building, Front of. That façade of a building most nearly parallel to and nearest the front lot line.

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.

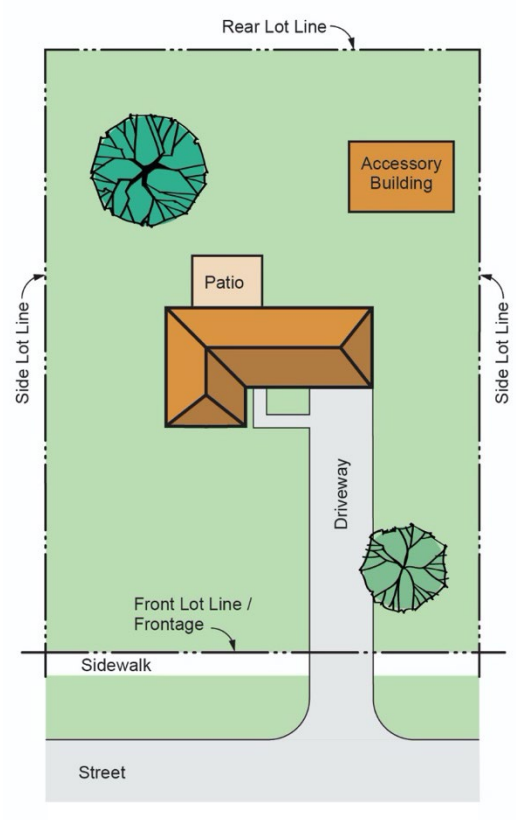
Lot of Record. A lot of record is a lot the dimensions of which are shown on a plat recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, and which actually exists as so shown.

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.

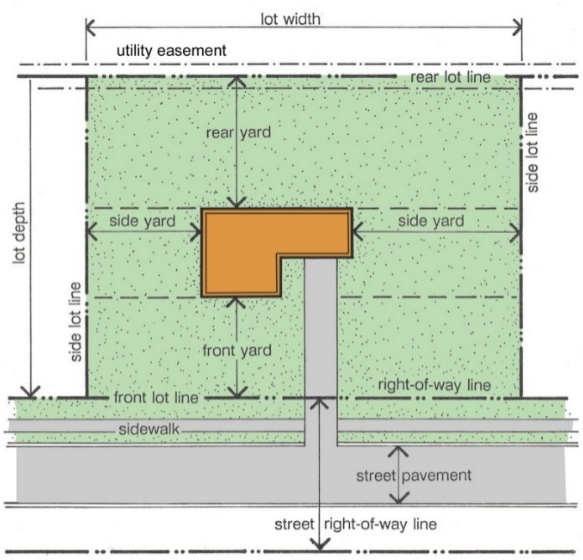
Lot Line, Front. The line abutting a street. On a corner lot the shorter street line shall be considered the front lot line. Where new street lines are established by ordinance or the Future Transportation Map of the City of Livonia, such lines shall be the front lot line. See Figure above.

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.

Awning Sign

Banner. A temporary sign made of cloth used in connection with some special event or promotion.

Banner

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.

Blade Sign

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.

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.

Monument Sign

Pole Sign

Projecting Sign

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 uses 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 6.33*
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*
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													P	P			*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 terminal 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 X, Section 6.45*
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					W		W	W	W	W							*Section 5.02*
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			
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	P			*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	WAIVER 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)*)	• Bed and breakfast establishments (*Section 6.08*) • 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	WAIVER 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)*)	• Bed and breakfast establishments (*Section 6.08*) • 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	WAIVER 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 6.33*) • Gardening and tree nurseries (*Section 6.24*) • Golf courses, but not including miniature golf courses or golf driving ranges • Family child care home (*Section 6.10*) • 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	• 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 6.34(3)*) • Fowl and rabbits raised for sale • 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*) • Parks and outdoor recreational uses (*Section 2.02, Section 2.02(2)*) • Two-family dwellings (*Section 6.20*) • Home occupations (*Section 6.28*)	• Bed and breakfast establishments (*Section 6.08*) • Boarding, rooming and lodging houses or tourist homes • 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	WAIVER 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*) • Parks and outdoor recreational uses (*Section 2.02, Section 2.02(2)*) • Two-family dwellings (*Section 6.20*)	• 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*) • 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%
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	WAIVER 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)*)	• 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 6.39*) • 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	(*(j)*)
Front Yard Setback	15 feet
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 3.11 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(1)D)*) • 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 terminal 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 6.39*) • 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
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(1)D)*) • Ambulance services, local and suburban bus terminal 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 6.39*) • 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
Side Yard Setback	25 feet
Total of two side yard setbacks	50 feet
Rear Yard Setback	*((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(1)D)*) • 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 6.39*) • 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
Side Yard Setback	40 feet
Total of two side yard setbacks	80 feet
Rear Yard Setback	40 feet
Max. Ground Coverage by Principal Structure	20%
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 3.14 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 • 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: a) All uses permitted in N1, N2, R-U-F, NM1, NM2, C-1, C-2, and C-3 Districts. b) All waiver uses listed in N1, N2, R-U-F-Districts, NM1, NM2, C-1, C-2, and C-3 Districts. c) Outside storage of trucks, materials, and/or supplies. d) 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 • 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)*) • 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 terminal 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*) • Outdoor storage of recreational equipment (*Section 6.44*) • Parking structure (*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*)
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 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 terminal and taxicab terminals (*Section 6.57*) • Heliports (*Section 6.27*) • 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, filing 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 ((a))	120 ((a)) ((b))	((c))	25 ((r))	5	14	15	25	30	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
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 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
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 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
NM1, Neighborhood Multifamily	—	—	—	80 ((a))	--	25%	30	25 ((d))	60 ((d))	((e))	—	50	35, except as provided in Section 7.17 to Section 7.20	2 ½, except as provided in Section 7.17 to Section 7.20
NM2, Neighborhood Multifamily	—	30%	—	—	—	—	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	8 ((p))	16	—	—	8 ((p))	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
C-2, General Business	((k))	—	((l))	—	—	—	15	8 ((p))	16	—	—	8 ((p))	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
C-3, Highway Services	((k))	—	((l))	—	—	—	50	25	50	—	—	((q))	35, except as provided in Section 7.17 to Section 7.20	2, except as provided in Section 7.17 to Section 7.20
C-4, High Rise Commercial	4,000 sq. ft.	—	—	--	--		40	40	80	—	—	40	((g))	((g))
ML, Manufacturing Limited	—	—	—	—	—	—	((m))	((m))	—	—	—	((m))	35, except as provided in Section 7.17 to Section 7.20	—
M-1, Light Manufacturing	—	—	—	—	—	—	((n))	((n))	—	—	—	((n))	50, except as provided in Section 7.17 to Section 7.20	—
M-2, General Manufacturing	—	—	—	—	—	—	((o))	((o))	—	—	—	((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 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 be over two (2) stories in height and not exceeding 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
		Provided, however, that when an NM3 District abuts single family residential district the required yards abutting said residential district shall be no less than seventy-five (75) 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) 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.

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 ¼ of Section 25; the Northwest ¼ of Section 36; the Northeast ¼ of Section 35; and the Southeast ¼ 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 ¼ of Section 1: The Northwest ¼ of Section 12; the Northeast ¼ of Section 11; and the Southeast ¼ 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 ¼ of Section 5; all of Section 6; all of Section 7; the west ½ of Section 8; the Northwest ¼ of Section 17; and the North ½ 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 ½ of Section 3; the East ½ of Section 4; the Northeast ¼ of Section 9; and the N.W. ¼ 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 ¼ of Section 27; the Southeast ¼ of Section 28; the Northeast ¼ of Section 33; and the Northwest ¼ 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 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.

(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, 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)*.

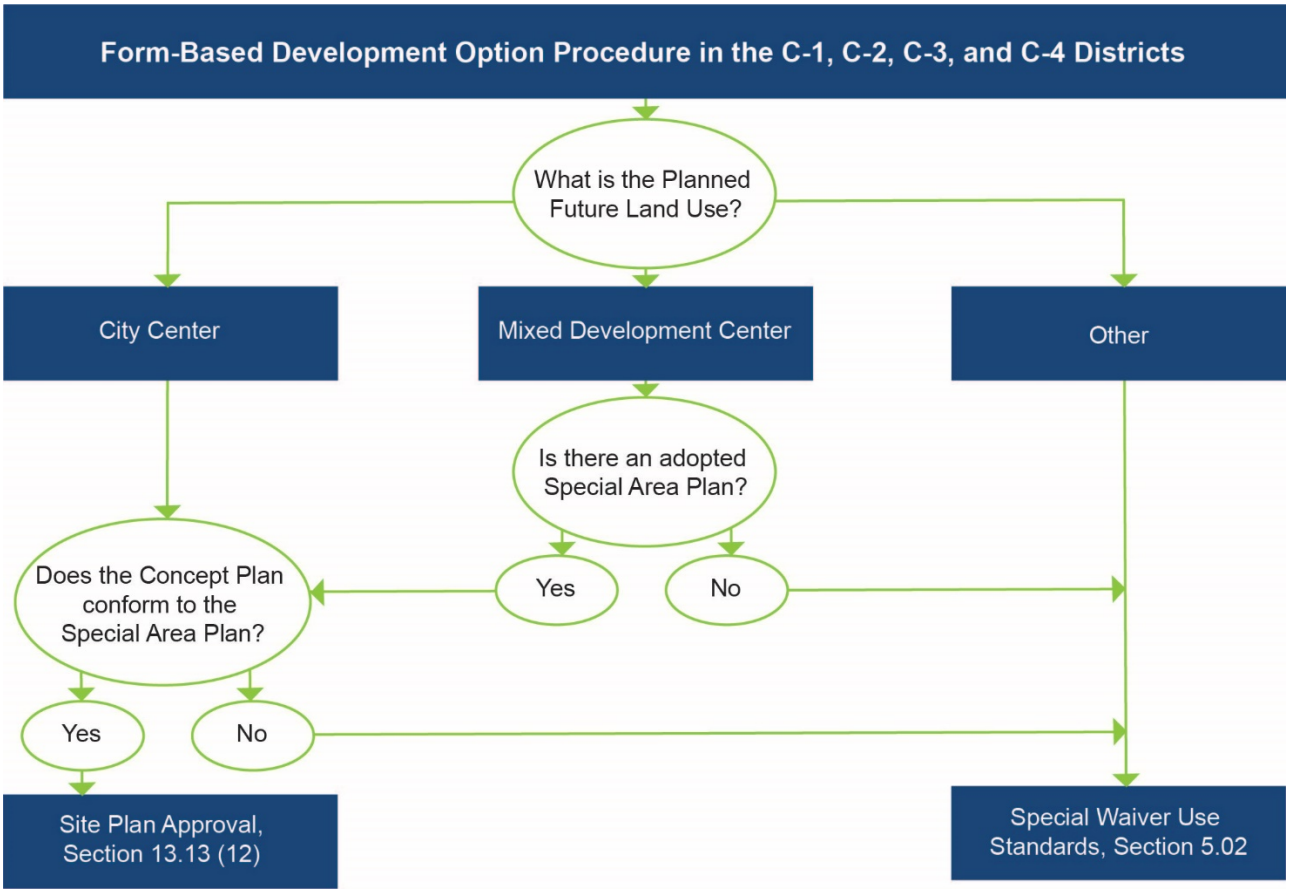
B) Areas designated on the Future Land Use Plan as Mixed Development Center

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.

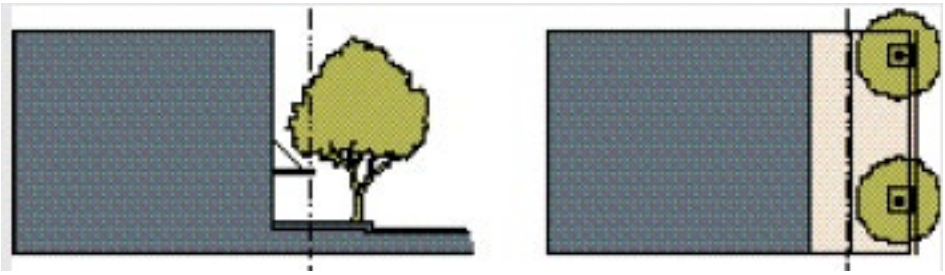
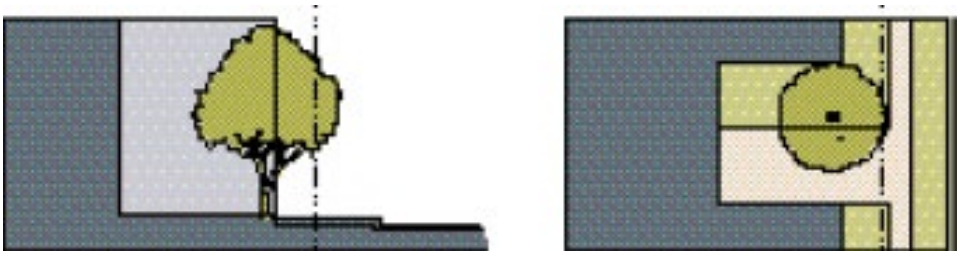
v) The modification will not negatively impact the potential of adjacent parcels to develop according to the requirements of this Section.

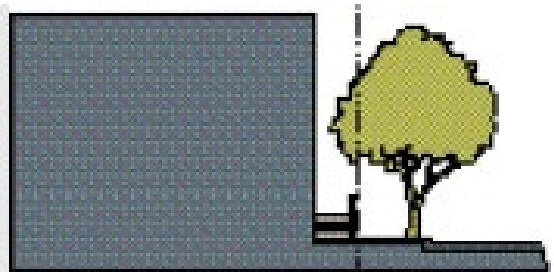
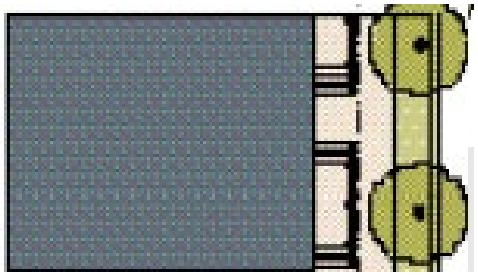
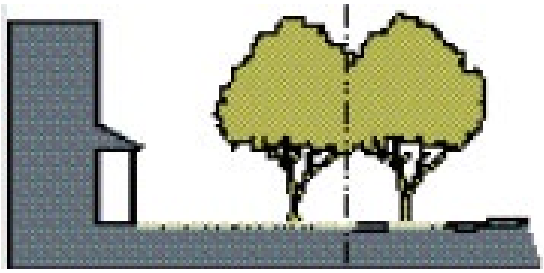
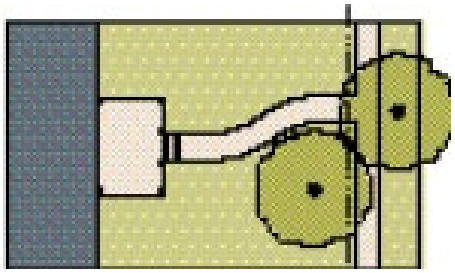
(5) Architectural Standards for Adaptive Reuse.

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.

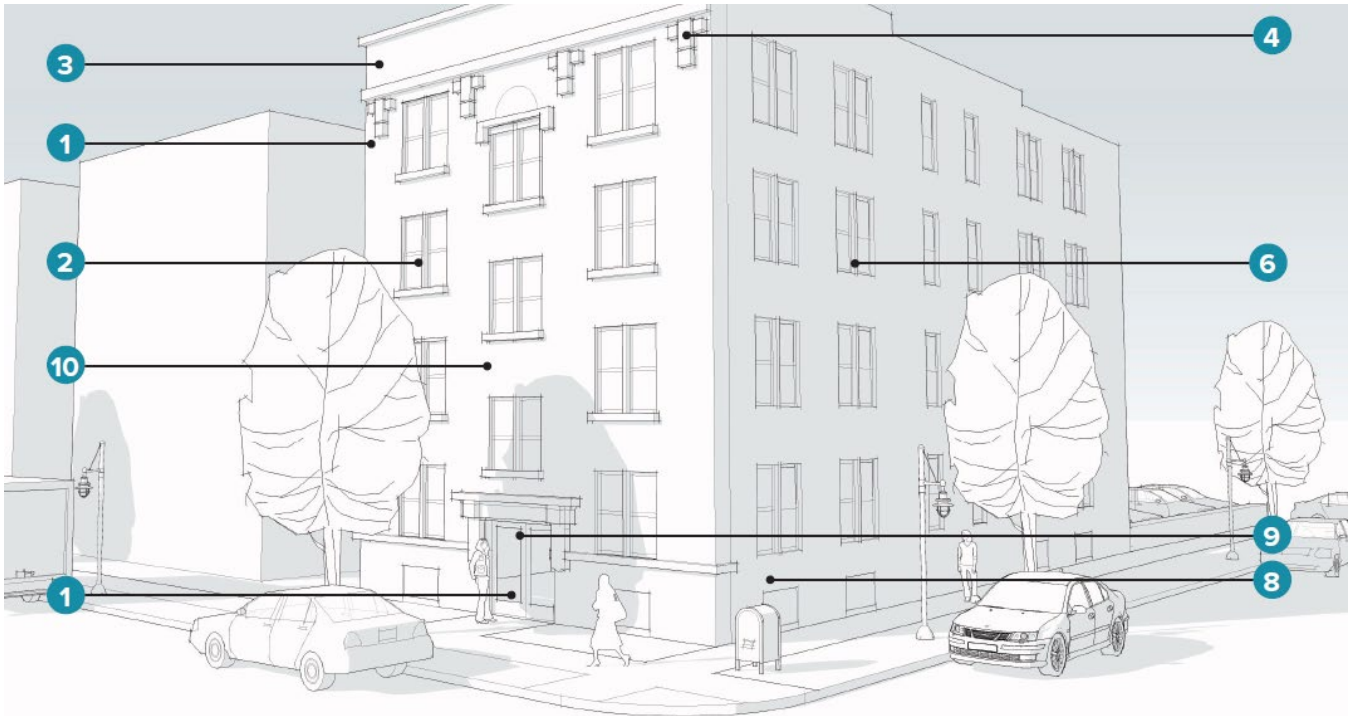
J) Service areas. All service areas, including utility access, above ground equipment and dumpsters shall be located in side or rear yards and shall be screened from view from any street.

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.

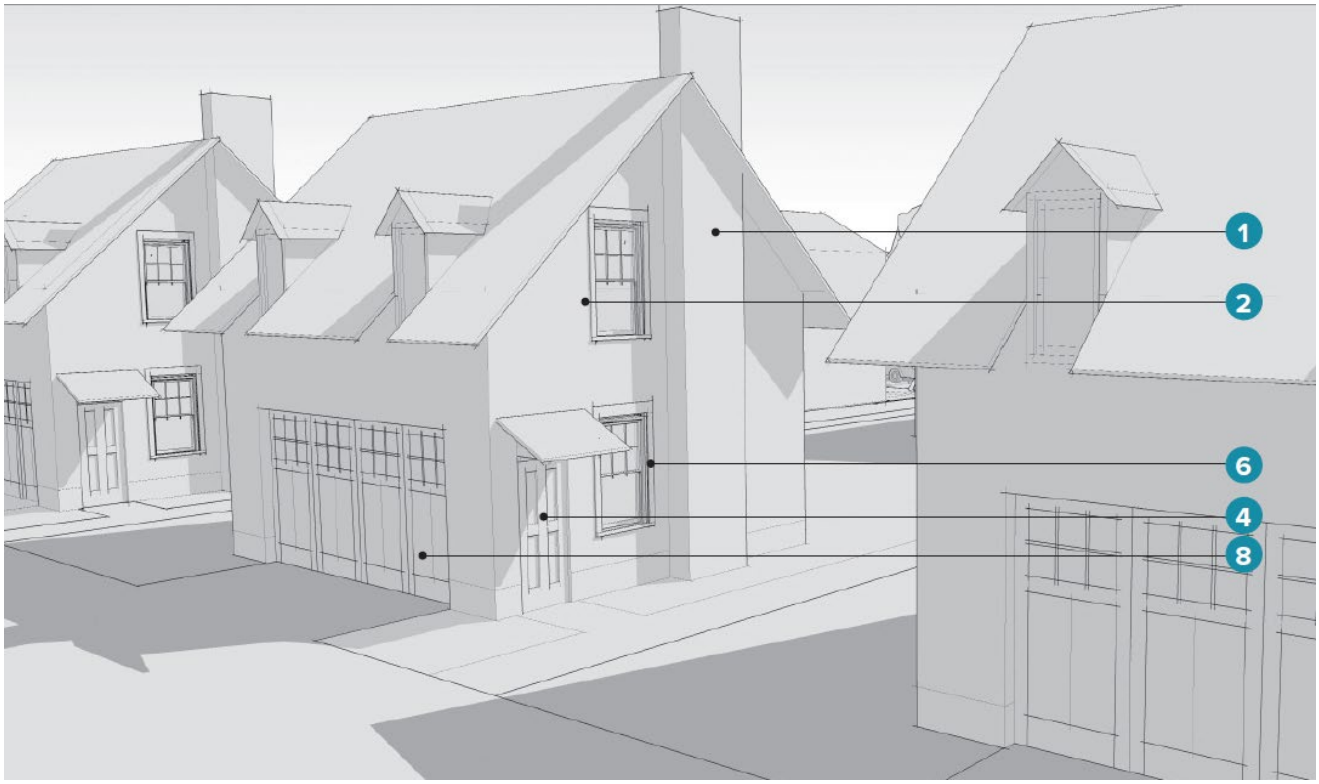
A) **Apartments.** A medium sized building that contains five (5) to ten (10) dwelling units either side-by-side or stacked between two floors. There can be one shared entry or individual entries facing the street.



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 and can contain a small dwelling unit or similar use. They are often above a garage but can also be at ground level.

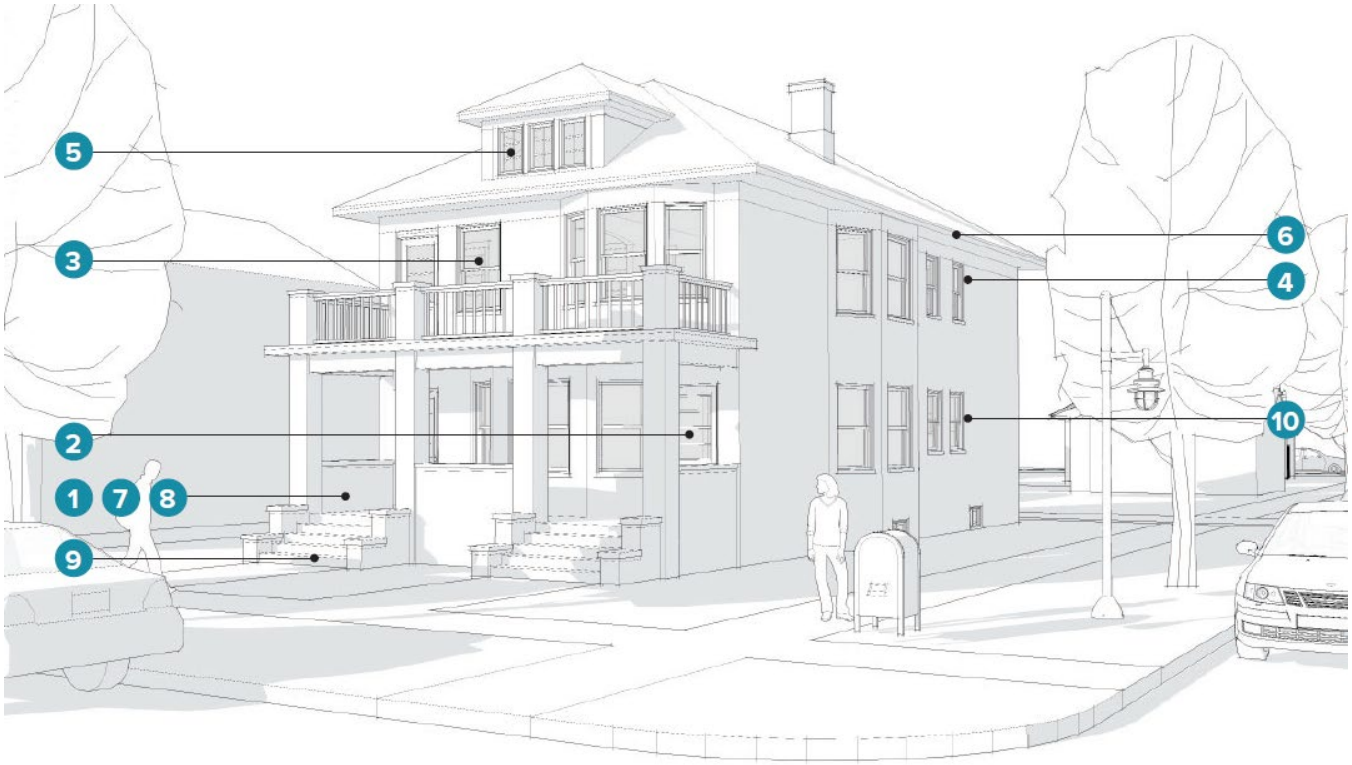


ILLUSTRATED DESIGN STANDARDS: CARRIAGE HOUSE / ACCESSORY DWELLING UNIT
1. Small, traditionally-styled residential garage form containing one (1) residential unit, indoor parking, or one (1) residential unit above indoor parking. Ground floor finish floor 24”-36” above grade (if not above parking).
2. 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

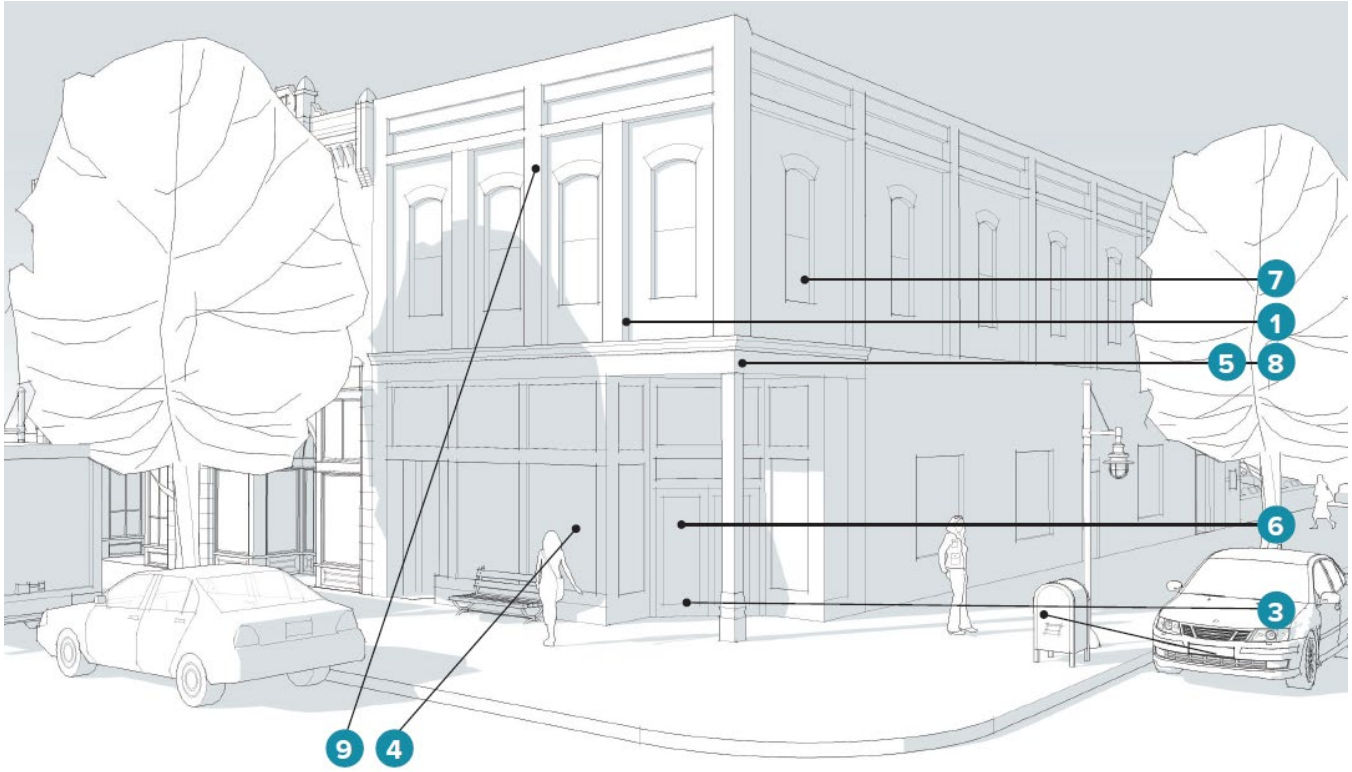
E) **Live/Work Unit.** A small to medium sized building that contains a ground floor office, service, or retail space with a dwelling unit above or behind it. The building can be attached or detached, and both the living and working space are owned or rented by one (1) user.

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:

i) The architectural design of the proposed structure is consistent with the character of the surrounding area.

ii) The architectural design otherwise meets the building design standards for adaptive reuse in the C-1, C-2, C-3, and C-4 districts.

iii) 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 (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 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 facility or athletic training school permitted pursuant to 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.

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 condominium 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) **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) **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 Hotel.

(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.

(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 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 Establishment.

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 Establishment.

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.

(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 Districts as a waiver use and in the C-3 District as a permitted use.

B) **Setbacks.** The front yard shall be a 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 a 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 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 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 District 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 Veterinarian.

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 Residential Accessory Building and Recreational Equipment Storage.

(1) **Attached Garage.** A garage building attached to the principal building shall comply, in all respects, with the requirements of this Ordinance applicable to the principal building.

(2) **Detached Garages and Accessory Buildings.**

A) **Maximum Height.** Shall not exceed sixteen (16) feet in height.

B) **Maximum Lot Coverage.** Shall not occupy more than twenty (20) percent of the area of any rear yard; provided, however, that the combined total area of all accessory buildings other than a garage shall not exceed three hundred (300) square feet.

C) **Maximum Size.** Occupying a ground floor area of not to exceed seven hundred twenty (720) square feet, except that on lots which are one-half (½) acre or more, a ground floor area not to exceed nine hundred (900) square feet shall be permitted. Provided, however, that in the event there are no other accessory structures located on the site, and further provided that all other provisions of this Ordinance regarding percent of lot coverage and yard requirements are adhered to, then an attached garage shall not exceed one twelve hundred (1,200) square feet in size.

D) **Maximum Number.** No more than one (1) garage per dwelling unit is permitted. No more than three (3) accessory structures (including one garage) are permitted per dwelling unit.

E) **Exempt Structures.** Landscaping structures, art displays, and minor structures (dog houses, playgrounds, treehouses, etc.) are not considered accessory structures and are not regulated by this Section.

(3) **Residential Accessory Building and Storage Therein.** All inoperable or unlicensed vehicles of vehicles bearing visible commercial advertising, equipment, or accessories shall be housed in a garage when not in use.

(4) Recreational Equipment Storage. Unoccupied recreational equipment may be housed in a garage or 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.

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.

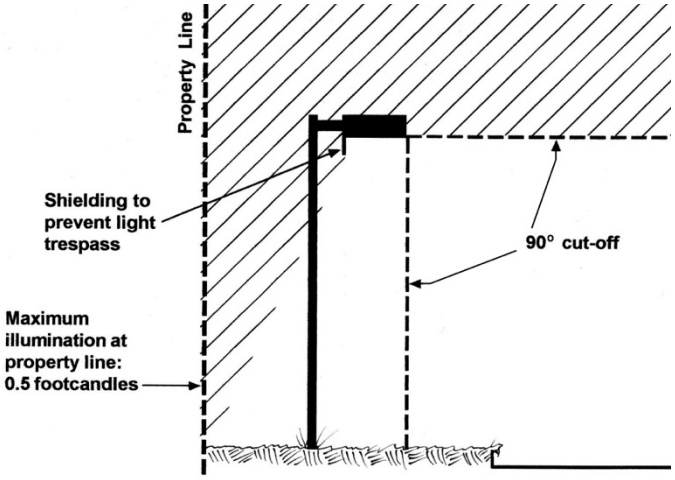
Upon petition by the owner of a parcel of land, the City Council may approve the division of the said parcel in accordance with Act 172 of the Public Acts of 1929 of the State of Michigan, as amended, and the City's Lot Partitioning Ordinance, Chapter 32 of Title 16 of the Livonia Code of Ordinances, as amended. Any nonconformity waived pursuant to the City's Lot Partitioning 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) **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) **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) **Swimming Pools.** Swimming pools may be located in required yard setback subject to the requirements in *Section 6.48*.

F) **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.

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.

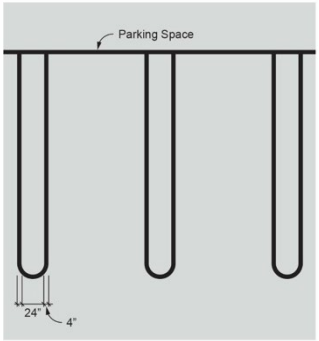
(9) **Changes in Use.** Should the use of the land or building change, the parking shall be provided based on the new use(s). For example, purposes only, should an approved elderly housing facility for independent or dependent living are converted to general occupancy, the parking shall be provided based 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 (½) shall be disregarded and fractions over one-half (½) 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 or 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.



Double Striped Parking

(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 parking space and maneuvering lane dimensions as part of Site Plan Review.

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.

USE	PARKING REQUIRED
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.
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.

USE	PARKING REQUIRED
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).
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.

USE	PARKING REQUIRED
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.
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.

USE	PARKING REQUIRED
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.
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

Electric Vehicle (EV) Charging Stations or Ports, when treated as an accessory use, shall be allowed in all zoning districts subject to the following:

(1) All above-ground equipment associated with the EV Charging Station shall be limited to a height of eight (8) feet including any sign attached to the equipment which shall not exceed two (2) square feet in area.

(2) No EV Charging Station shall be located in a public right-of-way without the prior written approval of the authority having jurisdiction over the right-of-way.

(3) 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).

(4) In any residential district, use of EV Charging Stations shall be limited to the owners, occupants or visitors of the property, and there shall be no renumeration or compensation charged for the services

(5) In nonresidential zoning districts, no more than ten (10%) percent of the required number of parking spaces shall be dedicated EV Charging Stations.

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 consistent with the provisions of this Section. Furthermore, where landscaping is 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

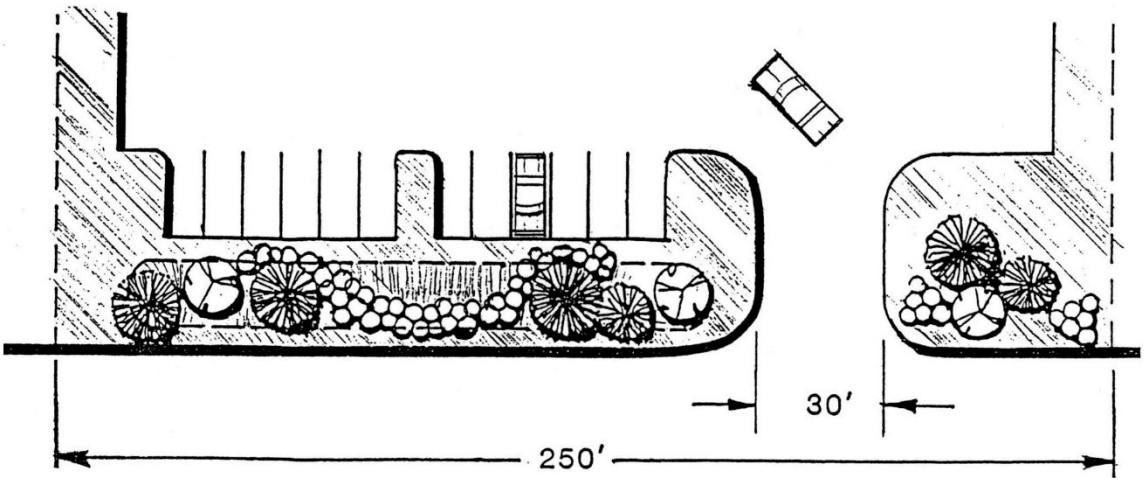
The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform 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 ft./40 ft. = 6 deciduous or evergreen trees
Ornamental trees	220 ft./100 ft. = 3 ornamental trees
Shrubs	(220 ft./40 ft.) x 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.

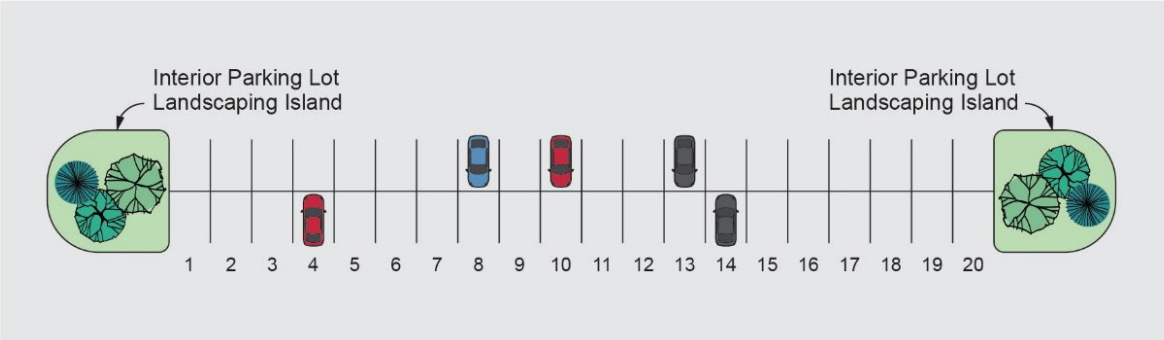
ii) **Minimum Number of Trees.** Each interior landscape area must contain at least one (1) tree. One (1) tree must be planted for each three hundred (300) square feet of interior landscaping.

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) Greenbelt Buffering. The intent of 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 greenbelt as specified in the table below shall be provided for all uses requiring Site Plan Review.

	Adjacent To			
Developing Zoning District	**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	c	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 twenty (20) foot wide 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 sixty (60) foot wide 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. 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.

(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, Fosythia, 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.

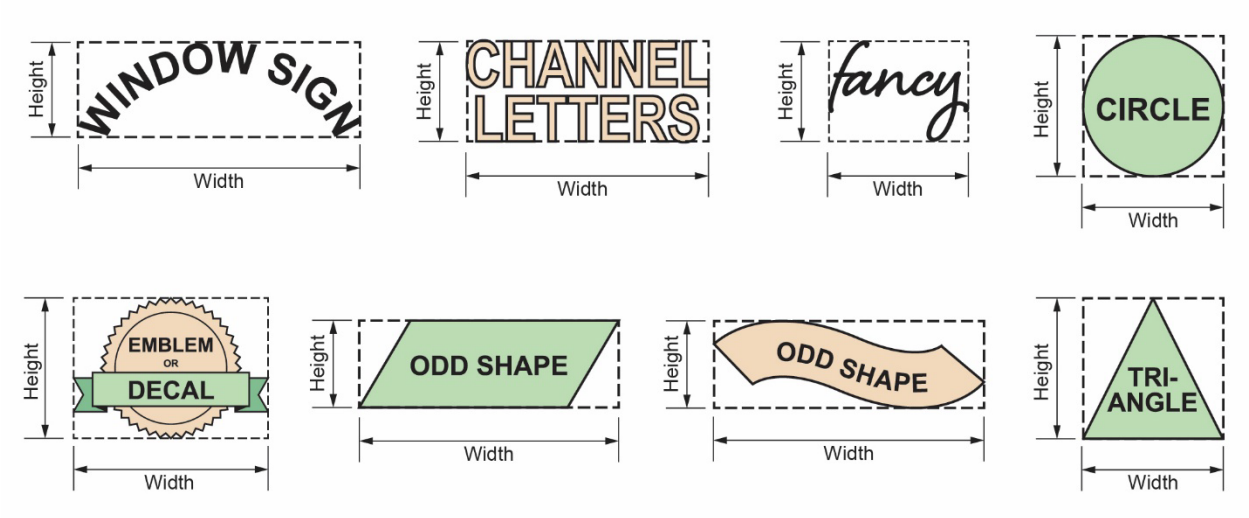
A) Within subdivisions, each home builder for each model shall be permitted, one (1) temporary real estate sign of whatever content the owner deems necessary, for each home builder for each model. Such signs shall not exceed of sixteen (16) square feet in area, five (5) feet in height, and shall have 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.

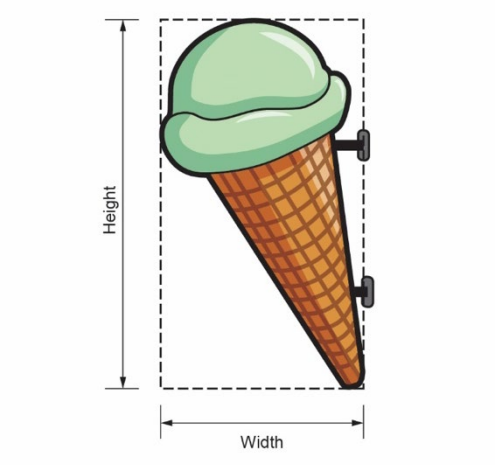


(2) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) 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) *Section 11.10*	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 (20) 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) *Section 11.10*	**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) *Section 11.10*	**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.

<table>
<tr><th>SIGN TYPE</th><th colspan="3">M-L, M-1, AND M-2 DISTRICTS</th></tr>
<tr><td>Blade Signs</td><td colspan="3">Maximum Area: Six (6) sq. ft.</td></tr>
<tr><td>Banner or Pennant Signs</td><td colspan="3">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.</td></tr>
<tr><td rowspan="2">Monument Signs</td><td>For each industrial development site consisting of a single tenant occupying a single building</td><td>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</td><td>At the entrance to an industrial park, an entranceway sign shall be permitted when constructed out of natural materials.</td></tr>
<tr><td colspan="2">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.</td><td>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.</td></tr>
<tr><td rowspan="2">Awning, Canopy, and Wall Signs</td><td>For each industrial development site consisting of a single tenant occupying a single building</td><td colspan="2">Multi-tenant complexes comprised of one (1) or more architecturally uniform buildings and sharing a common parking area</td></tr>
<tr><td>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.</td><td colspan="2">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.</td></tr>
</table>

Window Signs	**Maximum Area:** 20% of the window area.
Changeable Signs and Electronic Message Center Signs (EMCs) *Section 11.10*	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 (½) 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) **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) **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.

C) **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) **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) **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) **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) **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 (¾) 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.

ZONING DISTRICT LAND AREA ANALYSIS

CURRENT	AREA (acres)	PROPOSED	AREA (acres)	DIFFERENCE	REASON
NP	277.3	NP	277.3		
PL	2,548.5	PL	2,588.2	39.7	ADDED CITY-OWNED FLOODPLAIN AREAS
AG	375.4				
R-1	3,639.4	N1	3,668.4	29.0	ADDED 3 LPS PROPERTIES
R-2	1,059.0				
R-3	1,604.7	N2	3,290.9	(65.8)	AREAS ADDED TO PL
R-4	693.0				
R-5	138.6				
R-U-F	3,485.1	R-U-F	3,997.2	512.1	(R-5 + AG +1P) - 2.9 ACRES ADDED TO PL
R-C	58.8				
R-6	27.4	NM1	365.4		
R-7	279.1				
R-8	22.5	NM2	36.7		
R-8C	14.2				
R-9	107.6	NM3	107.6		
P	63.8	P	34.9	(28.9)	AEAS ADDED TO OTHER DISTRICTS
OS	342.7				
C-1	169.5	C-1	516.0	346.6	(C-1 + OS)
C-2	1,056.9	C-2	1,080.1	23.2	ADDED FROM P, PARKING DISTRICT
C-3	2.8	C-3	2.8		
C-4	45.4	C-4	342.0	296.6	(PO + C-4)
PO	296.6				
RE	11.3				
ML	28.2	ML	39.5	11.3	(RE + ML)
M-1	1,428.6	M-1	1,429.4	0.8	ADDED FROM P, PARKING DISTRICT
M-2	1,122.8	M-2	1,122.8		
TOTAL	18,899.2		18,899.2		

EXISTING DISTRICTS

	R-1	R-2	R-3	R-4		R-5	R-U-F	
NUMBER OF LOTS	18,773	4,233	5,207	1,714	11,154	245	5,207	5,452
CONFORMING LOT AREA	12,462	3,225	4,580	1,519	9,324	224	2,822	3,046
	66.40%	76.20%	88.00%	88.60%	**83.60%**	91.40%	54.20%	**55.90%**
NONCONFORMING LOT AREA	6,311	1,008	627	195	1,830	21	2,385	2,406
	33.60%	23.80%	12.00%	11.40%	**16.40%**	8.60%	45.80%	**44.10%**

PROPOSED DISTRICTS

	N1	N2	R-U-F
NUMBER OF LOTS	18,773	11,154	5,452
CONFORMING LOT AREA	17,040	9,878	4,317
	90.80%	**88.60%**	**79.20%**
NONCONFORMING LOT AREA	1,733	1,276	1,135
	9.20%	**11.40%**	**20.80%**

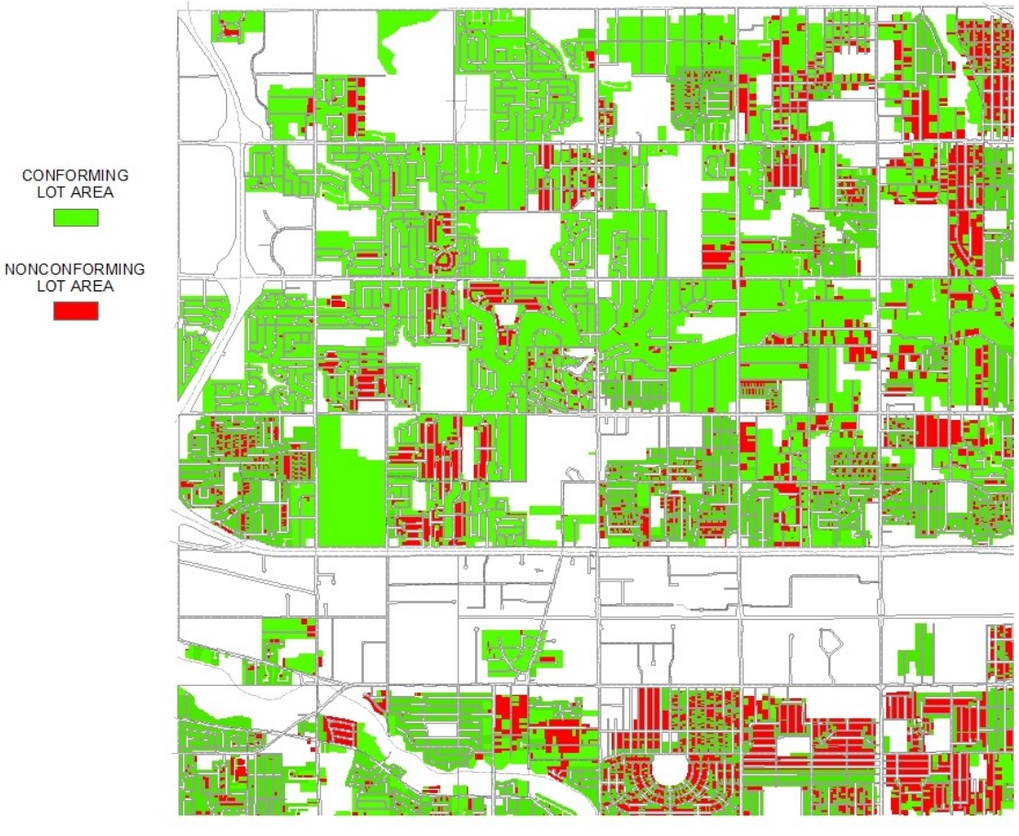
EXISTING

R-1	60' X 120' = 7,200 SQ.FT.
R-2	70' X 120' = 8,400 SQ.FT.
R-3	80' X 120' = 9,600 SQ.FT.
R-4	90' X 130' = 11,700 SQ.FT.
R-5	100' X 150' = 15,000 SQ.FT.
R-U-F	~74' X 295' = 21,780 SQ.FT.

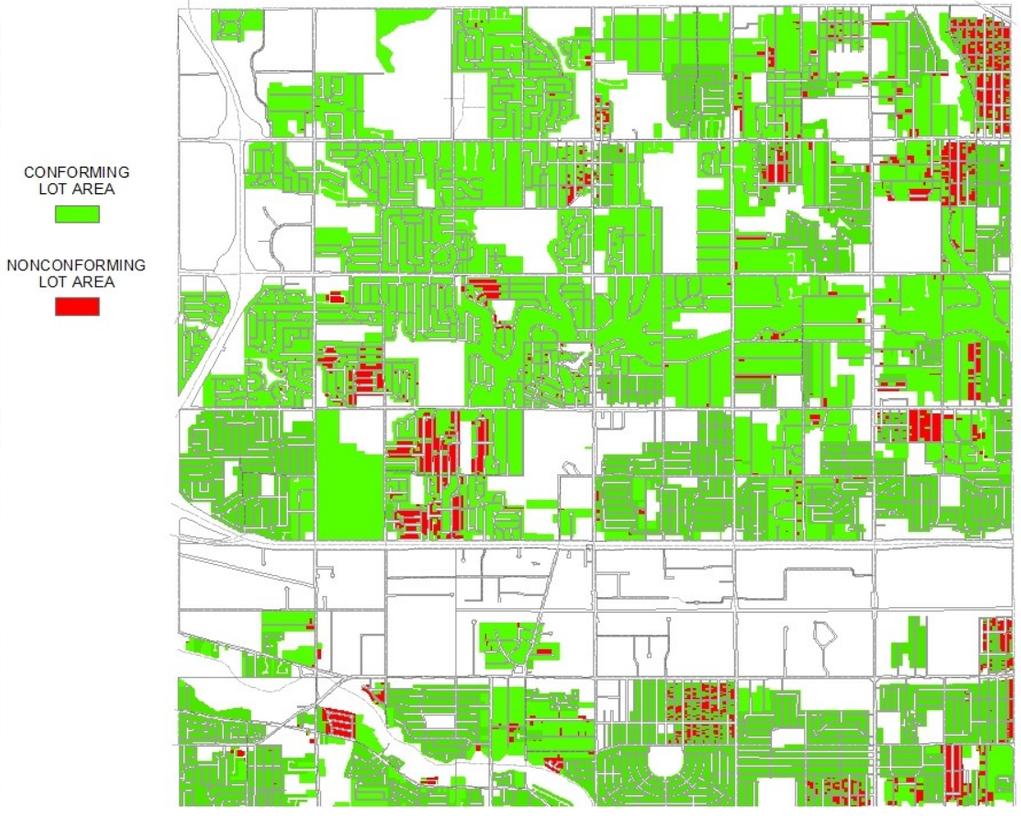
PROPOSED

N1	50' x 120' = 6,000 SQ.FT.
N2	70' X 120' = 8,400 SQ.FT.
R-U-F	100' X 150' = 15,000 SQ.FT.

EXISTING RESIDENTIAL DISTRICTS



PROPOSED RESIDENTIAL DISTRICTS



	EXISTING DISTRICTS								PROPOSED DISTRICTS		
	R-1	R-2	R-3	R-4		R-5	R-U-F		N1	N2	R-U-F
NUMBER OF LOTS	18,773	4,233	5,207	1,714	11,154	245	5,207	5,452	18,773	11,154	5,452
POTENTIAL LOT SPLITS	682	182	405	107	694	38	524	562	1,223	1,045	1,384
(MEASURED BY LOT AREA)	3.60%	4.30%	7.80%	6.20%	6.20%	15.50%	10.10%	10.30%	6.50%	9.40%	25.40%

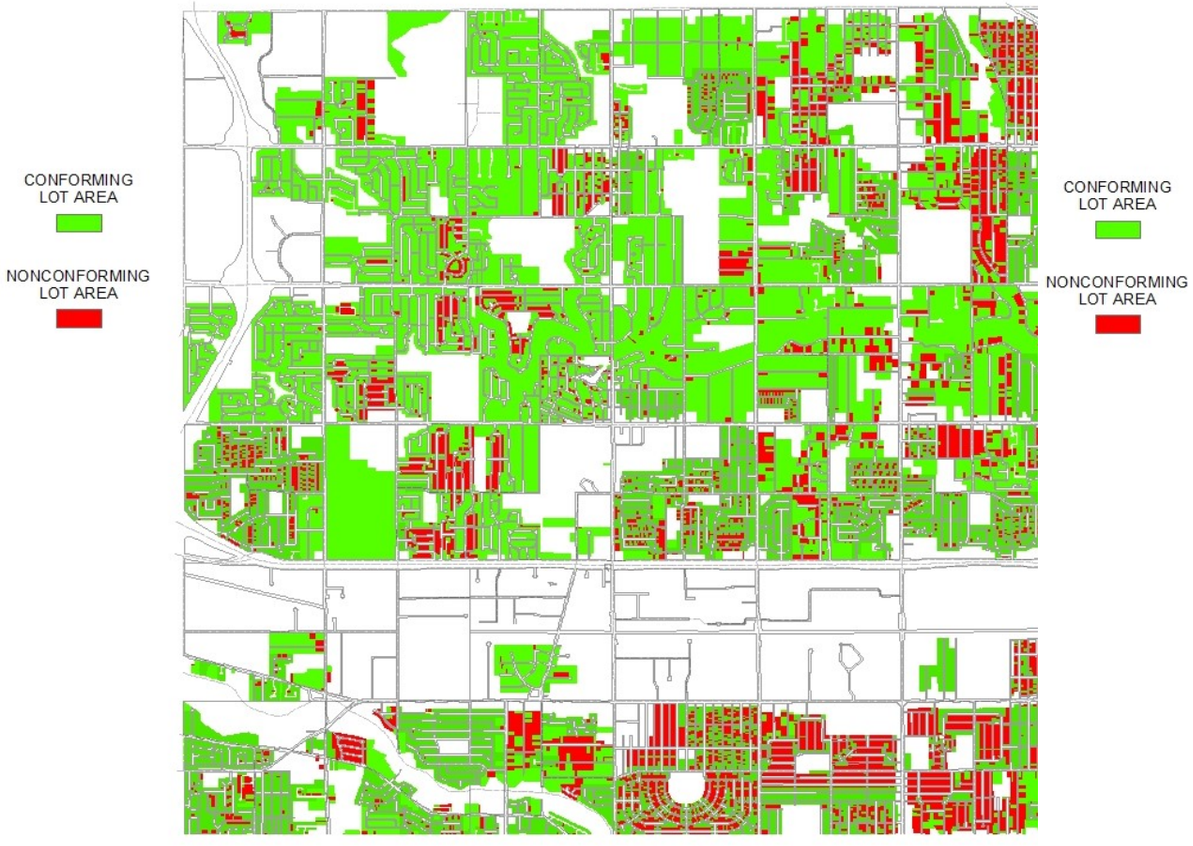
EXISTING

R-1	60' X 120' = 7,200 SQ.FT.
R-2	70' X 120' = 8,400 SQ.FT.
R-3	80' X 120' = 9,600 SQ.FT.
R-4	90' X 130' = 11,700 SQ.FT.
R-5	100' X 150' = 15,000 SQ.FT.
R-U-F	~74' X 295' = 21,780 SQ.FT.

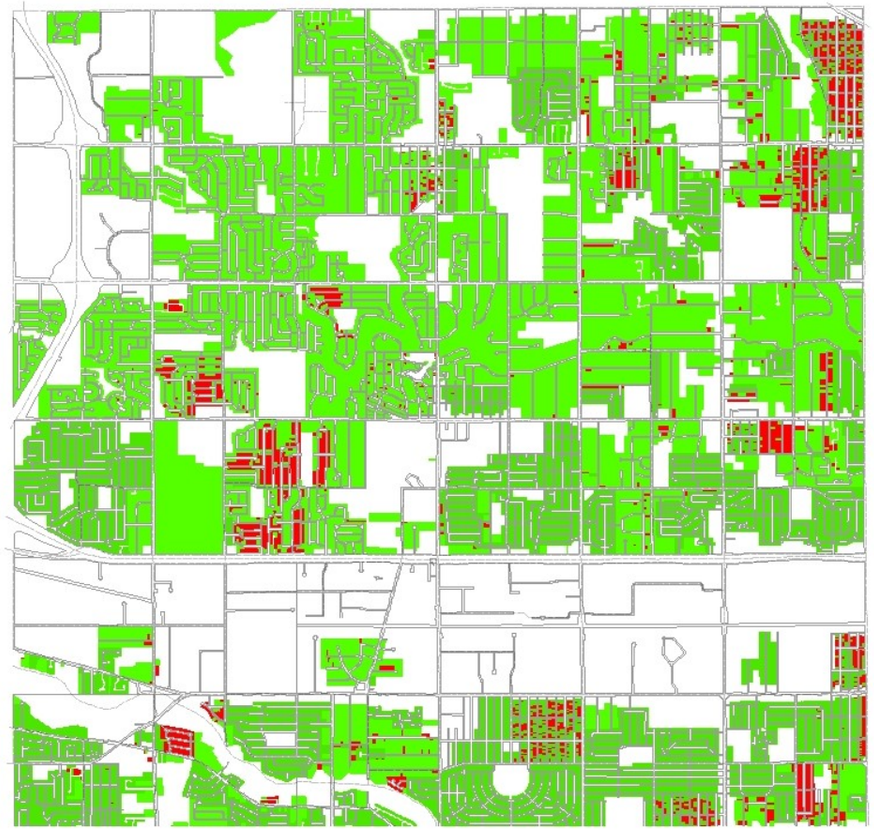
PROPOSED

N1	50' x 120' = 6,000 SQ.FT.
N2	70' X 120' = 8,400 SQ.FT.
R-U-F	100' X 150' = 15,000 SQ.FT.

EXISTING RESIDENTIAL DISTRICTS



PROPOSED RESIDENTIAL DISTRICTS



Diagnostic Review of the

City of Livonia Zoning Ordinance

Prepared for
City of Livonia, Michigan

March 22, 2019

McKenna Associates

235 E. Main Street, Suite 105
Northville, Michigan 48167

TABLE OF CONTENTS

Table of Contents i
Introduction 3
Clarity and Simplicity of Use 3
Hyperlinks and Cross-References 3
Graphics 3
Effective Language 3
Organization of Articles and Sections 4
Definitions 5
General Definitions 5
Sign Definitions 7
Variance Analysis 7
Variance Summary 7
Variance Analysis FIndings 9
Phase 1. Zoning Districts 10
Permitted Use Table 10
Zoning District Summaries 10
Consideration of New Zoning Districts ANd District COnsolidation 10
Planned Unit Development (PUD) DISTRICT 11
Form-Based Codes 12
Other District Regulations 15
Phase 2. General Development Regulations 16
Development Standards for Specific Land Uses 16
Parking, Loading, and Access Management 18
Landscaping and Screening 19
Signs 20
Environmental Performance 21
Lighting 21
Clear Vision Area 22
Accessory Structures and Uses 22
Fences and Walls 22
Alternative Energy 22

Encroachments and Exempt Structures 23

Subdivision and Site Condominiums 23

Fees 23

Phase 3. Administrative Procedures and Standards 24

reformat the following topics. Much of the information regarding administrative procedures is under separate subsections of Section 18 through Section 24 of the City of Livonia's Zoning Ordinance. We propose to pull the all of the administrative information from different parts of the ordinance on the topics discussed below and organize them under the heading "ADMINISTRATIVE PROCEDURES AND STANDARDS" for faster and easier reference. 24

Nonconforming Uses, Buildings and lots 24

Site Plan Review 24

Special Land Uses – Section 19.06 General Waiver Requirements (Waiver Uses) 25

Amendments 25

City PLANNING COMMISSION 25

Board of Zoning Appeals (BZA) 25

Public Notices 26

Zoning Compliance Review (a.k.a., Zoning Permits) 26

Enforcement, Violations, and Penalties 26

Performance Guarantees 26

Phase 4. Zoning Map 27

INTRODUCTION

We have reviewed the City of Livonia Zoning Ordinance, and this Diagnostic Review identifies the strengths, weaknesses, and essential areas of improvement – such as adding tables, charts, and graphics, fixing fragmented, inconsistent, or outdated language, and addressing irrelevant and incorrect cross-references, redundancy, contradictory language, conflicts, and changed laws. With the identified areas of improvement, the City can address the update the Zoning Code in a proactive manner.

The purpose of this Diagnostic Review is not to identify every item in the Zoning Ordinance and other documents that must be amended; rather, this Diagnostic Review identifies major tasks to undertake during the amendment process and recommendations for addressing those tasks. This Diagnostic Review includes topics discussed at the February 22 Kick-off meeting, as well as our findings from the following City documents:

- City of Livonia Zoning Ordinance
- Livonia Vision21 Comprehensive Plan (Adopted 2019)
- Livonia Board of Zoning Appeals case Review August 2008 through January 2019
- Versions of the previous Zoning Code that was attempted.

CLARITY AND SIMPLICITY OF USE

HYPERLINKS AND CROSS-REFERENCES

As the Zoning Ordinance has been amended over time, some of the cross-referenced sections may become incorrect because cross-references are not always updated when sections are added or deleted from the Zoning Ordinance. To remedy this problem and allow users to electronically click on a link to get to a section, we will fix any cross-reference errors and "hyperlink" all cross-referenced sections of the Zoning Code in the electronic document. By properly hyperlinking all sections and cross-references, the cross-references can be automatically updated whenever the Zoning Code is amended.

FORMAT

The Zoning Ordinance would benefit from format changes to make the document more user-friendly. Recommended formatting enhancements would include aspects such as type style and size, bolding, capitalization, indentations.

GRAPHICS

Many areas of the Zoning Ordinance could be enhanced with more and updated illustrations. We recommend adding new graphics where they can enhance the effect of the text. Graphics are especially important to illustrate lot types, building heights, landscaping requirements, aesthetic and architectural requirements, signs, lighting, and corner visibility zones.

EFFECTIVE LANGUAGE

- **Passive vs. Active Language.** To make the Zoning Code an effective document to regulate the use of land and buildings, the regulations must have active language instead of passive language (e.g., "shall" instead of "should," "must" instead of "may," etc.).
- **Confusing Text.** In some areas of the Zoning Ordinance, the text is either confusing or contradictory. In many cases, there is more text than is needed to describe a regulation. We will identify these problem areas and recommend more concise, effective text.

ORGANIZATION OF ARTICLES AND SECTIONS

One of the major problems with most zoning ordinances is that they do not organize all of the sections coherently into corresponding articles. This causes the user to sift through several different sections to locate the applicable regulation. We recommend organizing the Zoning Code into the following articles, which are referenced through this Diagnostic Review.

A. **Title, Purpose, and Scope.** This article will include sections for Short Title, Application of the Ordinance, Vested Rights, Relationship to Other Laws, Severability, and Effective Date and Repeal of Prior Ordinance. This article will be very short, and the purpose is to cover some basic legal requirements.
B. **Definitions.**
C. **Zoning Districts and Map.**
D. **Schedule of Regulations.**
E. **Supplemental Zoning District Standards.** Site Condominiums, Subdivisions, and Land Divisions.
F. **Standards Applicable to Specific Uses.**
G. **General Provisions.**
H. **Environmental Performance Standards.**
I. **Parking, Loading, and Access Management.**
J. **Landscaping and Screening.**
K. **Signs.**
L. **Nonconformities.**
M. **Administrative Organization.** Zoning Administrator, City Commission, Planning Commission, and Board of Zoning Appeals.
N. **Administrative Procedures.** Permits, Site Plan Review, Special Land Use Review (Waiver Uses), Variances and Appeals, Amendments, and Public Hearing Procedures.
O. **Violations, Penalties, and Enforcement.**

DEFINITIONS

GENERAL DEFINITIONS

While many definitions will remain the same or have only minor changes, we propose the following changes. Also, as the Zoning Ordinance update proceeds, we will propose new definitions where the new definitions will clarify or support the Zoning Ordinance. Currently the definitions are organized into different categories in the definitions section of the Zoning Ordinance. We recommend consolidating these definitions into one, all-encompassing definition section.

- **Adult Foster Care Facility, Child Care Center or Day Care Center, Family Day Care Home, Group Day Care Home, Foster Home, Foster Family Group Home, Halfway Houses, Spouse Abuse Shelters, Homeless Shelter, Hospital Hospitality Houses, Rooming Houses, and other home-related definitions.** We will review the existing definitions of these types of uses to ensure they are consistent with State Law, and we will propose additional definitions, as needed, to comply with State Law. We will also make sure that the proper State Acts are referenced.
- **Automobile:** We recommend adding a definition for automobiles. Consider defining large vehicles, such as semi-tractors, buses, construction vehicles, etc. Separately so they can be distinguished and regulated separately.
- **Automobile Car Wash Establishment:** We recommend adding a definition for "automobiles car wash establishments."
- **Automobile or Vehicle Dealership:** We recommend adding a definition for "automobile or vehicle dealership."
- **Automobile or Vehicle Repair Garage:** We recommend adding a definition for "automobile or vehicle repair garage" with (**Vehicle Repair, Minor and Vehicle Repair, Major**) in this definition.
- **Automobile Service Station:** We recommend adding a definition for "automobile."
- **Basement.** We recommend adding a graphic to support the definition.
- **Bed and Breakfast Establishment, Bed and Breakfast Inn, and Homestay.** We recommend including these 3 definitions under a "Bed and Breakfast" heading so that they are easier to compare to each other.
- **Building, Accessory.** Although the definition of "Building, Accessory" is probably intended to also include Accessory Structures, we recommend making this term "Accessory Buildings and Structures."
- **Building Height.** This definition should state how "grade" is determined and should be accompanied with graphics that illustrate how height is measured for each type of roof.
- **Building, Residential Accessory.** We find that the definition for "Building, Accessory" satisfies defining accessory buildings and therefore recommend removing the definition for "Building, Residential Accessory".
- **Bulk Storage.** We recommend adding a definition for "bulk storage."
- **Church:** Review this definition for compliance with recent court cases and RLUIPA.
- **Dwelling – various definitions:** Review these definitions to improve clarity.
- **Enclosed.** This term is used throughout the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Essential Services.** This definition should state that telecommunication towers, solar energy facilities, and wind energy conversion systems are <u>not</u> essential services. However, emergency outdoor warning sirens should be included as essential services.
- **Family.** We will review the definition of "family" and, if needed, propose amendments required to comply with federal fair housing regulations.
- **Garage, Private.** This definition provides regulations for garage sizes. We recommend removing dimensional regulations from the definition and including them in a more appropriate location.
- **Fence.** This term is used throughout the Zoning Ordinance but is undefined. Therefore, a definition is needed.

- **General Office.** We recommend splitting this definition into: "Office, Medical" and "Office, Professional" because these types of offices often have different use and parking standards (medical offices usually require more parking).
- **Grade.** This term is used throughout the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Heavy Manufacturing.** This term is used throughout the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Housing for the Elderly:** Review for consistency with current state law and administrative rules.
- **Light Manufacturing.** This term is used throughout the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Lot.** We recommend clarifying this definition to state that 2 or more parcels may be treated as a single lot only if 1 of the lots, by itself, cannot meet the minimum area, width, setback, lot coverage, or frontage requirements. We also recommend adding graphics of the lot definitions and lot types (e.g., Lot, Corner; Lot, Interior; Lot, Through) to make the definitions easier to interpret and administer. We will also clarify that properties that share a property line with a city street on one side and a limited access highway on the other side are not "Through Lots."
- **Lot Lines (Front, Rear, and Side)** and **Lot Width.** We recommend including graphics of these definitions so that these definitions are easier to interpret and administer.
- **Major Street** and **Minor Street.** This term is used throughout the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Mobile Home, Modular Home, and Mobile Home Park.** We will review these definitions in accordance with the applicable State Act and propose amendments as necessary.
- **Mobile Home Site.** We recommend this definition be removed.
- **Nonconforming.** We recommend adding a definition for "Nonconforming" and putting the definitions for "Nonconforming Use" and "Nonconforming Building" under the newly defined "Nonconforming" definition.
- **Off-Street Parking Lot.** We recommend that this definition also state that the surface must be durable and smooth.
- **Parking Space.** This definition should exclude the minimum dimensions, which belong in the Parking, Loading, and Access Management article.
- **Personal-use Heliport, Public-use Heliport, Private-use Heliport, and Temporary Heliport.** We recommend putting these definitions under "Heliport".
- **Public Utility.** This definition should state that telecommunication towers, solar energy facilities, and wind energy conversion systems are <u>not</u> public utilities.
- **Secondhand and Consignment Stores:** These uses are currently not defined, but they should be defined and regulated so that they are separate from general retail establishments.
- **Setback:** Consider adding a definition as currently only a definition of "Setback Lines" is provided.
- **Service Establishment.** We recommend adding a definition for this land use.
- **Temporary Structure.** We recommend adding a definition for this land use.
- **Temporary Use.** We recommend adding a definition for this land use.
- **Truck Stop or Truck Plaza:** Currently this use is undefined. We recommend that a definition be added.
- **Usable Floor Area:** an illustration of Usable Floor Area to increase clarity.
- **Conditional Use.** Currently, this use is not defined. We recommend adding a definition and changing this term to "Special Land Use" and making the same changes throughout the Zoning Ordinance. While Conditional Uses and Special Land Uses are synonymous, the Michigan Zoning Enabling Act uses the term "Special Land Use."
- **Street.** We recommend adding text to this definition that includes non-motorized access.
- **Warehousing.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.

- **Yard, Front; Yard, Rear;** and **Yard, Side.** A graphic should be added that illustrate where the yards are located.
- **Variance.** We recommend renaming this definition to "Zoning Variance". This definition should also refer to the Michigan Zoning Enabling Act and relevant law.

SIGN DEFINITIONS

We recommend incorporating graphics of the various sign types to make the sign definitions easier to interpret and administer. Furthermore, additional sign definitions should be considered, such as incidental sign, animated sign, temporary sign and others.

- **Area of Sign.** We recommend providing an illustration or graphic to improve clarity for this definition.
- **Banner.** We recommend providing an illustration or graphic to improve clarity for this definition.
- **Height of a Sign.** We recommend providing an illustration or graphic to improve clarity for this definition.
- **Prohibition.** We believe this definition is not needed and can be removed.
- **Pylon Sign.** We recommend providing an illustration or graphic to improve clarity for this definition.

VARIANCE ANALYSIS

We have reviewed approximately ten years of the City's variance cases from August 2008 through January 2019. During this time 213 of 237 variance petitions brought to the ZBA were granted.

VARIANCE SUMMARY

Variances Pursued	Variances Granted	Subject Matter	Use Type (Variance #)	Comments
11	11	Side Yard Setbacks	Residential	• Building addition encroachment into side yard setback
13	13	Rear Yard Setbacks	Residential	• Dwelling addition encroachment into rear yard setback • Construction of porches/accessory structures resulting in rear yard setbacks deficiencies
21	21	Front Yard Setbacks	Commercial Residential	• Gasoline pump setbacks • Construction of porches/accessory structures resulting in front yard setbacks deficiencies
4	4	Group Day Care	Residential	
48	42	Privacy Fence	Residential	• Excess of permitted fence height • Some were located in the side/front yard which is not permitted • Unable to gain approval from adjoining property owner, which is required • Fence not aligning with the fence on the adjoining property • Double fences are not allowed
1	1	Lot Coverage	Residential	• Addition of detached garage
3	0	Home Occupation	Residential	• Processing and retail sales of firewood • Fire arm sales and distribution

47	41	Excess Garage Area/Height	Residential	• Some variances also contained excess number of garages
6	6	Deficient Parking	Commercial	• Building addition caused parking shortage
5	5	Single Family dwelling on property which requires an architectural review and approval	Residential	
2	1	Storage of Recreational/Commercial Vehicle	Residential	• Outdoor storage of commercial vehicles not permitted in residential districts
2	2	Dog Run/Animal Care Location	Residential	• Dog Run not permitted in side yard
1	0	Dumpster Location	Commercial	• Dumpster not permitted in front yard
3	3	Garage Location	Residential	• Not permitted in the front yard, must be located in rear yard
3	2	Excess Building Area	Residential	
9	9	Deficient Lot Area/Lot Width	Commercial	
1	1	Recreational Vehicle Storage	Residential	• Recreational vehicles must be stored in the rear yard
46	43	Excess Wall Signs/Excess Sign Area/Excess Sign Height	Commercial	
3	1	Electronic Message Board	Commercial	
1	1	Deficient Sign Setback	Commercial	
1	1	Deficient distance between ground signs	Commercial	
3	3	Retail Sales in non-permitted district	Industrial	
1	1	Indoor Recreational Facility	Industrial	
1	1	Outdoor Storage	Industrial	
1	0	Nonconforming Use	Residential	

VARIANCE ANALYSIS FINDINGS

Based on the number and subject matter of the variances we find the majority of variances granted to be consistent with the intent of ZBA's authority to grant relief from regulations when finding compliance creates undue hardship or practical difficulty. Four items that should be discussed by reviewed:

Variances Granted	Subject Matter	Zoning Ordinance Section Reference
42	Privacy Fence	Section 15.44.090 of the Livonia Code of Ordinances
41	Excess Garage Area/Height	Section 18.24 of the Livonia Zoning Ordinance
43	Excess Wall Signs/Excess Sign Area/Excess Sign Height	Section 18.50 of the Livonia Zoning Ordinance
Approximately 40	Residential Setbacks	Section 4.05 and Section 4.06 of the Livonia Zoning Ordinance

PHASE 1. ZONING DISTRICTS

PERMITTED USE TABLE

Each zoning district includes a long list of permitted and conditional uses, which makes for several pages of duplicated and unnecessary text. To simplify the list of permitted and special land uses, we recommend incorporating a land use table similar to the table illustrated below. The table would be an excellent organization tool for the City and the public by including all of the uses regulated by the Zoning Code and in what districts those uses are permitted. Also, if the Zoning Code defines uses that are not listed in any zoning district, and the table would help identify and resolve that problem. Finally, each use with specific development standards would have a clickable hyperlink to the section of the Zoning Code that contains the development standard.

Sample Table of Permitted Uses by District

Table 1. Table of Permitted Uses by District

Key: ■ **Principal Permitted Use** ○ **Special Land Use** **[blank] Use Not Permitted**

USE	RR (A)	R-1 (A)	R-2 (A)	R-3 (A)	PO-1 (F)	C-1 (F)	C-2 (F)	C-3 (F, G)	C-4 (F, H)	I-1 (I)	I-2	DEVELOPMENT STANDARD
RESIDENTIAL USES												
Mixed Use Dwelling Unit						■		■				Section 74-2.424
Low Intensity Multiple Family (3-4 units)			○	■								Section 74-2.425
High Intensity Multiple Family (5+ units)				○								Section 74-2.426
One Family Dwelling Unit	■	■	■	■				■				Section 74-2.427 Section 74-5.105
Townhouse				■				○				Section 74-2.428
Two Family Dwelling Unit			■	■				■				Section 74-5.105
Accessory Dwelling Unit	○	○	○					○				Section 74-2.402
LODGING USES												
Bed & Breakfast	○	○	○	○				■				Section 74-2.407
Boarding or Lodging House				■								
Inn						■	○	■	■			Section 74-2.420
Hotel						■	○		■			Section 74-2.420
OFFICE and SERVICE USES												
Bank or Financial Institution					■	■	■					
Health or Exercise Club or Spa (Small)					■	■	■	■				
Health or Exercise Club or Spa (Large)							○	○				
Office					■	■	■	■				
Personal Service Establishment					■	■	■	■				

ZONING DISTRICT SUMMARIES

In addition to the land use table, each zoning district will have a zoning district summary (usually 1 page per zoning district), which will include the district purpose, permitted and special land uses, dimensional standards from the Schedule of Regulations, and clickable links to general standards sections of the Zoning Code that apply (e.g., landscaping, lighting, signs, etc.). This zoning district summary page will work in tandem with the land use table; users who want to know in what district a particular land use is permitted will refer to the land use table, while users who want to know all of the relevant information about a particular zoning district will refer to the zoning district summary page of the district.

CONSIDERATION OF NEW ZONING DISTRICTS AND DISTRICT CONSOLIDATION

The Master Plan recommends creating new zoning districts for:

In order to meet the goals of this Master Plan, the following revisions to the Zoning Ordinance and Map are recommended:

- **New Form-Based Districts:** New zoning districts that incorporate form-based regulations should be created for the Mixed Development Center and City Center designations.
- **Corridor Commercial Modifications:** The C-1, C-2, and C-3, commercial districts, should be simplified and consolidated into a new district corresponding to the development intensity of the corridor commercial designation. Form-based regulations should be considered in key development areas like the Plymouth Road corridor. Revising the districts is preferable to developing an overlay for transparency and effective administration of the district.
- **Regional Commercial:** The C-4 commercial district should be modified to reflect a regional commercial designation with higher intensity development and traffic that results from its proximity to I-96 and I-275.
- **Office:** The Office Districts should be eliminated - the eligible uses and standards of OS should be incorporated into a corresponding corridor district and the eligible uses and standards of PO into a regional commercial district.
- **One-Family Residential:** The five One-Family Residential Districts should be simplified and consolidated. Consider availability of low/moderate income housing.
- **Multiple-Family Residential:** The six Multiple-Family Residential Districts should be simplified and consolidated.
    - New incentives and standards for infill housing and neighborhood investment should be developed for districts corresponding to the medium density residential designation. Strategies for affordable housing, accessory dwelling units, and adaptive reuse should be considered.
- **RUF District:** Revise the RUF District to make all existing homesites conform to the minimum lot size and eliminate issues where the lots are all too small.
- **PUD Districts:** The three Planned Unit Development (PUD) Districts should be simplified and consolidated.
- **Lean Zoning:** The Zoning Ordinance should be reviewed and edited according to lean-zoning principals. Regulations that do not contribute to the implementation of the Future Land Use Plan should be eliminated or reduced in scope.
- **Sustainability:** additional incentives to encourage sustainable use of land, materials, energy, and resources should be developed for all districts.
    - Solar – priority for both commercial and residential operations
    - Wind – Permit wind turbines
        - Evaluate demand and scale of facilities
- **Parking:** Consider removing or revising the P-District to encourage re-use and redevelopment of sites.

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

We recommend the following changes to the PUD District:

- Section 20.0 Special Waivers for Planned Residential Development and Planned General Developments
- Clarify whether there are any limits to land use and density in the PUD District. If not, we recommend language stating that the use and density must be consistent with the Master Plan.
- Require a concept submittal to the Planning Commission prior to preliminary site plan review. We recommend listing additional information required on a conceptual plan. While this would require more information submitted by an applicant, the feedback given at conceptual review will better prepare the applicant for the upcoming site plan process.
- Require a performance guarantee, we recommend that this be a requirement a general requirement in the Zoning Code.

- The procedures of the PUD, when relocated within the zoning districts a zoning district, should be cross-referenced to the rezoning procedures so that they are consistent with the general procedures of the Zoning Code.
- Define procedures for minor changes to be approved administratively. Examples of minor changes should be as specific as possible. Examples would include limits on floor area and height increases, limits on additional impervious areas, and limits on the number of feet the location of a structure can change. Also, depending on the project, minor changes could be described in the PUD agreement.
- To encourage preservation of open space and sensitive environmental areas, consider additional cluster options and density bonuses.

FORM-BASED CODES

As mentioned prior, the Livonia Vision 21 Master Plan recommends creating new form-based districts for Implementing the City Center, and Mixed Development areas. Additionally, form-based modifications are recommended to the commercial districts to implement the corridor recommendations of the Master Plan.

As we develop form-based regulations we will identify if there are any development standards that could have general applicability for the entire city (e.g., landscaping standards, parking standards, lighting standards, sign standards, etc.), we may recommend moving the standards to apply citywide.

The Master Plan also proposes developing standards for building types to encourage infill development of a similar size and scale to surrounding properties and to provide architectural guidance to potential developers. A building type code is an effective tool to reduce subjectivity in design review and facilitate administrative reviews, when applicable:

An example of building type regulations are included on the following pages.

B. ADJACENT DUPLEX

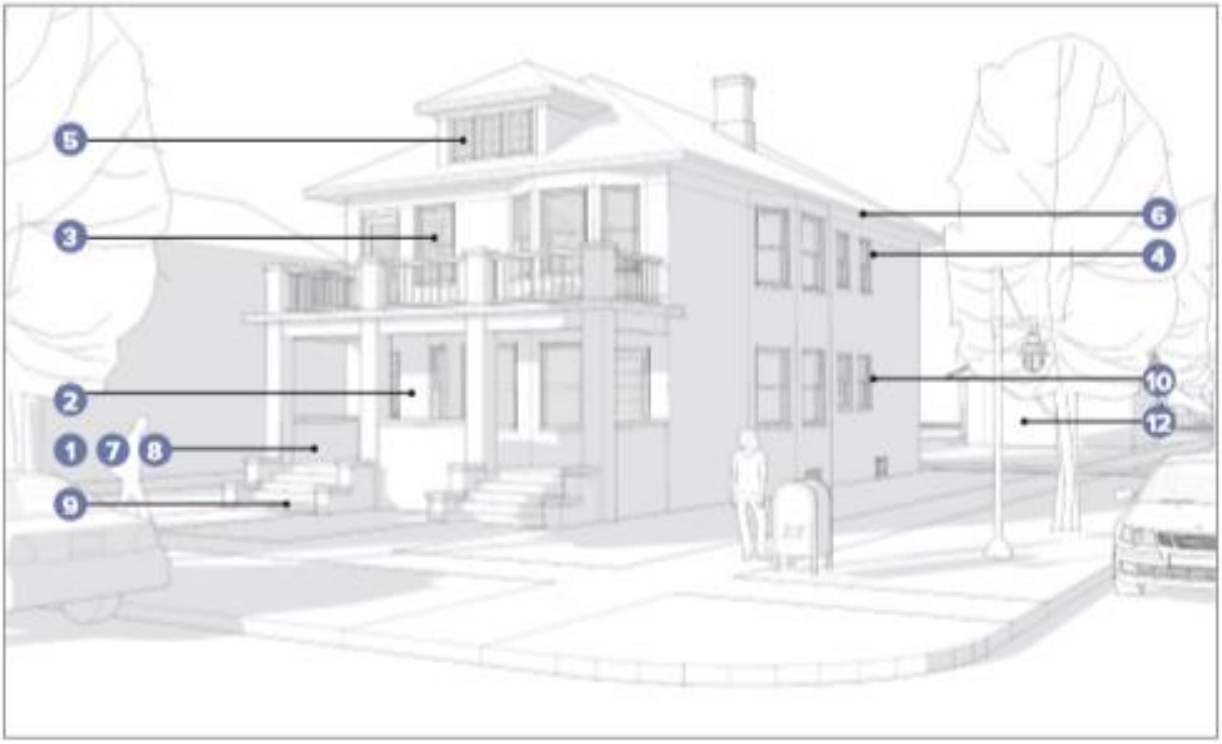


TABLE 4.B.1: ADJACENT DUPLEX – SPECIFIC REQUIREMENTS

1. Traditionally-styled single-family house form containing two residential units with two main entrances at the front and alternate or service entrances along the sides and/or back.
2. Residential units exist side-by side 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. 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".
12. Parking pad or detached garage(s) located behind principal structure.
13. Stacked gables limited to two in number and reserved for Craftsman style.

TABLE 4.B.2: ADJACENT DUPLEX – NUMERICAL PARAMETERS

	Width	Height	Height-to-Width Ratio	Depth	Lateral Spacing	Depth of Recess	Extent of Projection
Building Size	32' to 55'	32' (a)	.6 to 1.2	≤ 65'	(b)	n/a	n/a
Window Units - Rectangular	32" to 36" (l)	54" to 72" (m)	1.6 to 2.25 (m)	n/a	(c)	4" (d)	n/a
Window Units - Other Shapes	≤ 36"	≤ 72"	.5 to 2.25	n/a	n/a	4" (d) (e)	n/a
Individual Window Units within Window Groups	20" to 36"	54" to 72" (m)	2 to 3	n/a	3.5" to 4" (f)	4" (d) (e)	n/a
Sills	1" to 4" (g)	(h)	n/a	(i)	n/a	n/a	≤ 2"
Exterior Doors	32" to 48"	80" to 84"	n/a	n/a	≥ 15' (j)	n/a	n/a
Window Casing (Non-masonry structures)	(k)	(k)	n/a	1" to 1.25"	n/a	n/a	n/a
Building Trim (Non-masonry structures)	(k)	(k)	n/a	1" to 1.25"	n/a	n/a	n/a

(a) Refer to Definitions, Article 7.
(b) Refer to Schedule of Regulations, Section 4.05
(c) Spacing dimension shall either be divisible by one-half (0.5) the width of the exterior wall masonry unit, or by 4".
(d) Applicable to all masonry-clad buildings. Bay windows excepted.
(e) Palladian windows on masonry-clad buildings excepted.
(f) Parameter refers to the casing between window units; windows must not be factory-grouped.
(g) Parameter refers to the extent of sill projection beyond either the side of the window casing or the masonry opening.
(h) Stone or concrete: Either 5.33" or the height of two brick courses; Brick: 3.5" to 4"; Wood: 1.5" to 2".
(i) Depth to meet window unit.
(j) Per any one building wall.
(k) Refer to Figure 2.11.
(l) Kitchen and bathroom windows may be narrower.
(m) Kitchen, bathroom, accent, and half-height single-sash windows excepted.

TABLE 4.B.3: ADJACENT DUPLEX – ALLOWABLE MATERIALS

	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 Trim (a)	(b)	X	X	X	X		Cedar
Window Sills (a)	(b)	X	X	X	X		Cedar
Columns	X	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.

TABLE 4.B.4: ADJACENT DUPLEX – ALLOWABLE USES

Residential	
Office	

OTHER DISTRICT REGULATIONS

- **Setbacks.** Based on our review of the ZBA minutes from 2008-2019, there are several recurring setback variance requests in residential districts where the Schedule of Regulations should be amended. Many setback variance requests are on lots where it is impossible to meet setbacks based on nonconforming lot area or lot width. One option is to lower the setbacks; however, lower setbacks would apply to all lots in the district including the lots with conforming lot areas and widths. Alternatively, the City may want to consider a limited sliding scale for unusually small and/or narrow lots. For example, for lots less than the minimum lot width, the minimum side yard setback could be tied to a percentage of the lot width, with narrower lots permitted to have smaller side yard setbacks. Finally, the sliding scale method of establishing minimum setbacks can also help promote infill development in various areas of the city.
- **Parking:** Evaluate how parking is handled in each district and address common parking issues across the City.
    - Address commercial vehicles in residential areas
    - Amount of land dedicated to parking
    - RV parking
    - Revisit parking requirements for businesses. Many Livonia businesses have too much parking.
    - Evaluate material requirements, excess asphalt and concrete surfaces contribute to Global Warming.
    - EV Charging Station ordinances should be developed
- **Accessory Structures:** Address issues with accessory structures in residential districts.
    - Garages and relationship to size of property
        - Revise to accommodate larger vehicles, SUVs, RVs
        - Multiple garages on residential property
    - Awnings on front porches. Allow porches to encroach, but once they are covered, it's a variance – this should be eliminated
    - Eliminate the need for people seeking to cover (not enclose) their front porches to get variances to do
- **Temporary Uses:** Create new temporary use provisions to encourage start-up businesses and entrepreneurship in the City. Specifically,
    - Approach to phased development
    - Food trucks
    - Pop-up markets

PHASE 2. GENERAL DEVELOPMENT REGULATIONS

DEVELOPMENT STANDARDS FOR SPECIFIC LAND USES

Currently, the development standards for specific uses are scattered throughout several areas of the Zoning Ordinance, including in some of the definitions. While defining land uses is essential, the development standards for the use should not be included in the definition. We recommend consolidating all of the development standards for specific uses into one article, with a section for each use. The following are land uses with specific development standards, with their current section(s) in parentheses. Please note that this is not a comprehensive list, as more sections will be added throughout the process. Also, if there are discrepancies in the use standards between two (2) or more zoning districts, those discrepancies can be addressed within the section itself.

- Adult Entertainment (currently Sections 2.08(1), 2.08(2), 2.08(4), 2.08(18), 2.08(22), 18.61, and 30.04(a)). Please note that although it is appropriate to have definitions consolidated into a single article (e.g., Article 2), it might be more appropriate to relocate the definitions related to adult entertainment into the section where adult entertainment uses are regulated.
- Adult Foster Care (currently Section 5.03(f))
- Alcohol Sales (Specially Designated Merchant [SDM] and Specially Designated Distributor [SDD]) (currently Sections 10.03(g) and 11.03(r))
- Alcohol Sales (Class C, Tavern, Club, Class A Hotel, Class B Hotel, Micro Brewers, and Brewpubs) (currently Sections 11.03(h), 15.02(f), and 25.05(c))
- Apartments (currently Section 2.07(1))
- Automobile Sales and Rental and Mobile Home Sales (currently Section 11.03(g))
- Automobile Repair (up to 1 ton GVWR) (currently Section 11.03(m))
- Automobile Repair (including Rustproofing) (currently Section 16.11(a))
- Auto-Wash Establishments (currently Sections 11.03(d) and 30.03(d))
- Bed and Breakfast Establishments (currently Section 4.03(g))
- Child Care, Family Home (currently Section 4.02(h))
- Child Care, Group Home (currently Section 4.11)
- Child Care, Nurseries (currently Sections 8.07(a), 9.03(j), 10.03(d), and 11.02(i))
- Community Buildings (currently Section 4.03(c))
- Concrete and Asphalt Recycling Plants (currently Section 17.09)
- Dance Halls and Ballrooms (currently Section 11.03(j))
- Drive-Up Window Uses (currently Section 10.03(l)). See also, “Restaurant, Drive-Up Window” for additional regulations.
- Dwelling, Accessory Unit (currently Section 18.25)
- Dwelling, Condominium (currently Section 18.34A). The City may want to consider changing “Dwelling, Condominium” to “Dwelling, Attached” because the Condominium Act (P.A. 59 of 1978) prohibits treating a condominium different than any other form of ownership.
- Dwelling, Mobile Homes and Modular Homes (currently Section 18.09). The development standards for mobile homes and modular homes should be the same as those for other single-family dwellings.
- Dwelling, Multi-Family and Apartments (currently Sections 7.05A(d), 8.02(b), and 8.04(d))
- Dwelling, Single-Family (currently Section 18.33)
- Dwelling, Two-Family (currently Section 18.34)
- Facilities for the Detention, Incarceration, Commitment, and/or Rehabilitation of Adults or Minor Children and Psychiatric Hospitals (currently Section 12.03(a))
- Gasoline Service Station (currently Sections 11.03(a), 16.11(a), 25.05(b), and 30.03(b)). The City may want to consider separating gas station uses from service station/automobile repair uses (see also current Section 11.03(m).
- Heliports (currently Section 18.60).

- Home Occupations (currently Section 4.02(g)(3))
- Hospitals (currently Sections 9.03(h), 10.03(c), and 26.04(b))
- Hotel (currently Section 2.08(9))
- Housing for the Elderly (currently Sections 2.07(9) and 29.04(a))
- Indoor Recreational Facilities, Public or Private (currently Section 16.11(f))
- Keeping of Animals (Fowl, Rabbits, Horses, Cows, etc.) (currently Sections 5.02(d) and 5.03(e)). These regulations should address urban farming for chickens and honeybees.
- Kennels (currently Sections 5.03(e) and 6.02(d))
- Massage Establishment (currently Sections 2.08(14), 9.03(m), 10.03(m), 11.03(u), and 30.04(c))
- Mechanical Amusement Devices (currently Sections 11.03(s), 18.59, and 30.04(b))
- Motel (currently Sections 2.08(17) and 11.03(e))
- Nursing Homes and Convalescent Homes (currently Sections 9.03(g) and 10.03(b))
- Oil and Gas Wells and Storage (currently Sections 18.52 and 18.53).
- Open Air Sales, Display, and/or Rental of Utility Trailers and Recreational Equipment (currently Section 9.03(k)). There may be other outdoor sales uses (e.g., garden centers, lumber yards, etc.) that could be included with these regulations, if appropriate.
- Outdoor Storage of Recreational Equipment (currently Section 16.11(d))
- Pawnshops (currently Section 11.03(v))
- Payday Lenders (a.k.a., Any Business Licensed Pursuant to the Deferred Presentment Service Transactions Act, MCL 487.2121, et. seq.) (currently Section 11.03(w))
- Private Parks and Similar Facilities (currently Section 4.03(b))
- Private Neighborhood, Community, or Club Swimming Pools (currently Section 4.03(d))
- Raising of Fur Bearing Animals (currently Section 6.03(b))
- Religious Institutions (currently Sections 4.03(a) and 10.03(e)). Please note that because of the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), the City cannot impose zoning regulations on a religious land use that are more burdensome than the zoning regulations imposed on a similar non-religious land use. Therefore, religious land uses should be regulated the same as similar non-religious land uses.
- Restaurant (currently Section 30.03(c)(1))
- Restaurant, Carry-Out (currently Section 11.03(c)(5))
- Restaurant, Drive-In (currently Sections 11.03(c)(2) and 30.03(c)(2))
- Restaurant, Drive-Thru (currently Section 11.03(c)(3))
- Restaurant, Drive-Up Window (currently Section 11.03(c)(1)(a))
- Restaurant, Limited Service (currently Section 11.03(c)(4))
- Restaurant, Outdoor Dining (currently Section 10.02(e) (Outdoor Dining Areas))
- Retail Sales (currently Sections 10.03(h), 10.03(i), 10.03(k), 11.02(d), and 11.03(p))
- Retail Accessory to Warehousing (currently Section 16.11(c))
- Secondhand Stores (currently Section 11.03(t))
- Self-Storage, Indoor Climate Controlled (currently Section 11.03(x))
- Skating Rinks, Ice or Roller (currently Section 11.03(i))
- Stables, Riding Stables, and Riding Academies (currently Section 6.02(e))
- Temporary Uses (currently Sections 6.03(d), 10.02(e) (Christmas Tree Sales), 10.02(f) (Sidewalk and Tent Sales), 11.03(l) (Temporary Open Air Businesses, including retail and recreational), and 18.54 (Open-Air Sales of Christmas Trees)). However, depending on the complexity of each Temporary Use, we may want separate sections for certain uses. We will also consider additional temporary uses such as food trucks and pop-up markets. Also, please note that an amendment was recently adopted to the Michigan Fireworks Safety Act that allows certain communities place additional restrictions on temporary structures used in the sale, display, storage, transportation, and distribution of fireworks. Such restrictions include the number of permits issued for a temporary structure and the regulation of the distance required between 2 or more temporary structures. However, the Zoning Ordinance

may not prohibit the temporary storage, transportation, or distribution of fireworks by a consumer fireworks certificate holder at a retail location that is a permanent building or structure.

- Theaters, Drive-In (currently Section 11.03(f))
- Theaters, Indoor (currently Sections 11.03(q) and 30.03(e))
- Terminals, Ambulance Services, Bus, and Taxicab (currently Section 11.03(o))
- Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, and Special Trade Contractors (currently Section 16.11(b))
- Veterinarian (currently Sections 6.02(d), 10.03(f), and 11.03(b))
- Wireless Communication Facilities (currently Sections 12.03(b) and 18.42A). We will review if there are any amendments required to comply with the Michigan Small Wireless Communications Facilities Deployment Act.

We will review the development standards for each use and make recommendations for amendments based on better planning and zoning practices or changes in state or federal law.

PARKING, LOADING, AND ACCESS MANAGEMENT

- **Single Article.** We recommend placing all standards for parking, loading, driveways, and access management into a single article and cross-referencing as necessary. For example, the definition of "Parking Space" (Section 2.09(2)) includes dimensional standards and Sections 13.06, 13.07, 14.07(b), and 15.09(d) include standards for surfacing, curbing, and drainage. These sections can be included in the new Parking, Loading, and Access Management article.
- **Parking Standards for Specific Uses.** Review parking standards for specific uses to ensure they are appropriate based on current parking patterns. Outdated uses will be modified to their current standard and, if necessary, given a definition in the Definitions article.
- **Uses Not Mentioned.** For uses not mentioned in Section 18.37, we recommend adding more uses to make the list more comprehensive. For uses that are not included, Section 18.37(h) allows the parking lot for a similar use to be applied. Additionally, we recommend including a reference to the most recent edition of Parking Generation to guide the City on setting a requirement. Parking Generation is a book that is published by the Institute of Transportation Engineers and periodically updated (the 5th edition was recently published). Parking Generation includes parking demand studies of over 100 land use during different times of the day and week.
- **Shared/Collective Parking.** There are existing shared parking standards in Section 18.37(i) that allow 2 or more buildings to share parking, provided such parking is not less than the sum of the requirements for both uses calculated separately. We recommend allowing the Planning Commission to grant fewer parking spaces for 2 or more uses that share a parking lot if the peak use times are different. We recommend citing the most recent edition of Parking Generation or other acceptable expert study.
- **Parking Space Reductions.** Section 18.37 includes minimum parking standards but does not allow for reductions. Therefore, any reduction would be subject to a variance review by the ZBA. We recommend allowing the Planning Commission to use the most recent edition of Parking Generation, or other acceptable expert study, to modify the parking space requirements for any use where the required parking too much.
- **Parking Space Dimensions.** Section 18.37 requires a minimum parking width of 10 feet, but allows general and professional office uses to be parking space widths of 9 feet. We recommend that the City consider allowing a 9-foot parking space width for all land uses. We also recommend considering reducing the minimum parking space depth from 20 feet to 18 feet.
- **Winter Considerations.** We recommend modifying the parking standards to address snow storage. We recommend that parking lot designs include areas for snow storage, which can often be landscaped areas, stormwater ponds, or surplus parking areas.
- **Conflicting Parking Standards.** Any conflicting parking standards will be resolved.

- **Graphics.** We recommend updating the graphic that illustrates the required layout in Section 18.37 to show different parking angles and dimensions.
- **Cross-Access.** In areas where more dense development is anticipated, we recommend requiring cross-access easement agreements where cross-access would be beneficial to the public, improve traffic flow, and relieve traffic congestion.
- **Loading Zones.** Currently, Section 18.36 requires many nonresidential uses to have a loading space that is 10 feet x 25 feet. In a developed city, this can often be a very difficult standard to meet. We recommend that the Planning Commission be allowed to modify the requirement, which could include a smaller loading area, joint loading areas, or a loading area to take place in a parking area at certain times of the day.
- **Barrier Free Spaces.** Although the number and dimension of barrier free spaces is regulated under the Americans with Disabilities Act, we recommend inserting the standards from the ADA to make the barrier free parking requirements easier to understand and administer. Section 18.37(o) references a State standard, but a table of barrier free parking requirements would be helpful to include in the Zoning Ordinance.
- **Access Management.** We recommend including standards for access management into the site and within the interior of the site. These standards include requiring a traffic impact study for larger projects, including standards for curb cuts and offsets, development and connections to existing pedestrian/path networks where adjacent, bicycle access and parking, appropriate access from the public sidewalk and parking lot to the building, access to adjacent sites, and traffic calming where appropriate. While there may already be separate City requirements in other ordinances, we recommend cross-referencing existing ordinances where appropriate.
- **Illegal Parking of Motor Vehicles.** Current Section 18.51 can either be included in the Parking, Loading, and Access Management Article or included as a section in the General Provisions article.
- **Commercial Vehicle Parking.** While parking large commercial vehicles over a certain GVWR in a residential area is not typically appropriate, in some cases a commercial passenger vehicle is innocuous. We will review the existing standards and work with the City potential changes to allow parking of certain commercial vehicles in residential districts.

LANDSCAPING AND SCREENING

While there are some detailed landscaping requirements in Section 18.45, there are several landscaping and screening standards are scattered throughout various sections of the Zoning Ordinance (e.g., Sections 7.05A(b), 8.04(b), 10.06, 11.06, 14.04, 14.07(c), 15.02(f), 15.06, 16.02(i), 16.06, 17.02, 17.05, 18.45, 25.07, 25.11(b), 26.07, 26.11(b), 27.07(b), 27.06A(b), 29.06(b), and 30.07). We recommend consolidating all of the landscaping standards into the new Landscaping and Screening article and cross-referencing as necessary throughout the Zoning Ordinance. We recommend the following additions and changes to the landscaping regulations:

- **Required Landscaping.** For organizational purposes, we recommend including a section for each of the following landscape design requirements, some of which will be new requirements:
  - Street Trees (i.e., required trees located in a road right-of-way, depending on the road type).
  - Frontage Landscaping (i.e., required trees and shrubs located within the front yard of a site).
  - Buffer and Greenbelt Requirements (i.e., required trees around the perimeter of a site).
  - Parking Lot Landscaping (i.e., required trees on the interior and perimeter of a parking lot as a means of providing shade, lowering micro-temperatures of the parking lot, and breaking up large expanses of pavement).
  - Loading Area Landscaping (i.e., required trees or shrubs to screen loading areas).
  - Garbage and Dumpster Screening (i.e., requirements for a masonry enclosure for dumpsters with solid gates).
  - Landscaping Applicable to Specific Uses.

  By having a section dedicated to each design requirement, the user can easily follow along with the requirements.

- **Graphics.** We recommend including graphics to communicate the standards of the landscape requirements and provide an illustration of how landscaping enhances a site and its surrounding area.
- **Landscape Material Standards.** We recommend adding provisions that address minimum caliper and height standards, planting standards, replacement of dead, dying, or diseased landscaping, irrigation requirements, mechanical equipment screening, and foundation plantings (i.e., shrubs and ornamental trees along wide nonresidential buildings). Although Section 19.06(1)(j) includes provisions for sizes and maintenance, these standards are difficult to locate. We recommend increasing the minimum sizes to: 2.5" caliper for deciduous trees; 1.5" caliper for ornamental trees; 8 feet high for evergreen trees; 5 feet high for upright shrubs; and at least 24" high for shrubs.
- **Buffering and Greenbelt Standards.** Section 18.45 includes provisions for a wall or greenbelt along the perimeter of certain non-residential zoning districts that abut a residential zoning district. We recommend including a table that lists all of the proposed land uses in the left column (e.g., single-family residential, multi-family residential, commercial, office, industrial, etc.) and the abutting zoning district in the top row. Within this table would be specific buffering requirements based on the proposed land use and the district that it abuts. For example, an industrial use abutting a residential district might require wall while an office use abutting a residential district might require a wide buffer with dense screening. This table would condense a large amount of text into a simple, easy-to-understand table for the user. For greenbelt standards, we recommend a staggered double row of 8-foot high evergreen trees spaced 15 feet apart, which is a typical greenbelt standard in many communities.
- **Suggested and Prohibited Species.** The list of suggested and prohibited species in Section 18.45 is very comprehensive and useful in determining required landscape species. We recommend allowing City staff to administratively add and remove suggested and prohibited species based on new insects, diseases, and species in the future.
- **Other Landscape Structures.** We will recommend provisions for other landscape structures, such as retaining walls and garden boxes. Depending on the scope, certain retaining walls could be approved by the Zoning Administrator if they meet grade, height, and engineering standards.

SIGNS

In 2015, the United States Supreme Court decided the case of *Reed v. Town of Gilbert* where it held a municipality's sign ordinance unconstitutional because it violated the First Amendment. While the signs at issue were noncommercial signs (temporary directional signs, ideological signs, and political signs), the Court's decision impacts many other types of signs. To address these concerns, as well as other sign-related issues, we recommend the following:

- **Definitions.** The definitions in Section 18.05A are very comprehensive, and we will propose additional definitions as needed. To make the definitions easier to review, we may recommend separating the definitions into two (2) sections: One (1) section defines signs by their type and one (1) section defines all other terms. This way, the definition of a sign based on its type will be easier to access. The sign type definitions will also be supported with graphics where appropriate.
- **Content Neutrality.** We will limit the standards that regulate the content of signs, which can be a violation of the First Amendment. We will require the City Attorney's opinion regarding the appropriate form of content neutrality, including whether to distinguish between "commercial" and "non-commercial" signage. There are existing content-based, speaker-based, and event-based standards that must be changed, which include signage for real estate, political speech, construction signs, community event signs, churches, residential subdivisions, menu boards, gasoline service stations, hotels and motels, and industrial development. One possible approach is to: (1) separate signage into "commercial" and "non-commercial;" and (2) regulate signage by zoning district (see below) based on sign type and whether it is "commercial" or "non-commercial."
- **Substitution Clause.** Section 18.50D(2) includes a substitution clause, which allows any commercial copy to be substituted with non-commercial copy. We recommend making this a separate section to make it more prominent.

- **Outline Tubing Sign.** The definition of outline tubing sign is very good, and prohibiting these signs can sustain and enhance the community's character. We recommend including LED lights to this definition and adding "rope light" to the description.
- **Illumination.** Section 18.50B includes provisions for illumination. We recommend limiting illumination levels based on the sign's area. The International Sign Association has published illumination standards that have been adopted in many zoning ordinances.
- **Murals.** We work with the City to determine a definition and regulations for murals. One possible definition for murals is: "An original painting or texturing applied to the surface of a wall or window. If the mural depicts commercial, the mural will be considered a wall sign for purposes of this Ordinance."
- **Lighting and Message Changes.** Section 18.50H(o) contains standards for variable electronic message signs, which are only permitted in the C-1, C-2, C-3, and C-4 districts. Currently, 1 message change every 5 seconds is permitted. We recommend considering reducing the change frequency to 1 message change every 8 seconds, which is the change cycle permitted in the Michigan Highway Advertising Act. While the illumination levels based on color are very detailed, the standard is based on nits which is a very difficult standard to enforce. As noted above, the City may want to consider a standard based on maximum footcandles, which are much easier to measure than nits.
- **Exempt and Permitted Signs.** The lists of exempt signs and permitted signs are very comprehensive. We will review possible opportunities to expand these lists and clarify when needed. For example, "street furniture signs" (e.g., signs attached to benches and trash cans) are often prohibited. We will work with the City to properly address any other sign types.
- **Sign Types By Zoning District.** For sign types and areas by zoning district, we recommend developing a table that distills several pages of existing text into a 1-page, easy-to-read table that clearly communicates the signage requirements for each district. This will make it easier to address sign area requirements and clarify them, especially with relation to total sign area. We want to make sure that all sign types are accounted for and that the regulations are clear.
- **Billboards (Off-Premise Advertising Signs).** The current provisions in Section 18.16 should be relocated to the signs article.

ENVIRONMENTAL PERFORMANCE

We recommend creating a new Environmental Performance article and including the following sections in the article:

- **Sound/Noise.** This section would include existing standards from current Sections 2.10(33), 14.07(e),
- **Odors.** This section would include existing standards from current Sections 14.07(d),
- **Waste and Rubbish.** This section would include existing standards from current Section 18.12.
- **Soil Removal, Excavation, and Dumping Soil, Sand, Clay, or Gravel.** This section would include the existing standards from current Sections 18.13, 18.14, and 18.15.
- **Performance Standards for Industrial Uses.** This section would include the existing standards of Section 18.48. Industrial uses that are subject to this standard can include a cross-reference in their use regulations.
- **Special Flood Hazard Areas.** This section will include the existing standards of Article 28.

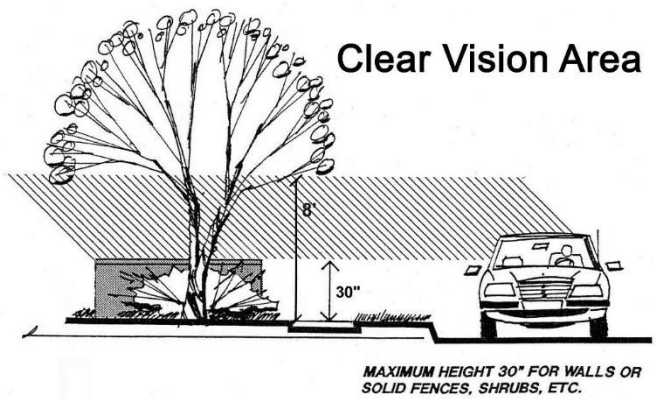
LIGHTING

- **Single Section.** Lighting standards are currently located in Section 13.08. We recommend making this section more prominent and expanding it.
- **Parking Lot Lighting.** We recommend minimum and maximum requirements to illuminate parking areas.
- **Cutoff.** Only full cutoff fixtures should be permitted, and this section should describe what a full cutoff fixture is and include a graphic.

- **Illumination Level.** The regulations should have a maximum illumination level (footcandles) at a property line and other areas on a site, as well as minimum illumination levels along sidewalks and other spaces accessible to the public.
- **Waivers.** While we recommend strict compliance with the lighting requirements, we also recommend a waiver process through the Planning Commission. The purpose of the waiver process would be for temporary events and/or public events, and the intent would be to prohibit negative impacts on neighbors and include limits on time and illumination.

CLEAR VISION AREA

A clear vision zone is a minimum horizonal and vertical area located at road and driveway intersections that is clear of structures and vegetation. We recommend including clear vision zone regulations in the General Provisions article and cross-referencing the section as necessary. We also recommend adding a graphic that illustrates the clear vision zone similar to the graphic below:



ACCESSORY STRUCTURES AND USES

Several sections (including Sections 2.10(5), 4.02(g)(1) & (2), 5.02(e), 7.02(c), 10.02(f), 11.02(h), 18.24, and 25.04(c) regulate accessory structures for different uses and districts. We recommend moving all accessory structure regulations to a new section in the proposed General Provisions article of the Zoning Ordinance, and cross-referencing as needed. In the new section, accessory structure regulations will be addressed for all applicable zoning districts. We will review the following topics based on feedback from the City:

- Whether to revise the maximum size of detached accessory structures to be proportionate to the lot size or the principal structure.
- Whether to allows multiple detached accessory buildings on a residential property.
- Whether to revise the maximum height to allow parking of larger vehicles, RVs, etc.
- Whether to include a list of exempt accessory structures should be considered, which include arbors, landscaping structures, minor structures (dog houses, playgrounds, treehouses, etc.), and art displays.

FENCES AND WALLS

Fences are regulated in Chapter 15.44 of the Code of Ordinances. While no changes are proposed at this time, we can review the regulations and address them during the Zoning Ordinance development process.

ALTERNATIVE ENERGY

We recommend addressing small-scale wind energy and solar energy facilities (e.g., solar panels on a roof or a wind tower in a yard). If the technology and cost-effectiveness of these facilities improves, we can expect them to be more prevalent. While we recommend adopting standards in the General Provisions article to allow property owners to generate electricity, we recommend regulating the location and development of

these facilities to control potential negative impacts and ensure they are aesthetically compatible with the community.

ENCROACHMENTS AND EXEMPT STRUCTURES

The General Provisions article will contain a section on permitted encroachments into yard setbacks and maximum heights (Sections 18.28, 18.41, 18.42, 18.43, and 18.44) to clarify locations, permitted structures, and maximum encroaching distances. Proposed changes may help reduce variance requests by allowing reasonable types of encroachments. Also, while setbacks are typically measured to the nearest part of any structure, we recommend considering certain open porch encroachments into setback areas.

SUBDIVISION AND SITE CONDOMINIUMS

Title 16 of the Code of Ordinance regulates subdivisions and land divisions, and no known changes are proposed at this time. Sections 18.62-18.66 of the Zoning Ordinance includes regulations for site condominiums. The development standards for site condominiums defers to the development standards for subdivisions, which ensures consistency in the standards. We will review the site condominium standards and determine if any additional provisions are necessary.

FEES

In many areas of the Zoning Ordinance, a fee amount is specified. We recommend including as few fee amounts in the Zoning Ordinance as possible because changing a fee requires an amendment to the Zoning Ordinance. Because most fees are based on the City's expenses, which can change from year-to-year, most fees should be adopted on a fee schedule instead of an ordinance.

PHASE 3. ADMINISTRATIVE PROCEDURES AND STANDARDS

REFORMAT THE FOLLOWING TOPICS. Much of the information regarding administrative procedures is under separate subsections of Section 18 through Section 24 of the City of Livonia's Zoning Ordinance. We propose to pull the all of the administrative information from different parts of the ordinance on the topics discussed below and organize them under the heading "ADMINISTRATIVE PROCEDURES AND STANDARDS" for faster and easier reference.

NONCONFORMING USES, BUILDINGS AND LOTS

- **Classifications of Nonconforming Uses.** The Michigan Zoning Enabling Act allows communities to have different classifications of nonconformities. In Livonia, produce markets and nurseries in RUF zoning districts are specifically named as a "Valid Nonconforming Use". We recommend including objective standards for this class of nonconforming uses and structures. If these can be properly defined as a separate class of non-conforming uses, this class would be more defensible if challenged.
- **Nonconforming Uses.** We will thoroughly review Section 22.11 "Certificates of Valid Nonconforming Uses" and all other sections related to nonconforming uses to ensure that they are current with the latest nonconforming use case law.
- **Changes to Nonconforming Structures.** We recommend adding provisions that nonconforming structures can be changed if the changes are completely conforming. Most communities allow their Zoning Administrator to approve a change to a nonconforming structure that is conforming (e.g., no vertical or horizontal expansion in a required setback, no additional height or lot coverage exceeding the maximum, etc.).
- **Reconstruction or Re-Establishment.** The reconstruction or re-establishment of nonconforming uses and structures should be clarified to require additional forms of proof from the applicant with respect to the costs of reconstruction, or at least reference the "Damage to the extent of more than fifty (50) per cent of the assessed value of a building" that is listed as a reason to terminate a nonconforming use in Section 18.18. We will also consider having a consistent percentage of assessed value throughout the nonconforming section.
- **Nonconforming Lots.** We recommend including nonconforming lots adjacent to the subsections with nonconforming uses and structures. We also recommend clarifying that all nonconforming lots can be used pursuant to Livonia's Zoning Ordinance with the exception that certain land uses will require greater minimum lot areas to be established.
- **Reformatting for clarity.** While the City's Ordinance does include many guidelines for nonconformities, we propose to organize them for clarity to nonconforming uses, nonconforming structures and nonconforming lots and place nonconforming uses, structures and lots in their own section instead of a subsection of Section 18 for faster reference.

SITE PLAN REVIEW

- **Consolidated Site Plan Review Requirements.** Currently, site plan review requirements are located throughout the zoning districts. We will consolidate all of the review requirements into a single section with appropriate references to uses (if some of the requirements are varied, depending on the use) and cross reference the landscaping and parking sections.
- **Preliminary Site Plan Review.** Currently, there is no formal process in the Zoning Ordinance for preliminary site plan review. Therefore, the only method for an applicant to obtain an approval from the Planning Commission is via final site plan review where much more information is required. We recommend allowing for preliminary site plan review where the applicant submits less information than a final site plan, but that the information is sufficient enough for the Planning Commission to approve based on the layout. The amount of detail on a preliminary site plan should be sufficient for the Planning Commission to take action on the layout, and the action should provide the applicant enough assurance that a final site plan will be approved if the layout remains the same. By granting preliminary approval for the layout, number of units, square footage, etc., the applicant will be able

to spend the money to prepare the final site plan with more confidence. The final site plan procedures would remain the same. We will add preliminary site plan review references throughout the City's Ordinance.

- **Required Review Based on Activity Proposed.** To simplify which type of review is applicable, we recommend a table that lists all of the possible activities in the left column (re-occupancy, construction over a certain threshold, façade improvement, new building, etc.) and the applicable procedure in the top row (Site Plan Review, Special Land Use Review, Zoning Compliance Permit Review, etc.). This will allow City staff and the applicant to quickly and easily determine the appropriate procedure for reviewing an activity.
- **Required Information Based on Review Required.** To simplify the information required on an application, we recommend a table that lists all of the informational items required in the Zoning Ordinance in the left column and the applicable procedure in the top row (Zoning Compliance Review, Sketch Plan (Conceptual) Review, Preliminary Site Plan Review, Final Site Plan Review, and/or Special Land Use Review). This will eliminate redundancy of listing all of the informational items under each type of review.
- **Phasing.** A multi-phase projects can be beneficial to a developer by allowing part of a project to be developed, with subsequent phases being developed as the previous phases become occupied. However, the City should ensure that each phase can function independently so that the failure to complete subsequent phasing does not jeopardize the previously completed phase(s).
- **Post Site Plan Approval.** We recommend including standards for handling site plans after they have been approved, including provisions for development agreements prior to construction and the submittal of as-built plans after construction.

SPECIAL LAND USES – SECTION 19.06 GENERAL WAIVER REQUIREMENTS (WAIVER USES)

We will review the general standards for waiver uses and recommend any changes. We will clarify that per state law a special land use runs with the land. Also, we will address whether a preliminary site plan review is sufficient in obtaining a special land use permit, subject to final site plan approval.

AMENDMENTS

We will review the provisions and standards for requesting an amendment to the Zoning Ordinance to ensure that standards for approving or denying amendments are current and defensible. The amendment procedures should be updated to comply with the Michigan Zoning Enabling Act.

We also recommend including standards for conditional rezoning, which is authorized under the Michigan Zoning Enabling Act and recommended by the Master Plan. We will propose standards that comply with the Zoning Enabling Act and clarify the required process.

CITY PLANNING COMMISSION

We believe it would be helpful to have the City Planning Commission section included in this section along with other administrative topics such as site plan review, nonconformities, special land uses and zoning amendments, since these are the items for which they make determinations or recommendations.

BOARD OF ZONING APPEALS (BZA)

- **State Law References.** We recommend inserting additional references to the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) where appropriate.
- **Michigan Zoning Enabling Act Provisions.** The Ordinance will be updated to include any standards of the Michigan Zoning Enabling Act not already included for BZA membership, removal, powers and duties, appeals to the BZA, standards of review, and appeals to Circuit Court.

- **Administrative Organization.** We recommend locating all sections regarding membership, duties, and removal in the proposed Administrative article, as well as all sections regarding procedures and standards of review.

PUBLIC NOTICES

We recommend adding a section in the proposed Administrative Procedures article that describes all of the noticing requirements of the Michigan Zoning Enabling Act. This way, only one section of Livonia's Zoning Ordinance will have to be amended when the noticing requirements of the Act are amended.

ZONING COMPLIANCE REVIEW (A.K.A., ZONING PERMITS)

Livonia's ordinance will be reviewed to determine what types of uses and development should be subject to a Zoning Compliance Review procedure. As noted under "Site Plan Review" comments, we recommend a table that lists all of the informational items required in the Ordinance in the left column and the applicable procedure in the top row (Zoning Compliance Review, Sketch Plan (Conceptual) Review, Preliminary Site Plan Review, Final Site Plan Review, and/or Special Land Use Review). This will eliminate redundancy of listing all of the informational items under each type of review. This will also take several pages of text and condense them into an easy-to-read table. It will also help in adding new items in the future that would be subject to Zoning Compliance Review. For example, the City may want to consider Zoning Compliance Review for minor alterations to non-single-family structures, such as arbors, lean-to's, garden boxes/landscape structures, shade walls, and temporary structures.

PERMITS AND APPLICATION FEE SCHEDULES

We believe a table that lists all of the types of land use permits and fees would simplify and clarify the application process and eliminate redundancy of listing fees under each type of review.

ENFORCEMENT, VIOLATIONS, AND PENALTIES

Several sections of the Zoning Ordinance address enforcement, violations, and penalties. We recommend consolidating all of these sections into a single article. This will eliminate redundancy, and it will be easier to articulate these standards to the public and, if necessary, in court.

PERFORMANCE GUARANTEES

We recommend having one section of the Ordinance that addresses performance guarantees and cross-referencing to the standards as needed. Also, we recommend reviewing the types of bonds that will be acceptable, if any. During the severe recession in the late 2000's, many communities were left with partially-completed developments after a developer abandoned the project and/or went bankrupt. In many cases, the bonds ensuring completion of a project had expired. To address this issue, the City may want to consider only allowing cash, certified check, letter of credit, or similar financial instrument that allows immediate access to cash if the City is required to complete a development.

PHASE 4. ZONING MAP

This phase will include a draft of the Zoning Map that will include the existing zoning districts proposed to remain and, depending on initial Planning Commission review, new proposed zoning districts based on the Future Land Use Plan of the Livonia Vision 21 Comprehensive Plan as follows:

- **New City Center District**
- **New Mixed Development Districts**
- **Consolidations to Residential Districts (Possible)**
- **Consolidations to Commercial Districts**

If the City is not yet ready to rezone properties to these districts, we can at least prepare the text of these districts to be included in the Zoning Code and a Draft Zoning Map. In this scenario, these districts would take effect when properties are re-zoned.

LIVONIA V21
STARTS NOW

Zoning Ordinance: PC Public Hearing

City of Livonia, Michigan

June 1, 2021

MCKENNA

LIVONIA STARTS NOW V21

Process and Adoption

MZEA

Adoption Process – Same process as for site rezoning

1. Planning Commission must hold a Public Hearing with 15-day notice
2. When more than 11 properties are effected by a Zoning Amendment the City is not required to send out notifications to individual property owners within 300 feet of subject sites.
3. Planning Commission makes a recommendation on the Zoning Ordinance to City Council
4. City Council is the adopting body
5. City must publish a notice of adoption
6. Ordinance takes effect 7 days after publication

LIVONIA STARTS NOW 21

Ordinance Accomplishments

Master Plan 3-year Priority Projects

PRIORITY PROJECTS:

1. **Zoning Ordinance Update:** Update the Zoning Ordinance to jump start LIVONIA VISION 21 implementation.
2. **City Center Development Plan:** Develop a detailed development and feasibility study for City Center. Include City, institutional and school operational needs, development triggers, and phasing.
3. **Plymouth Road Corridor Plan:** Create an urban design framework for Plymouth Road that both unifies and respects the many character shifts from east to west.
4. **Livonia Bike Loop:** Continue efforts to construct the Livonia Bike Loop recommended in the 2015 Bike Walk Livonia Plan.
5. **Transit and Innovative Mobility Study:** Enhance the City's transportation vision by exploring a new vision for transit and shared mobility in Livonia.
6. **Update Capital Improvement Plan (CIP):** Continue the City's efforts to fund priority projects by maintaining its Capital Improvement Plan.
7. **Update Infrastructure Plan:** Update the City's infrastructure plan to stay current with the future development vision for Livonia.

Livonia Vision 21: Diagnostics

Contents

1. Formed the basis of the work complete by the technical committee
2. Incorporated Master Plan recommendations
3. Evaluated variances
4. Assessed the purpose and function of existing ordinance
5. What works was preserved – what didn’t was updated

Project Accomplishments

Contents

1. District Consolidation
2. Usability – tables and hyperlinks
3. Reducing non-conforming lots
4. Create more opportunity for housing
5. Create a form-based development option
6. Utilize well established City procedures
   - What works was preserved
   - What didn't was updated

Section 3.04 N1 Neighborhood District.

APPLICATION OF ARTICLE
The regulations set forth in this Article shall apply to all N1 Districts.

PERMITTED USES	WAIVER LAND USES
• Accessory structures and uses (Section 7.23 Section 7.23(1))	• Bed and breakfast establishments (Section 6.08)
• Educational uses (Section 2.01 Section 2.01(4))	• Family child care home (Section 6.09) (Section 6.11)
• Golf courses, but not including miniature golf courses or golf driving ranges	• Public utility uses
• Group day care home (Section 6.11)	• Single-family clustering (Section 5.03)
• Home occupations (Section 6.28)	• Privately owned and operated recreational uses (Section 6.46)
• One-family dwellings (Section 6.16)	• Religious institutions (Section 6.48)
• 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 6.54 Section 6.54(2))	
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	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.	

LIVONIA STARTS NOW V21

Key Update Summary

Key Updates

Contents

1. District Consolidation
   23 > 15 ~ 150% reduction
2. Reducing non-conforming lots
   10k > 4k ~250% reduction
3. Usability – tables and hyperlinks
4. Create more opportunity for housing
5. Create a form-based development option
6. Utilize well established City procedures

Section 3.04 N1 Neighborhood District.

APPLICATION OF ARTICLE

The regulations set forth in this Article shall apply to all N1 Districts.

PERMITTED USES	WAIVER LAND 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*) • 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 6.55, Section 6.55(2)*)	• Bed and breakfast establishments (*Section 6.08*) • Group day care home) (*Section 6.12*) • Public utility uses • Single-family clustering (*Section 5.03*) • Privately owned and operated recreational uses (*Section 6.47*) • Religious institutions (*Section 6.49*)

Refer to *Article II* for definitions of uses and refer to *Section 5.04(1)* for development standards for specific uses.

PROHIBITED USES

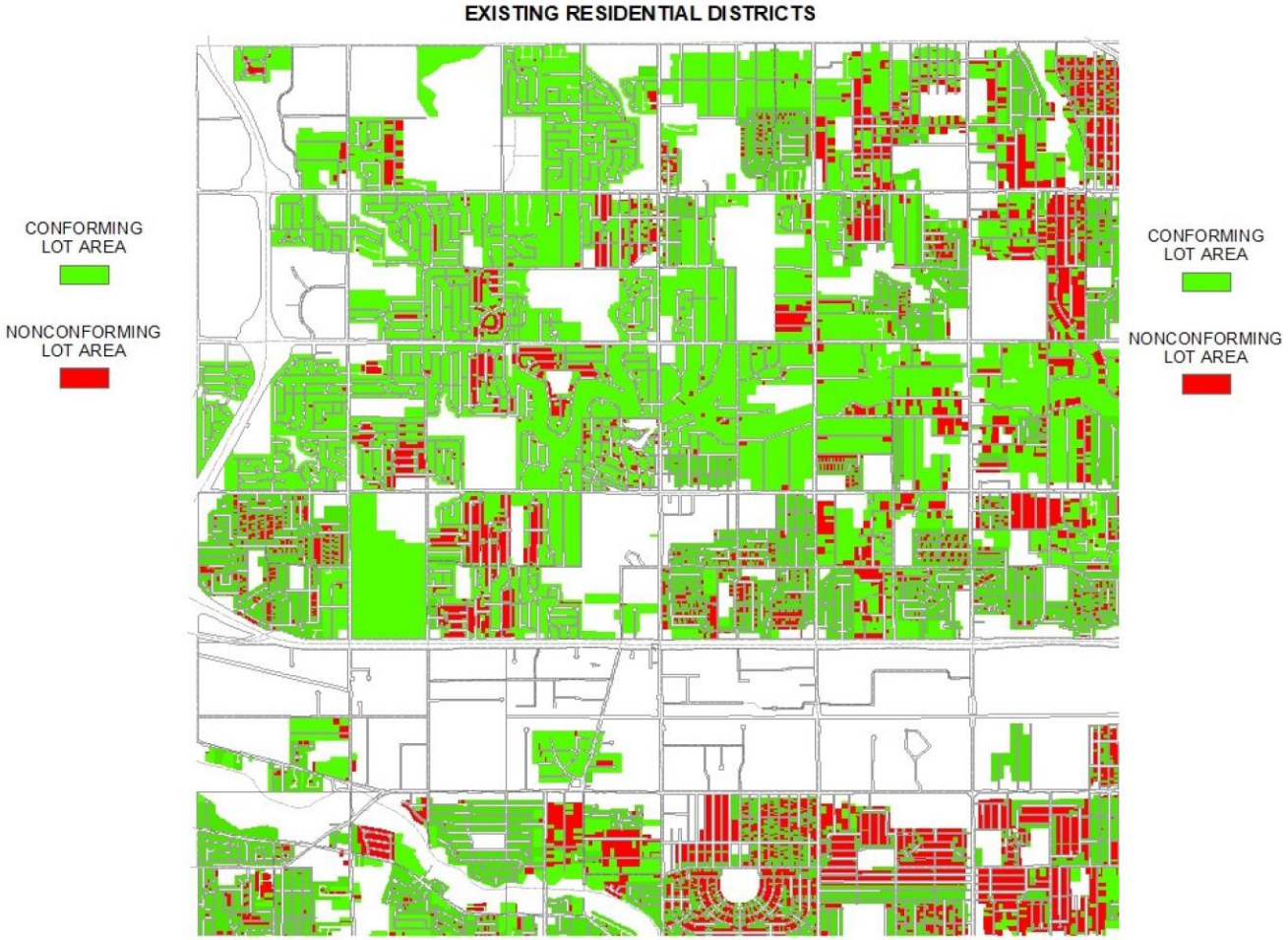
- Caregiver grow facilities.
- Non-residential uses, except as set forth in this Section.

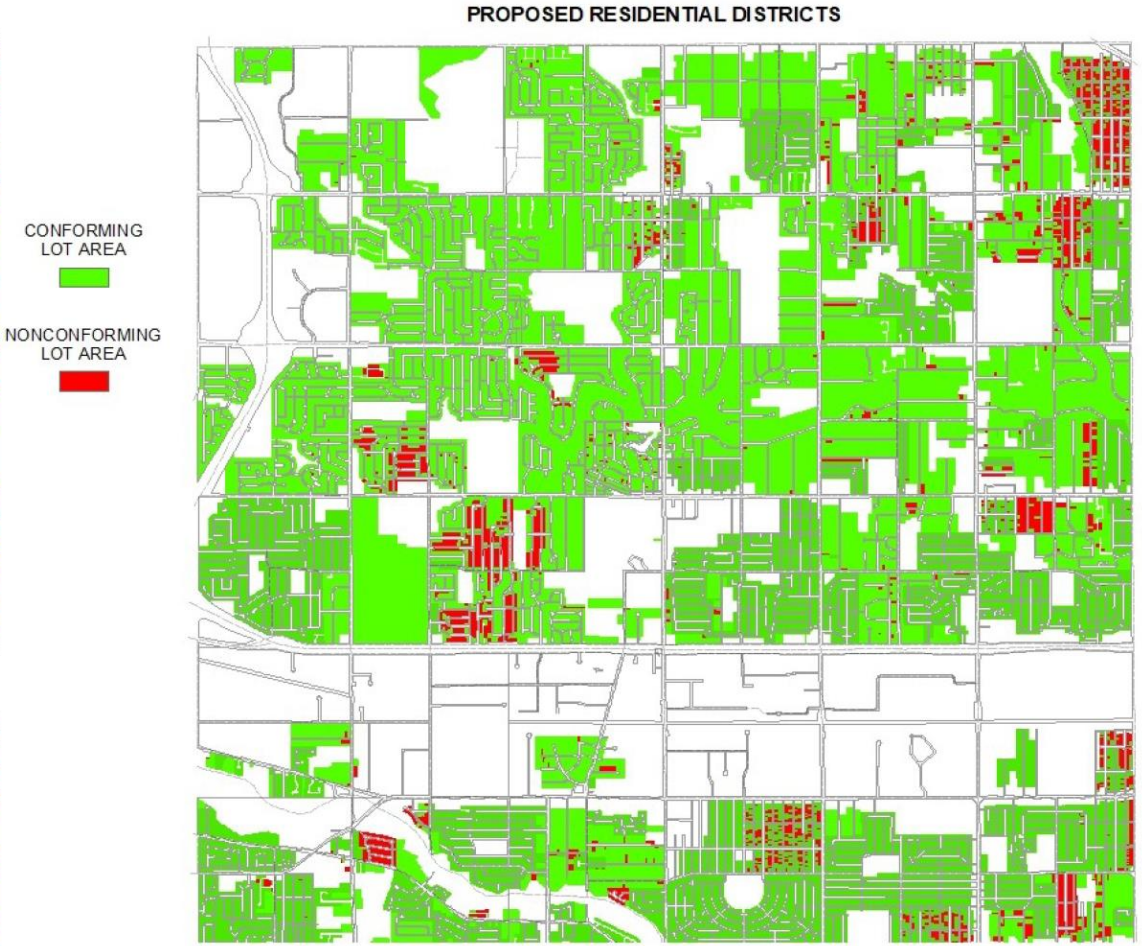
DIMENSION REGULATIONS

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.

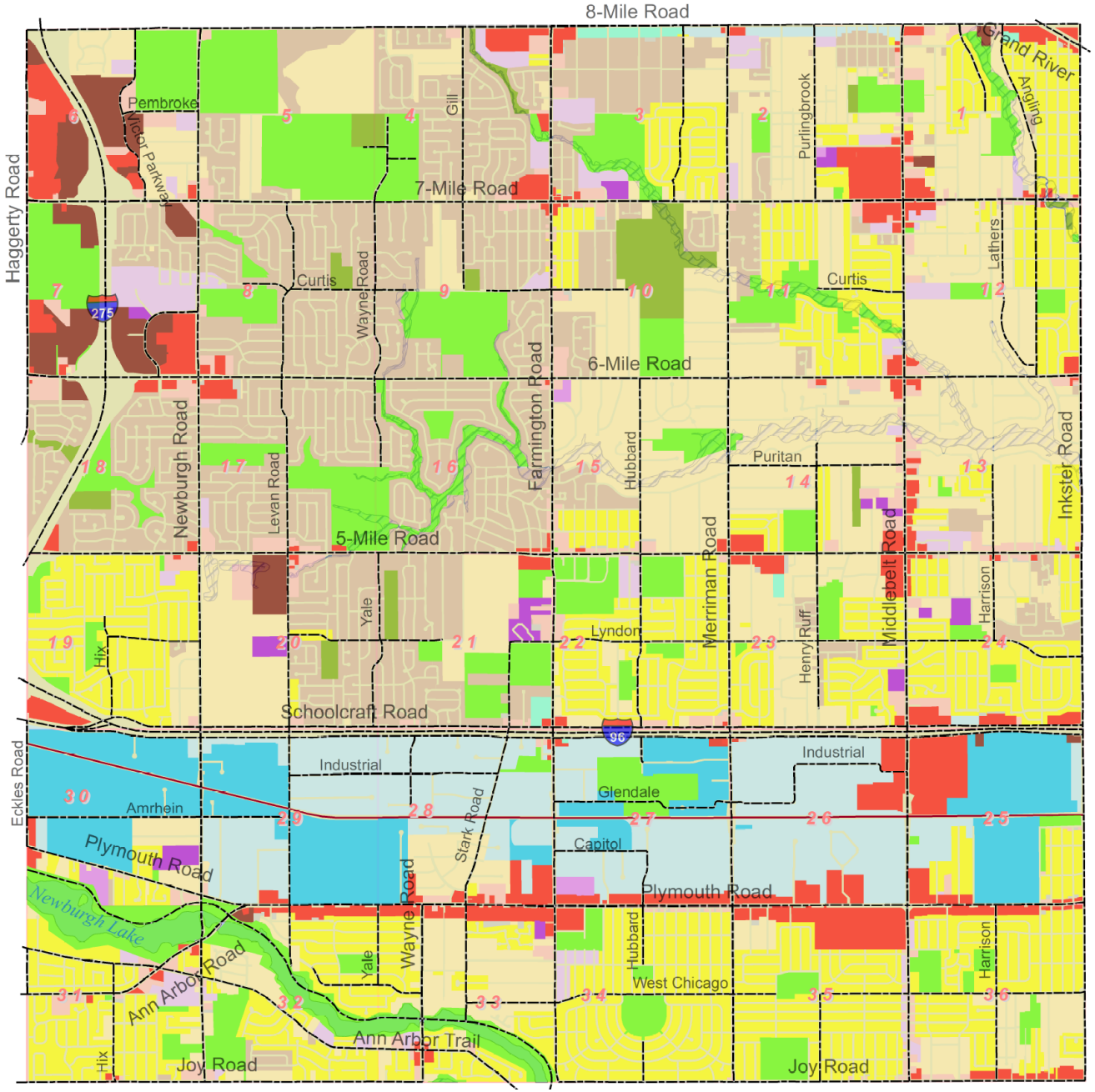
District Consolidation – Nonconforming Lots





LIVONIA STARTS NOW 21

Zoning Map



CITY OF LIVONIA
NEW ZONING MAP

Legend
New Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

N W E S

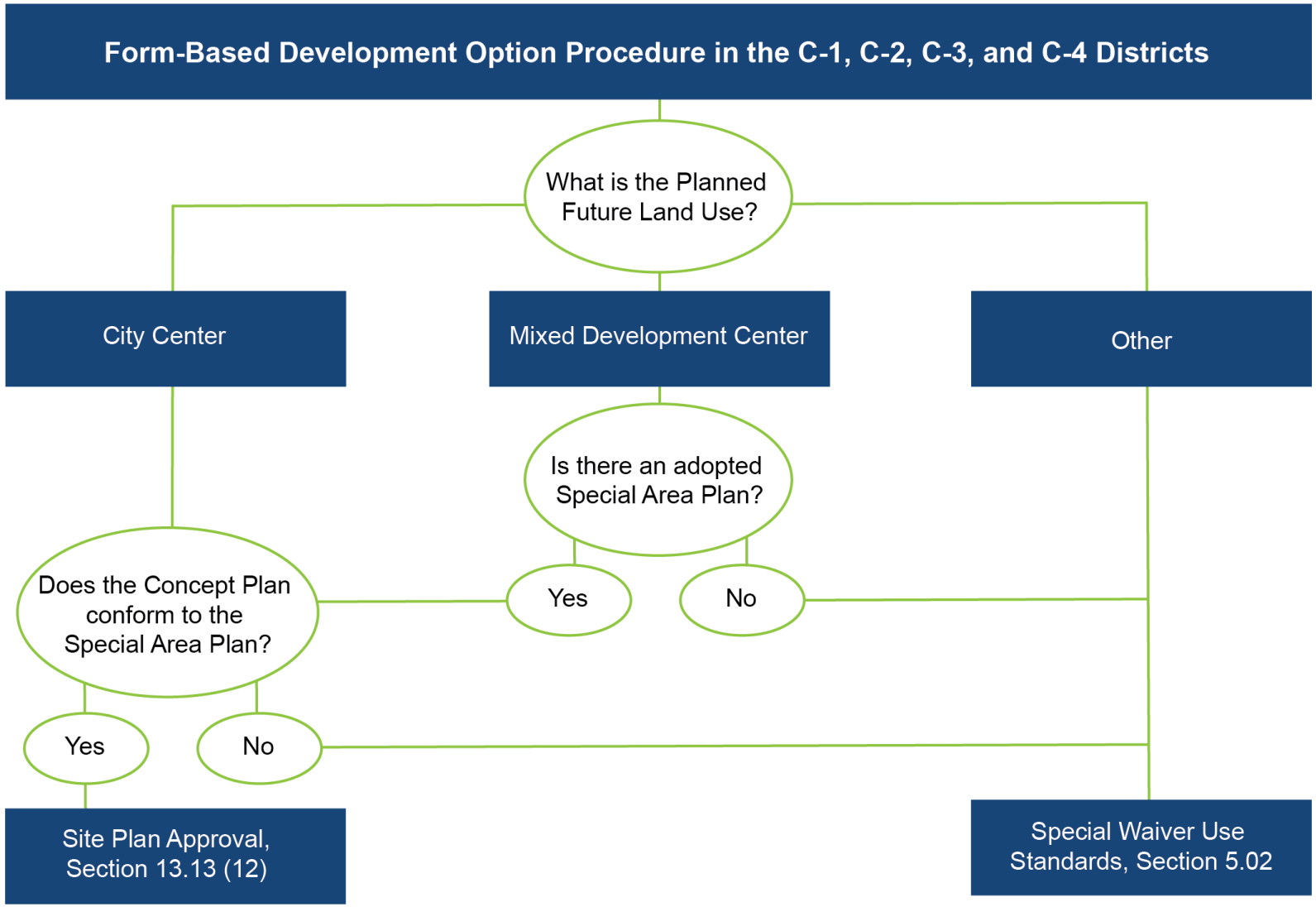
Prepared by the City of Livonia
Planning Department
March 24, 2021

Form-Based Development Option

Approach

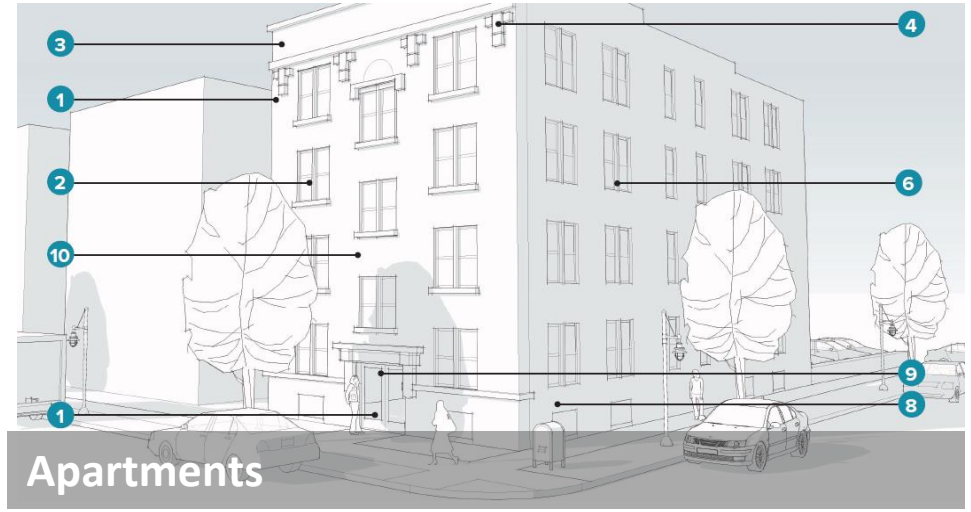
1. Carrot not a stick
2. Conventional development in “C” districts is still an option
3. Encourages consistency with adopted Special-Area Plans
   - Get the planning work done up-front!
4. Creates options for more density, housing, and mixed use building types in “C” Districts
5. Guidelines for adaptive reuse “renovation” with design standards
6. Elegant approach to a “hybrid” code

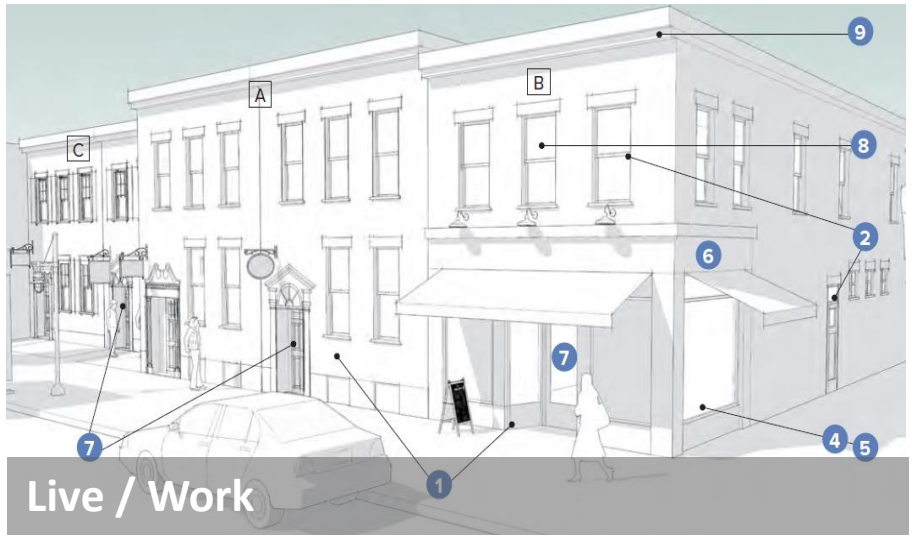
Form-based Development Process



City Center – Special Area Plan

New Building Types / Uses





Signs – revisions pending

Approach

1. Remove content-based regulations – round 2
2. Consistent with US Supreme Court, Reed v. Town of Gilbert decision
   - Reed was a church that placed temporary signs, Town had regulations preventing temporary signs for some uses but not others
   - Supreme Court affirms past cases like *Metromedia* that limited content based regulations
3. Avoid unintended impacts – over signing, sign pollution
4. Keep “look and feel,” regulate time, place, and manner

What does this mean for residents?

Rather than having multiple temporary sign types, now a total sq. ft.

Staff, Council, ZBA, and PC Review

Updates

1. Update Ordinance Title to: Livonia Vision 21 Zoning Ordinance.
2. Definitions for Specially Designated Distributor (S.D.D.) and Specially Designated Merchant (S.D.M.) liquor licenses were added to Section 2.01(8).
3. A definition for Exotic Vehicle was added to Section 2.02(2), and Section 6.33 was created for the purpose of regulating Internet-Based Exotic Vehicle Sales, which is proposed to be treated as a permitted use in M-1 and M-2 Districts.
4. Vehicle Tow Yards have been added as a waiver use in the M-1 and M-2 Districts, subject to the same special requirements that currently apply to Truck Terminals, Truck and Trailer Rental Facilities, Steel Fabricators, and other Special Trade Contractors under Section 6.58.

Staff, Council, ZBA, and PC Review

Approach

5. A 1,000 ft. separation requirement between Caregiver Grow Facilities was added to Section 6.10.
6. Form-Based Development Option and Planned Developments were added to Section 7.17 to allow for taller buildings.
7. Fences, except where specifically allowed, would be prohibited in all commercial zoning districts pursuant to changes made to Section 7.24.
8. Section 9.15 was added allowing for Electric Vehicle (EV) Charging Stations or Ports in all zoning districts subject to five (5) special requirements.

LIVONIA STARTS NOW V21

Next Steps

Livonia Vision 21: Next Steps

Process for adoption

1. Planning Commission to make a recommendation to Council following the Public Hearing
2. Planning Conditions recommendation to Council will be scheduled for an upcoming Council Meeting
3. Per MZEA, Council upon adopting a the Zoning Ordinance, the City must publish a notice that the Ordinance was adopted and it will be in effect 7 days after the publication

Questions

UNAPPROVED MINUTES

MINUTES OF THE 1,170th PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, June 1, 2021, the City Planning Commission of the City of Livonia held its 1,170th Public Hearing and Regular Meeting via Zoom Meeting Software.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7:01 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, Scott Miller, Planner IV, 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 2020-12-06-03 New Zoning Ordinance

Mr. Caramagno, Secretary, announced the first item on the agenda, Petition 2020-12-06-03 submitted by the City of Livonia Planning Commission to consider the adoption of an updated and re-formatted LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates

the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.

Mr. Taormina: Tonight's public hearing involves consideration of both the new zoning ordinance and zoning map. The task of rewriting the zoning ordinance was authorized by City Council and initiated in 2019, shortly after the official adoption of the Livonia Vision 21 Master Plan. Updating the city's zoning regulations was identified as the number one priority for implementing the Master Plan. The Master Plan also outlines a few more specific recommendations related to updating the zoning ordinance and zoning map, including consolidating and simplifying the city's zoning districts, incorporating form-based regulations for the city's special planning areas and mixed development centers, and providing incentives and standards that will encourage sustainable use of land, materials, energy, and resources. The proposed new zoning ordinance and map are officially being referred to as Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map. The Livonia Vision 21 Zoning Ordinance has been completely reformatted and recodified. By consolidating the zoning districts and reorganizing the other parts of the ordinance, the number of articles has been reduced from 31 to 14. Additionally, hyperlinks, cross-references, tables, and graphics have been added to make the ordinance much easier and efficient to navigate. A good example is Section 3.03, permitted uses by district. This is a single table that provides a comprehensive list of the land uses and how each is treated within the 16 different zoning classifications. The 14 articles that make up the new ordinance are as follows. Article I is basically the preamble, and is devoted to the Title, Purpose, and Scope of the ordinance. Article II provides definitions for the various words and terms used throughout the ordinance. Article III establishes the zoning districts and map. The big change here is that the total number of zoning districts is being reduced from 26 to 16, resulting in a much better alignment with the 9 land use classifications identified in the Livonia Vision 21 Future Land Use map. In general, the district changes include consolidating the six (6) current single-family districts into three (3) new single-family districts and renaming them: Neighborhood-1, Neighborhood-2 and RUF. Consolidating the six (6) multi-family districts into three (3) new multi-family districts that will be called Neighborhood Multifamily-1,

Neighborhood Multifamily-2, and Neighborhood Multifamily-3. Consolidating the six (6) commercial districts into four (4) existing districts: C-1, C-2, C-3, and C-4. The OS (Office Services), PO (Professional Office), AG (Agricultural), and RE (Research Engineering) districts would all be eliminated. And the PL (Public Land), ML (Manufacturing Limited), M-1 (Light Manufacturing), M-2 (General Manufacturing), P (Parking), and NP (Nature Preserves) districts would be retained. Article IV includes the Schedule of Regulations, another all-inclusive and easy-to-read table that provides the height, area, bulk, and placement standard for every zoning district. Article V, Supplemental Zoning District Standards, establishes and provides regulations with respect to four unique sections of the zoning ordinance which are not specific to any zoning district. These include Section 5.01, Special Area Development Control, Section 5.02, Special Waiver-Use Standards for Planned Residential Developments and Planned General Developments, Section 5.03, Single-family Clustering, and 5.04, Form-based Development Option in Commercial Districts. The last one, Form-based Regulations, is probably the most significant change. The form-based section is designed to encourage development that is consistent with the recommended design principles of the Livonia Vision 21 Master Plan. It focuses on three special planning areas: City Center, the former Livonia Mall area (Seven Mile and Middlebelt), and the east Plymouth Road corridor. The form-based rules can also be applied to any commercial zoning district. Section 5.04 includes design objectives for the location and spacing of buildings, as well as their height, area, bulk, and appearance. Mixed-use and high-density housing is encouraged. In addition, the review procedure would differ depending on the scale of the project and whether it conforms to the form-based development standards. If it does, a typical site-plan review procedure will be followed and conversely if the project does not conform to the recommended form-based standards, then the special waiver-use standards of Section 5.02 would be used, which requires a public hearing. Article VI, Standard Applicable to Specific Uses, provides standards and regulations for 60 different land uses, ranging from Adult Entertainment to Wireless Communication Facilities. The special rules that apply to many of these uses are listed in Section 3.03, Permitted Uses by District, and are included in Article VI and cross-referenced with hyperlinks to assist the user. Article VI eliminates significant redundancy because the rules are housed in one location but may apply to uses in multiple districts. Article VII is the General Provisions. Article VIII are the Environmental Performance Standards

designed to place all the regulations pertaining to environmentally related uses and issues under a single division, including waste and rubbish facilities, noise and odors, soil removal and dumping, as well as the City's flood hazard areas. Article IX is specific to Parking, Loading and Access Management. Article X is Landscaping and Screening. And Article XI is devoted to Signs. The last three (3) articles mentioned consolidate and put all of the city's rules for these items in separate, easy-to-find chapters, since in one way or another, they affect nearly all developments and redevelopment projects. Next is Article XII, Nonconformities. This was created due to the unique nature of the subject matter and the fact that several subsections are needed to fully address all of the complexities that surround this issue. Next is Article XIII, Administrative Procedures and Article XIV, Violations. These are provisions common to all zoning ordinances and typically reside separately as articles or divisions for ease of reference. Also, for your consideration this evening is the Livonia Vision 21 Zoning Map, which divides the city into 16 districts, including six (6) residential classifications, four (4) commercial districts, three (3) industrial classifications, one (1) for parking, one (1) for public lands, and one (1) for the city's nature preserves. I am now going to turn the presentation over to Paul Lippens, the consultant from McKenna, that was hired to help with both the Phase I, Master Plan, and Phase II, new Zoning Ordinance and Zoning Map.

Paul Lippens, 235 East Main Street, Suite 105, Northville, MI. Good evening, Commissioners and members of the public that have come this evening for the public hearing. I am going to quickly share my screen here. I have a short presentation. It is going to cover a few things that most planning commissioners are aware of, but for the benefit of the public I am going to cover a little bit about our process and what our next steps are. The Michigan Zoning and Enabling Act is the act that governs the adoption of zoning ordinances. It requires the Planning Commission to hold a public hearing that we are holding this evening and to do a notice 15 days in advance of the meeting and they did. When more than 11 properties are affected, the city is not required to send out notifications to individual property owners. As Mark said, we are adopting a new zoning map and ordinance that is really for the entire city. This provision of the Michigan Zoning and Enabling Act essentially protects the city from having to endure that cost of sending out individual notices to every property in the city. We have had an extensive public engagement throughout the Master Plan process, and we have

been working on this for more than a year and half at this point. We have had plenty of meetings and really, we have gotten some great feedback. We have certainly been able to engage with the Planning Commission, the Zoning Board of Appeals, the City Council…we are very confident in the draft that we are presenting this evening. Where we are now is the Planning Commission is charged with making a recommendation on the zoning ordinance to the City Council. The City Council is the adopting body. When City Council chooses to act, and should they entertain a motion to adopt, the city then is required to publish a notice, similar to the public hearing, and publish a notice that an amendment has taken place. The ordinance would then take effect seven days after that publication. Mark covered a lot of what our accomplishments are, but I think it really starts here with the Master Plan. The Livonia Vision 21 Master Plan identifies seven priority projects for the city to achieve in regard to its planning and zoning. The zoning ordinance was number one. This is the highest priority planning activity that the city has had going on since the adoption of the zoning ordinance in 2018. I am very happy to say that through a thorough process, we are at a point this evening where the Planning Commission can consider making a recommendation following public comment on the ordinance to City Council. It is exciting. This has been a really big effort for the city. I definitely want to thank everyone on the Planning Commission for your feedback and participation throughout this process. One of the other main things that I want to point out is that we, at the beginning of the zoning ordinance process, conducted a thorough diagnostic analysis. That analysis formed the basis of work that we engaged with a technical group committee that included member of the Planning Commission, members of the Zoning Board of Appeals, the City Attorney's staff, Code Enforcement, Inspection, and the Planning Department. One of the things that I like to remind people of is that what the major course of action for relief from the zoning ordinance is variances. The Zoning Board of Appeals is in charge of hearing those variances. The sum of that work that we did was to go back and evaluate all of the ordinances…recent variances that the city has granted and make sure that the variances that were granted are appropriately handled through the variance procedure and not the type of thing that would be better handled by amending the ordinance. This kind of attests to something that we have consistently gone through. Determining what items we feel are appropriate for the Zoning Board of Appeals to handle through a variance that would be a unique hardship or meet the test for providing a variance versus what things are

better acts for Planning Commission and/or City Council discretion. For those items we created a process for consideration and amended the ordinance to handle. A part of that was assessing every part of the ordinance…what the purpose and function of that was and how the city utilized these procedures to ensure a fair and equitable planning zoning process. The way I summarize this is…what works was preserved and what didn't was updated. We know that the city is dedicated to providing high quality services to residents and business owners. We wanted to understand those procedures and ensure that this ordinance process wasn't disrupting procedures that work. Essentially, where we are now…the Planning Department was ready to hit the ground running with the new ordinance. This time that we have taken, in particular…since we first started talking about this again in December…this last six months we have been doing a lot of going through each individual section, having multiple people, having multiple departments go through and review it and also having individual conversations with planning commissioners, Zoning Board of Appeals, and council members that have those questions so you would be prepared when this ordinance came into effect to do your job and understand how the new ordinance will affect the cases that you hear. Thank you for participating in that process as well. More on our accomplishments, Mark described in detail some of the district consolidation and how that affects the map, but what we really have done there is clean up the regulatory procedures in the city. When I say we have assessed the purpose, with each district we went through and asked ourselves what is the purpose? Is this a district that could be combined? Consolidated? Are the dimensional requirements for each of these lots making sense that we can actually distinguish them from another district? What resulted was a substantive and meaningful consolidation of regulations that I believe result in a more usable framework. Also, we have switched to using more tables, hyperlinks. We did a thorough analysis on non-conformities, which we have discussed at planning commission in the past, and we know we have substantially reduced non-conformities with these new regulations, meaning that more people can develop the types of uses that they want to develop by right without having to seek a variance or seek to be a legal non-conforming use as part of the process. Mark also talked about the form-based development option, but I would just highlight that this form-based development option is a direct implementation process from the master plan to help implement specific sub-area plans that were developed through the master plan process. Again, we are

utilizing well established city procedures. Again, a little bit more about the district consolidation. 150% reduction in districts, and 250% reduction in non-conforming lots. More opportunities for housing. In creating that form-based development option, we have created an opportunity to also include a appropriate housing in the commercial districts as well. That is a major move to implement the State of Michigan's Redevelopment Ready Priority Community Program and to help create missing middle housing opportunities in the City of Livonia. When we started this process back when we started the master plan, we knew that it was important and it has only gotten increasingly more important as we have gone through…essentially, increased housing demand in southeast Michigan. There is demand for more housing if we can create it and we can create those opportunities. Some maps…these maps show the red…the existing non-conforming, the green is what will be non-conforming with the new regulations in place. See, the new regulations, the green…less non-conformities. Mark already showed the zoning map. I really like how this map helps to implement the master plan. If you look at the future land use plan for the city you can visually see a direct correlation between the city's land use planning directive and the zoning ordinance. Something that I am really excited on and this is a really interesting map and I think those of you that know me…I am really interested in the City of Livonia's neighborhoods, the industrial district, the commercial district, the community really functions from a planning perspective in a way that I would say is logical and also speaks to a history of excellent planning. That is something that we have tried to keep going throughout this entire process to honor the city's planning history with this process. The form-based development option…it is a carrot not a stick. What we have created is more ways and more tools for people to develop in ways they couldn't otherwise develop. What we are hoping…by creating this new option that includes with it a lot of value. These are valuable types of properties and valuable types of developments that this incentive will create the types of new active vital walkable developments that the city wants to see. We are hoping that even people outside these area-planned districts see this as a usable option that brings economic vitality to their properties. I am interested in seeing how this gets picked up. It is a really exciting approach to form-based coding. It is, I would say, something that the city can expand on, should it be successful, but also, I think it is the appropriate tool for this time. We spent a lot of time thinking about the right way to do this and the mechanism we chose to advance the form-based development option, I think, are rightly

timed and rightly sized for the City of Livonia in this current planning cycle. The form-based development procedure…Mark showed this when he was flipping through the ordinance, but what this shows is really a simple flow chart, right? If you are in an area that is planned for special areas, what we call the special area plans, you can be fast-tracked essentially to approval. It is a simple site plan approval process. If you have a PUD process, you may also end up in the special waiver just for PUD. Not every site that wants to use the form-based development option will need a PUD. Recognizing that there is some other procedures that could be involved in approval, certainly what we have created is the option to do a site plan process with the form-based development option when there is a special area plan in place. I think that is unique and I think that is what makes this an incentive because we have simplified the procedure on how to use these form-based options with the right plan in place. Now, if there is not a special area plan, I think that is okay too. You can still use the form-based development option in any of the C districts using the special waiver-use standards. I think that makes these options also accessible to the entire city for anyone that has a business and is interested in doing this type of development. We want this option to be available. This is an example of the special area plan for City Center. You can see this is a large area and the type of special area planning, when you start talking about creating city blocks and talking in particular…this is also incorporating a future plan for the City Center and the Civic campus for the City of Livonia. A lot of exciting things and I think the form-based development option is something that makes this now something that could happen should the city attract one developer or multiple developers should any of the private landowners in this area wanted to develop in accordance with this special area plan for City Center. This option is out there now and can be pursued. This is an example of the building types that really are created as options through the form-based development options. Building row houses, building live work units, mixed use buildings, integrating commercial office retail with housing. Building apartments and building these types of uses in close proximity to each other as a traditional neighborhood. These are the types of things created by the form-based development option. I wanted to mention briefly some of the other things that we have done. We have updated the sign ordinance to be consistent with the U.S. Supreme Court ruling of Reed vs. Town of Gilbert. Essentially what we are doing here is we are removing content to comply with the Supreme Court's ruling. Content based regulations are

no longer acceptable in ordinances. What does this mean for residents? I think that we are moving toward a total of square footage rather than defining certain sign types. There is more flexibility in the content, but it is time, place, and manner regulations that we are still focused on. We have tried to keep the time, place, and manner requirements consistent between the last version of the ordinance and the version you are considering. Other updates…. specifically, some work that we have done with staff in the past several months. Mark, I know you have included this in the report, so I am going to just quickly cover some of the newer updates. The city is very excited about the Vision 21 name, so we are including it as the Vision 21 ordinances, which I believe was the intent from the beginning. We wanted to make sure that it was codified as part of the process. We have looked at state regulations specifically with respect to liquor license. We want to make sure that those are defined appropriately. We have done some work with the Zoning Board of Appeals to understand some of the things that the Zoning Board of Appeals has dealt with in the past to make sure that those issues are dealt with in other ways. We have created this exotic vehicle regulation section. Now this is something that will be considered as a permitted use in M-1 and M-2 districts. It will no longer have to go to the Zoning Board of Appeals for consideration. We looked at vehicle tow yards. We looked back at state regulations for the Medical Marijuana Act and how the city is permitted to create separation between the caregivers. We added that to the ordinance to be consistent with what we are allowed to do via Medical Marijuana Act in respect to zoning and limiting the impact of caregivers of the city. We have done some more review of the ordinance to make sure that other sections are consistent with the form-based development requirements. There are sections that have limits. The building heights we wanted to make sure the form-based development option was specifically excluded from those limitations. We looked at fencing and again, some of the newer uses, such as EV charging stations. We wanted to make sure those were permitted and called out. Our findings, I believe, were that they would be permitted but we wanted to specifically list them to encourage these types of uses. Sometimes using the right language helps to encourage, especially innovative uses like EV charging stations. So, again, in summary for next steps, the Planning Commission can hear from any members of the public tonight during this public hearing. Following the public hearing, you can certainly discuss with staff and myself about anything you hear here that you would like us to address by questions. You are able this evening to make a

recommendation to Council, and you are able to table and come back if there is something you hear from the public tonight that you would like to give us something to investigate, and we can come back at an upcoming meeting with an answer for you on anything we hear tonight as well. This is a substantive meeting and we do want to hear from residents tonight. We do want to make sure that the comments that we hear do have some thought and are addressed. Upon making a recommendation, and as I mentioned at the start of my presentation, to Council we would forward this ordinance to Council for their consideration with your recommendation. At that time Council may have additional questions. They certainly have the ability to act with the Planning Commission's recommendation and they could also send back an ordinance with questions for the Planning Commission. They could also act to address questions as well. We want to make sure the Planning Commission is comfortable with the ordinance, that we have heard from the public and that we have addressed any questions that have been raised. When all of that is done, which I think we are well prepared for this evening, City Council can take a vote with Planning Commission's recommendation to adopt the ordinance. If they do, we publish the notice and seven days after that, we have a new ordinance in effect. Thank you again for giving me time to present. I did want to cover two things for the benefit of any public that hasn't attended a prior meeting on this, so they understand the process and all the work that has gone into creating the ordinance that is under consideration this evening. Thank you and I will turn the floor back over to the Chairman.

Mr. Wilshaw: Thank you, Mr. Lippens, for your presentation. It was really informative, and it is something that we discussed a few times here in the past, but it is at this public hearing that we the opportunity for some people who have not heard the presentation before to be able to understand what is going on and why we are making these changes. I also want to thank Mr. Taormina for his background that he presented as well. They were both very excellent presentations. With that, we have heard the presentations about this ordinance. We have had numerous meetings previously to review this ordinance and discuss it. We have had a special meeting that was facilitated by our Mayor so that the Planning Commission could work with the City Council to have the opportunity for them to hear what is coming down the pipe that they are going to have to vote on and see at some point once we approve our recommendation. There have been a number of meetings leading up to this. We

do definitely want to have another opportunity here for both the public and for any of our commissioners to ask questions and make comments and so on. This is going to be a very open meeting. A very free form discussion and there will be a bit of give and take which we don't normally want debates between people, but I don't expect any debate but if there are any questions, we want to make sure that we can get your questions answered right away. We will make sure that our experts and people here are able to answer those questions can do so. Before I go to the commission to see if there are any questions, Mark, were there any comments that you received via email? You or your staff? From any of the public?

Mr. Taormina: We did not receive any written comments.

Mr. Wilshaw: Okay, so there is nothing to read into the record in regard to that. I want to make sure we had that noted. Now I will go to the commission and see if anyone on the commission wishing to speak about this ordinance change and this plan. Anyone from the commission?

Ms. Smiley: Only to say how much I appreciate them consolidating this and simplifying this and I am sure the Zoning Board of Appeals appreciates all the things that ended up being acceptable from the start without all the hassle. I am sure the builders and all the other contractors appreciate it too. What a lot of work. Thank you.

Mr. Wilshaw: That is a great comment. You are right. This is not something that just affects us in the Planning Commission and the City Council, but it is also going to affect the Zoning Board of Appeals, Inspection Department, Building Department, and a number of departments throughout the city. Hopefully it will make everyone's job a bit easier. That is a great comment to make. Any other questions or comments from any of the commissioners? If not, we will give you an opportunity here after we hear from the public as well. Is there anyone in the public wishing to speak to this zoning ordinance change? If you are, we are going to ask that you please click the raise hand button and that way we can recognize you and give you an opportunity to speak and we will get your comments on our record. I am looking to see if anybody in the audience would like to raise their hand. Here we go. We have one person. Let me recognize them. This is Matt Verbaan. Good evening, sir. We ask that you unmute yourself when you are ready, and you

can introduce yourself with your name and address for our record.

Matt Verbaan, 28911 West Seven Mile Road, Livonia, MI. I am not a Livonia resident, but I am a realtor who is representing a property in Livonia. I am not sure who I talked to last week, but that's fine. I am watching this to learn. I appreciate you taking the time. I was told that there was a discussion about eliminating the Office Specialty zoning and going to C-1. I was curious as to how that would affect the breadth of what kind of businesses can go into that new zoning from the old zoning.

Mr. Wilshaw: Great question. Mr. Taormina or Mr. Lippens, did you want to speak to that.

Mr. Taormina: I will speak to that and answer Mr. Verbaan's question. It was me that you spoke to last week, Matt. Matt represents a property and owner on Seven Mile Road. If you drive past this building, your first impression would be that it is a retail shopping plaza, but it is actually zoned OS (Office Services). With the changes proposed and the elimination of the OS zoning district, the zoning of that property would change to C-1 (Local Business). The main difference is that instead of limiting the uses under the OS district primarily to general and medical office uses, C-1 zoning will allow both office uses as well as local retail uses. With the change, general retail would be treated as a permitted use. However, C-1 zoning is not intended to allow highway service uses, such as automotive repair or full-service restaurants. Carry-out and limited-service restaurants would be allowed, and in some cases, subject to the waiver-use process. But general retail would be treated as a use by right. To that extent it will expand the opportunities for the plaza. Does that answer your question?

Mr. Verbaan: Yes. Significantly. I have been tasked with trying to rent this ten-unit place. There are three openings and there is like 14 uses legal right now. I already have seven of them in and it really limits it to who we can rent to. We were trying to find out if we could get some exclusions but now that you are talking about this and if this passes, we wouldn't have to ask for so many exclusions or exceptions. Sorry.

Mr. Wilshaw: Exactly, and I think it has been one of the goals of the ordinance rewrite is to try to broaden, in many cases, each of these areas to some extent so that we have more conforming uses and less special waivers and non-conforming properties throughout the

city. This certainly would help and work for the property that you are representing. We appreciate your comments. Is there anything else, Mr. Verbaan, that you wanted to mention.

Mr. Verbaan: Thank you for saying my name right. It is like 50/50 with most people at best. So, if what I was listening to with the prior gentleman giving the presentation, and this passes you what? You put a seven-day notice unless someone wants to say no, stop the presses, and then it becomes rule or law after that. Is that how it works?

Mr. Wilshaw: Right. So, assuming that we make a resolution tonight, which we will see what the outcome is, we have the option to either table this or discuss this further, or we could make an approving resolution to send this to City Council with a recommendation that it be approved. It would then go to City Council and City Council could…would have an opportunity to go through a study and regular meeting to review this. Sometimes they may send it to committee. They kind of go through their whole process and then once it is eventually finalized by City Council, then is when the seven-day period will occur and it really for publication and it is an opportunity also for the Mayor to veto the Council's action if she chooses to. That is kind of the same process that most of our petitions go through.

Mr. Verbaan: Thank you.

Mr. Wilshaw: Your welcome, sir. Thank you for coming tonight. We are going to let you go back into our audience and continue to watch this meeting as it plays out. Thank you for coming. Is there anyone else in the audience wishing to speak for or against this item? Or speak to it and ask questions? If so, you are welcome to click raise hand. I don't see anyone else raising their hand. Again, I am going to go back to our commissioners and see if there is anybody on the commission wishing to ask any questions or speak to this item.

Mr. Ventura: Mr. Taormina, under the new zoning ordinance, is a form of residential permissible in the C-1 district? It might be another option for Mr. Verbaan.

Mr. Taormina: It is a relatively small property, so the practicality of developing any type of residential use would be very limited. However, your question is a good one as it potentially affects other C-1 or C-2 properties. The answer is yes. With the form-based regulations that Paul went over in some detail, mixed-use

developments consisting of such things as live/work units would be allowed under special requirements. For example, say there is a commercially zoned property that is not located within a special planning area and the owner wanted to take advantage of the form-based regulations and develop a mixed-use project, they could do that. It just would not be through an expedited site plan review process that was mentioned by Paul. It would have to undergo a special waiver-use review process. A mix of uses would be allowed in the commercial zoning districts under the new ordinance. Something we have seen in the past…just a little bit different treatment here with much better guidelines in terms of how those uses could be developed. Does that help?

Mr. Ventura: That is a good explanation, Mr. Taormina. Thank you.

Mr. Wilshaw: Thank you, Mr. Ventura. Any other questions or comments from any of our commissioners?

Mr. Taormina: If I may, just to make sure everyone understands, should the Planning Commission adopt an approving resolution this evening, the City Council office would then schedule a public hearing. After holding the public hearing, the matter would then be placed on a regular meeting agenda for direction. If the direction is approving, then the Law Department would be instructed to prepare the necessary documents for a First Reading. There are two more steps following that. The next would be a Second Reading and Roll Call at a subsequent Regular Meeting. Then finally, publication of the new ordinance. Even under a best-case scenario, we are still looking at probably a couple months of review left in this process. I know this interests Mr. Verbaan, but this is a very deliberate process that is intended to get as much public input as possible.

Mr. Wilshaw: That is a great comment, Mr. Taormina. It is very important that we have that process because it is, as you said, very deliberate and has many steps as it goes forward. There will be many more opportunities for Mr. Verbaan, or anybody else watching this meeting or learning about it through media publications and so on who want to add their comments and to attend those council meetings or any of the other processes to get their input incorporated or questions answered. That is very good. Do we have any other questions or comments from anybody on the commission?

Mr. Caramagno: I think this question is for Mark or Paul. The form-based development program, where else has that been tried. Is there

anyone local that someone else has tried that that you can point to?

Mr. Wilshaw: Mr. Lippens, did you want to comment on that?

Mr. Lippens: Sure. I would actually say including form-based development is the norm. It is a best-practice for any modern ordinance. Some of the ordinances that we looked at and my firm has developed in the past several years were the Tecumseh ordinance that has the form-based section that is based on the Smart Code. The Smart Code is a model code that is put out by the Congress for New Urbanism. It's a good model. It is widely respected. The Tecumseh version or the code is more smart code. We went in another direction which is a buildings type code. It is similar to the form-based development option in the Van Buren code. We also looked at the code that I was a manager for developing a downtown form-based code for the City of Sioux St. Marie. I worked on a form-based development option for the City of Battle Creek. Recently, we have been working through the adoption process with the City of Holland on the west side of the state. We have been doing zoning overhaul with them over the last several years. Those are kind of current projects, and they are projects that I am actually working on. Those are the easiest one for me to tell you about. I am sure there are several that I am not working on also that include the form-base development option. I would say that one of the things we are doing in the State of Michigan is the whole industry and all of our communities are working on redevelopment ready communities. This is one of the major planning initiatives that the State of Michigan been undergoing now for several years. Including a form-based development option is particularly looking at innovative ways to incorporate housing into codes and it is a recommended best-practice from redevelopment ready communities as well. Just to give you a bit of comfort commissioner for where we are going here, this is really a standard practice and the way we have done it for Livonia is tailored for this community and an understanding of your procedures.

Mr. Caramagno: Thank you.

Mr. Wilshaw: Any other questions or comments from any of our commissioners? One more time I am going to go to our audience and make sure there is no one else in our audience wishing to speak on this item. If so, you can click the raise hand. I just want to make sure you have an opportunity to

speak here. I don't see anyone else clicking raise hand. With that, I believe we can close the public hearing at this point and a motion would be in order.

Mr. Wilshaw:

On a motion by Ventura, seconded by McCue, and unanimously adopted, it was

#06-27-2021 ***RESOLVED***, That having conducted a Public Hearing with regard to Petition 2020-12-06-03, submitted by the City Planning Commission pursuant to Council Resolution #09-19, in connection with Phase 2 of the Livonia Vision 21 contract involving the preparation of a comprehensive update to the City of Livonia Zoning Ordinance, the Planning Commission does hereby recommend approval of the ***Livonia Vision 21 Zoning Ordinance***, Version 6.0, dated June 1, 2021, prepared by McKenna, and the ***Livonia Vision 21 Zoning Map***, dated June 1, 2021, as prepared by the City of Livonia Planning Commission, for the following reasons:

1. That this comprehensive rewrite of the City's zoning regulations is the culmination of over two (2) years of hard work by the Zoning Ordinance Technical Committee, including several Special Study Meetings of the Planning Commission and a Joint Work Session with City Council and members of the Zoning Board of Appeals.

2. That the Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map are in full compliance with the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

3. That the overall organization, recodification, and functionality of the Livonia Vision 21 Zoning Ordinance represents a substantial improvement over the existing ordinance and streamlines all of the City's zoning regulations in a more efficient, effective and user-friendly format.

4. Adoption of the Livonia Vision 21 Zoning Ordinance achieves the #1 priority project as identified in the *Three-Year Priority Project List* in Book 4, Strategic Development, of the Livonia Vision 21 Master Plan, which recommends updating the Zoning Ordinance to jump start Livonia Vision 21 implementation.

5. Adoption of the Livonia Vision 21 Zoning Ordinance and Livonia Vision 21 Zoning Map is consistent with the recommended *Revisions to the Zoning Ordinance and Zoning Map* as outlined in Book 4, Strategic Development, of the Livonia Vision 21 Master Plan, including:

a. Consolidating and simplifying the City's one-family residential zoning districts to reduce the number of non-conforming lots;
b. Consolidating and simplifying the City's multiple-family residential zoning districts, and providing new incentives and standards to encourage infill housing and neighborhood investment;
c. Consolidating and simplifying the City's commercial zoning districts by eliminating the office districts and incorporating the eligible uses and standards into the corresponding corridor and regional districts;
d. Incorporating form-based regulations for the City's Special Planning Areas, Mixed Development Centers, and commercial districts; and
e. Providing incentives and standards that will encourage sustainable use of land, materials, energy, and resources.

Mr. Wilshaw: Is there any discussion? If there is no discussion, I just wanted to make a quick comment that this has been a long process, obviously, as Mr. Taormina and Mr. Lippens have mentioned, and the commission is very aware of. It has taken years of work between the Master Plan and this ordinance revision to get to this point. It is not the most exciting stuff in the world to read. We all know that, but it is very important because this is a part of our ordinances that have not been changed…they have been modified throughout the years, but this is a complete beginning from scratch. This is taking everything that we have as Mr. Lippens pointed out, keeping the best of what we have, updating what we need to update so that it is easier and user friendly to the community and to developers and to residents. This has been a lot of work by Mr. Taormina, his staff, Mr. Lippens from McKenna, and his associates that have helped him and many many people throughout the city. We are not going to necessarily get to talk about this a whole heck of a lot more as it goes on to Council. I just wanted to thank everybody that has worked on this and put blood, sweat and tears into getting us to this point. Thank you to everybody for that work. I think this is probably the most exciting and significant thing that we are going to be doing this year. Not only as a commission,

but also as a city as it proceeds. Even though it isn't super exciting looking it is super exciting and important change that we are making today as we make this recommendation. Thank you to everyone for that.

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

2. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Nick Cornell, General Manager, Supernatural Spirits and Brewing LLC, re: to host the Wildwood Sour Fest event on Saturday, August 28, 2021, from 3:00 p.m. to 10:00 p.m. with live music and DJs on property located at 36685 Plymouth Road.

Councilmember Jolly, not seeing the Petitioner present for the meeting, offered an approving resolution for both Item Nos. 2 and 3 for the Regular Agenda.

DIRECTION: APPROVING REGULAR

LETTER TO THE LIVONIA CITY COUNCIL

2.

City Clerk
July 30, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Lori Miller, Deputy City Clerk

AGENDA ITEM

REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Nick Cornell, General Manager, Supernatural Spirits and Brewing LLC, re: to host the Wildwood Sour Fest event on Saturday, August 28, 2021, from 3:00 p.m. to 10:00 p.m. with live music and DJs on property located at 36685 Plymouth Road.

BACKGROUND

Request to host event with DJs and live bands performing in front of Supernatural Spirits and Brewing, LLC located at 36685 Plymouth Road, on Saturday, August 28, 2021 from 3:00 p.m. to 10:00 p.m.

RECOMMENDATION

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. Supernatural, Noise Ord Waiver Requests - Study 08-09-21

APPROVED BY

Miller, Lori

From: Nick Cornell <nick@supernaturalbrewing.com>
Sent: Thursday, July 29, 2021 6:40 PM
To: Miller, Lori
Subject: Notice and Request for Live Music at Supernatural Brewing 8/28 and 9/25

Hello Livonia City Council.

Supernatural Spirits & Brewing LLC would like to submit a request for review to host live music outside our building on August 28th as well as September 25th.

On August 28th we are hosting our "Wildwood Sour Fest" event and would like to have a few DJs and live bands performing in front of our buiding. The DJs would be playing music between band performances and we do hope it would be a good time for our customers, of course. We will plan to have live music from 3pm to 10pm and stop all music after 10pm.

On September 25th we will be hosting our "Oktoberfest" event and we would like to run it in a similar fashion to the previously mentioned event. For the September 25th Oktoberfest, we would like to have mostly live bands performing in front of our building.
We would have live music from 3pm to 10pm and stop all music after 10pm.

We thank you for your consideration.

-Nick Cornell
General Manager
Supernatural Spirits and Brewing LLC
36685 Plymouth Rd Livonia, MI 48150
734-589-9214 (Direct cell phone number)

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

3. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Nick Cornell, General Manager, Supernatural Spirits and Brewing LLC, re: to host the Oktoberfest event on Saturday, September 25, 2021, from 3:00 p.m. to 10:00 p.m. with live music and DJs on property located at 36685 Plymouth Road.

Councilmember Jolly offered an approving resolution for the Regular Agenda.

DIRECTION: APPROVING REGULAR

LETTER TO THE LIVONIA CITY COUNCIL

3.

City Clerk
July 30, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Lori Miller, Deputy City Clerk

AGENDA ITEM

REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Nick Cornell, General Manager, Supernatural Spirits and Brewing LLC, re: to host the Oktoberfest event on Saturday, September 25, 2021, from 3:00 p.m. to 10:00 p.m. with live music and DJs on property located at 36685 Plymouth Road.

BACKGROUND

Request for noise ordinance waiver for "Oktoberfest" event with live music and DJs on Saturday, September 25, 2021 from 3:00 p.m. to 10:00 p.m. at Supernatural Spirits and Brewing, LLC, located at 36685 Plymouth Road.

RECOMMENDATION

Approve as submitted.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. Supernatural, Noise Ord Waiver Requests - Study 08-09-21

APPROVED BY

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36685 Plymouth Rd Livonia, MI 48150
734-589-9214 (Direct cell phone number)

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:22 p.m. by President Kathleen McIntyre. Present: Laura Toy; Scott Bahr; Cathy White, Brandon McCullough; Rob Donovic; Jim Jolly and President Kathleen McIntyre. Absent: None

7) REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of Substitute Librarian.

Denise Maier, Director of Human Resources, presented this request to Council. She stated I would like to open with the fact that our substitute librarian position has not had an increase for fourteen years and this is why our Library Director brought it to our attention. This position does require a master's degree in Library and Information Science and it's currently paying $1.26 per hour less than the temporary clerk. So this is something we should have probably looked at previously but it was brought to our attention and the Commission approved it and we currently have a list of substitute librarians, I think there's like thirteen names, so we've got healthy list.

Councilmember White said when I looked at this I was quite frankly shocked with the pay rate being so low for people who have a master's degree in Library and Information Science, so I fully support this and I'll offer an approving on Consent if there's no objection.

Councilmember Jolly said I absolutely support this. So, my mother-in-law, later in life went and got her Master's of Library and Science so through her eyes I'm able to see that it's actually quite a grueling program. People don't think about this being I don't want to say not a profession but I mean we think about doctors, lawyers, and these kinds of things, this is quite a program that these people have to go through and they should be compensated accordingly.

Vice President Bahr stated just wanting to try and understand the market need, it's one thing to talk about education requirements, you said we haven't needed these for many reasons including the pandemic but we have a pool of substitute librarians that we've used in the past. Have we seen evidence that we're losing these people and Toni Laporte, Library Director, replied no, at least as far as I know. We have called three of our regulars back since we started opening up for business. We will be contacting more of them in September when we open on Saturdays and Sundays. And I'm hoping we're going to call them before that time but I'm hoping that we still have that many that are on the list and they haven't moved on or decided to retire so we're not sure yet.

Bahr then asked these substitute librarians, I assume from their title it's when the full-time librarians are on vacation or sick or whatever, it's not a regular thing and Laporte replied it's usually a four hour stint. Bahr then asked if we were having an issue prior to the pandemic with keeping these people on and Laporte replied no. Bahr said because

I know, and I'm not trying to be a curmudgeon here, it's never fun being a guy asking these questions, but this one I struggle with a little bit more only just from a market need perspective. I understand it hasn't had a raise as you say in fourteen years, but from a market perspective it sounds like that hasn't been an issue. And then like with the master's degree when you say we pay them for the education, I guess the other question I would have an no disrespect to anybody when I say this but when we're talking about a substitute position the last one Councilman Jolly talked about thinking creatively about those, my question is do we need a master's degree for those? And it's not to take away from the degree but the question is does that potentially open up a greater pool of people? And I'm not going to mention names here but I know people that have filled in as substitute librarians without, on extended periods in other cities, without that level of education and has been able to perform the job fine. So that's the question I have, why do we need to require that as a qualification for a substitute? I'm not asking for the full-time.

LaPorte replied well, we know it's important that our librarians have library degrees, it's just something that we feel is necessary for the full-time but they're basically doing almost the same job, so why would we have someone with a lesser degree filling in for them?

Bahr said let's say in schools, for example, a substitute teacher in one sense is doing the same job as a full-time teacher but in another sense very much isn't. They're not doing the long term planning, they're not doing the strategic planning, all those kind of things, so I think there is a difference.

LaPorte replied right, there is a difference, but they're still doing reference work, people still come to them with questions that a lot of times other people don't know the answers to.

Bahr said what we're looking at here is a 25% wage increase for something that I haven't heard evidence that we have a market need for. That's where I struggle with this. I would ask that this be on the Regular, please.

Councilmember Donovic asked how many substitute librarians do we have currently and LaPorte replied about thirteen. Donovic then asked how many full-time librarians do we have and LaPorte replied maybe fifteen. Donovic asked those are spread out between Sandburg and Civic and the ones that substitute librarians, those will fill in wherever they're needed and LaPorte replied yes.

Councilmember McCullough said just a general statement, looking over the numbers in the packet, the numbers right now obviously the current amount are historically low, we're talking fourteen, fifteen years is what you were saying before we had any increases? And I know some of the staff that might have been sticking along, I give them a huge amount of credit for sticking around and pledging their loyalty and giving us the shirt off their backs for the last however many years. I think that this increase makes us competitive, it also provides us a way to let our employees know that we're going to take care of them, especially the thirteen that are there, and then as these

librarians move on, it's also going to keep the competitiveness so we're not going to be sitting there having an issue for retention. So this is something that I think is much needed, overdue and something I'll be supporting.

DIRECTION: APPROVING REGULAR

LETTER TO THE LIVONIA CITY COUNCIL

7.

Civil Service
July 27, 2021

MEETING DATE	PREPARED BY
August 9, 2021	Jillian Emmitt, Personel Clerk

AGENDA ITEM

REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of Substitute Librarian.

BACKGROUND

July 26, 2021

Honorable Members of City Council
City of Livonia

Subject: Request for Increase Substitute Librarian Wage Rate

Dear Council Members:

At the Civil Service Commission meeting of July 21, 2021, with Chairperson Roger L. Spence, Commissioners Charlotte S. Mahoney, and James Wenson being present, with minutes to be approved on August 18, 2021, the Civil Service Commission approved the following resolution:

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

> **21-101** RESOLVED, that having reviewed the letter dated July 13, 2021, from Toni LaPorte, Library Director, requesting an hourly rate increase for Substitute Librarians who hold a master's degree in Library and Information Science (MLIS), the Civil Service Commission does hereby approve the request for an hourly rate increase for the classification of Substitute Librarian. The Civil Service Commission submits the same to City Council for their review and consideration.

Attached is a copy of Ms. LaPorte's letter for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

Denise C. Maier
Human Resources Director

RECOMMENDATION

Approve as summited

FISCAL CONSIDERATION

ATTACHMENTS

1. Packet to Council Transmitting Wage Increase for Substitute Librarian

APPROVED BY

Denise C. Maier

Date: July 27, 2021

Denise C. Maier, SPHR, Human Resources Director

Michael T Slater

Date: July 27, 2021

Michael Slater, Finance Director

Date: July 27, 2021

Paul Bernier, City Attorney

Maureen Miller Brosnan

Date: July 29, 2021

Maureen Miller Brosnan, Mayor

CIVIL SERVICE DEPARTMENT

MAUREEN MILLER BROSNAN
MAYOR

CIVIL SERVICE COMMISSION

ROGER L. SPENCE, CHAIRPERSON
CHARLOTTE S. MAHONEY, COMMISSIONER
JAMES WENSON, COMMISSIONER

MEMBER IPMA-HR /SHRM
International Public Management Association
for Human Resources
Society for Human Resources Management

DENISE C. MAIER, SPHR
HUMAN RESOURCES DIRECTOR

July 26, 2021

Honorable Members of City Council
City of Livonia

Subject: Request for Increase Substitute Librarian Wage Rate

Dear Council Members:

At the Civil Service Commission meeting of July 21, 2021, with Chairperson Roger L. Spence, Commissioners Charlotte S. Mahoney, and James Wenson being present, with minutes to be approved on August 18, 2021, the Civil Service Commission approved the following resolution:

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Attached is a copy of Ms. LaPorte's letter for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

Denise C. Maier

Denise C. Maier
Human Resources Director

je
cc: Mayor; City Clerk; City Attorney; Director of Finance; Civil Service Commission; Toni LaPorte, Library Director; File

MEMORANDUM

TO: Denise C. Maier, SPHR, Human Resources Director
FROM: Walt Pytlak, PHR, Personnel Analyst II WP
DATE: July 14, 2021
SUBJECT: Request to Increase Substitute Librarian Wage Rate – Master's Degree Level (MLIS)

In correspondence dated July 13, 2021, Toni LaPorte, Library Director, requests that the Civil Service Commission consider approving an hourly wage rate increase for Substitute Librarians with a Master's Degree in Library and Information Science (MLIS).

The current hourly wage rate schedule is:

SUBSTITUTE LIBRARIAN (MLIS DEGREE)	
FLAT RATE	$16.00
100 HOURS	$18.00

The proposed hourly wage rate schedule is:

SUBSTITUTE LIBRARIAN (MLIS DEGREE)	
FLAT RATE	$20.00
100 HOURS	$22.00

Comparison MLIS Substitute Librarian wage rates from neighboring municipalities were gathered and included with the attached proposal. The requested increase is in keeping with neighboring wage rates and is being made to continue to attract quality candidates.

Ms. LaPorte reported having sufficient funds in this year's budget for the increase as sub librarians were not needed during the pandemic. She also indicated that she has budgeted for 2900 hours of sub librarian time at the new rate in next year's budget. Since the Library Department typically needs only 1400 or 1500 hundred hours of sub librarian time per year, Ms. LaPorte believes she can fund this proposal. This request has been reviewed and approved by the Personnel Review Committee and Mayor Brosnan.

Per the City of Livonia Charter, CHAPTER V, EXECUTIVE DIVISION, Section 16(b)(1) Powers and Duties of the Commission, the Civil Service Commission is given the authority to "establish and administer…, a schedule of compensation…"

It is recommended that the proposed wage rate increase for MLIS level Substitute Librarians be considered for adoption.

COMMENTS BY THE HUMAN RESOURCES DIRECTOR:

Concur.
Denise C. Maier
7-16-2021

LIVONIA PUBLIC LIBRARY

MAUREEN MILLER BROSNAN
Mayor

LIBRARY COMMISSION

Madison Bjertness
Carrie Budzinski
Kerrie McCullough
Mary Morrison
David Parr

TONI LAPORTE
Library Director

BENNETT CIVIC CENTER LIBRARY
32777 FIVE MILE ROAD
Livonia, Michigan 48154-3045
Phone: (734) 466-2491
Fax: (734) 421-4860

ALFRED NOBLE BRANCH
32901 PLYMOUTH ROAD
Livonia, Michigan 48150-1793
Phone: (734) 421-6600
Fax: (734) 421-6606

CARL SANDBURG BRANCH
30100 SEVEN MILE ROAD
Livonia, Michigan 48152-1918
Phone: (248) 893-4010
Fax: (248) 476-6230

VEST POCKET LIBRARY
15218 FARMINGTON ROAD
Livonia, Michigan 48154-5417
Phone: (734) 466-2559

July 13, 2021

Civil Service Commission
Roger L. Spence, Chair
Charlotte S. Mahoney
James Wenson

Re: Wage Increase for Substitute Librarian position

Dear Commissioners:

I am asking for approval for a wage increase for Substitute Librarians. They have not had an increase in 14 years, since 2007, and the current rate is not in line with neighboring libraries, based on my research. This position requires a master's degree in Library and Information Science, yet it pays $1.26 less that a temporary clerk, which does not require any degree.

This has been approved by Personnel Review Committee and the Mayor.

Sincerely,

Toni LaPorte
Library Director

RECEIVED
JUL 14 2021
LIVONIA CIVIL SERVICE

Livonia
PUBLIC LIBRARY

Memo

To: PRC Committee

From: Toni LaPorte

RE: Increase in Substitute Librarian Hourly Wage

The hourly wage for substitute librarians has not had an increase in many years. I noticed that our temporary clerk position pays $1.26 more than the starting salary for a substitute librarian. A master's degree in Library and Information Science is a requirement for this position. No degree is necessary for a temporary clerk. After having worked 100 hours as a substitute librarian the salary increases to $18.00, which is only 74 cents more than a temporary clerk receives.

After polling area libraries and considering what they are paying their substitute librarians, I am requesting that we raise our starting salary to $20.00 and after 100 hours, $22.00. This is less than the starting salary of a Librarian I, but more in line with other area libraries.

As far as the budget is concerned, the week of July 4th will be the first time we have used any substitute librarians since the pandemic began, so we definitely have the funds needed in this year's budget. In next year's budget, we have planned for 2900 hours. If you multiply this number by $22.00, there is enough money to schedule 54 hours per week of substitute librarians. Program Supervisor Margaret Hainsworth does a budget analysis each year and in 2018 we used 1500 sub hours and in 2019 we used 1400 sub hours. So even with the wage increase, there is more than enough money in next year's budget to accommodate this raise in salary.

RECEIVED
JUL 14 2021
LIVONIA CIVIL SERVICE

32777 Five Mile Road Livonia, MI 48154
T: 734-546-5351 W: livonialibrary.info

SUB LIBRARIAN HOURLY SALARY

With MLIS:

Livonia – starting salary	$16
Livonia-after 100 hours of employment	$18 Must have a master's degree.
Livonia Temporary Clerks	**$17.26 @ Step 1** ***(No Degree needed.)***
Baldwin	$20.06
Canton	$17.08 to $23.90
Clinton-Macomb	$21 to $24.96
Commerce	$21.22
Novi	$18.50 Sunday's $19.00
Oxford	$18
Pontiac	$18 - $21
Royal Oak	$22.63
Wayne	$17 - $18.50
White Lake	$20

RECEIVED
JUL 14 2021
LIVONIA CIVIL SERVICE

LETTER TO THE LIVONIA CITY COUNCIL

14.

DPW
August 12, 2021

MEETING DATE	PREPARED BY
08/23/2021	Jill Russell, Secretary III,

AGENDA ITEM

REQUEST TO APPROVE AN AMENDMENT TO CONTRACT AND AUTHORIZE ADDITIONAL EXPENDITURE: Department of Public Works, re: to include an additional segment of water main replacement on Seven Mile (between Meadowridge Drive and Inkster Road) under DWRF Project 7453-01, and provide payment to Bidigare Contractors, Inc. and OHM Advisors in an amount not to exceed $568,050.00 for these services, from budgeted funds. (CR 180-21)

BACKGROUND

The 2021 DWSRF Program has brought to our attention the existing portion of 12-inch water main on 7 Mile Road from Meadowridge Drive to Inkster Road (approximately 1,800 feet). This portion of water main is aging cast iron pipe and was installed in the 1980's. This line has experienced five (5) water main breaks since 2013, prior to the 2021 DWSRF construction beginning. Early in the water main replacement project, another break occurred on this main. There is a concern that the five connections that are proposed to be made as part of this project to the 7 Mile Road water main will generate stress on the main that would result in additional breaks and repairs being necessary. Due to the age of the pipe, material of the pipe and the DWSRF project areas being located on both the north and south sides of 7 Mile Road, it is recommended that this portion of water main be replaced at this time. The estimated quantities for this proposed water main replacement are as follows: 1,800 feet of 12-inch water main, four (4) 12-inch gate valve and wells, four (4) hydrants, and approximately 15 water service connections. The Contractor for the 2021 DWSRF project, Bidigare Contractors, has provided pricing for this portion for a total construction cost of $502,650.00, See the attached quote for a breakdown of this cost. Current market pricing for all utility installations has sharply risen this year due to material and labor shortages, however OHM has verified that the provided pricing is in line with current bidding results for neighboring SE Michigan communities. We recommend the City replace the water main along 7 Mile Road from Meadowridge Drive to Inkster Road under the current contract with Bidigare Contractors.

RECOMMENDATION

In order to proceed with this necessary water main replacement work, the Department of Public Works requests that Council take the following actions:

Authorize a contract amendment to include the construction of the Seven Mile water main replacement in the amount of $502,650.00 to Bidigare Contractors, Inc., 939 S. Mill St., Plymouth, MI 48170 The authorization should be on the basis of the bid unit prices with the final amount to be adjusted based upon the quantities of work actually completed.

Authorize a contract amendment to include the design and construction engineering related services of the Seven Mile water main replacement in the amount of $65,400.00 to OHM Advisors, 34000 Plymouth Road, Livonia, MI 48150.

Authorize an additional expenditure not-to-exceed $568,050.00 from budgeted funds of the Water and Sewer Fund (592-158-000).

FISCAL CONSIDERATION

$568,050.00 - Budgeted funds of the Water and Sewer Fund (592-158-000)

ATTACHMENTS

1. 7 Mile WM Scope 08.10.2021
2. 2021.08.11 - 7 Mile WM Recommendation
3. 7 Mile Ext. Project Map
4. R052421 Approval to amend contrat with OHM Advisors for providing services relative to the DWSRF water main replacement projects CR 180-21

APPROVED BY

Jacob Rushlow, P.E., Superintendent of Public Service — Date: August 12, 2021

Donald Rohraff, Director of Public Works — Date: August 12, 2021

Michael Slater, Finance Director — Date: August 13, 2021

Paul Bernier, City Attorney — Date: August 13, 2021

Maureen Miller Brosnan, Mayor — Date: August 13, 2021

CITY OF LIVONIA

7 MILE ROAD WATER MAIN REPLACEMENT

PROJECT UNDERSTANDING

The CITY wishes to replace the section of watermain along 7 Mile Road between Meadowridge Drive to Inkster Road to increase the system reliability. The new water main will be a minimum 12" diameter water main installed primarily by pipe bursting method. This project will also include all new valves, hydrants, and water service connections. It is anticipated that the new water main will be installed within the area between the edge of the roadway and sidewalk.

The project is anticipated to be funded through City of Livonia water funds. The estimated project cost is $502,650.00.

No improvements to the existing sanitary sewer system or significant drainage improvements are included in this scope of work. There does not appear to be any regulated or non-regulated wetlands directly affected by this project. Wetland investigation and/or wetland permitting is not included.

Existing driveway approaches impacted by the water main installation will be replaced. Concrete driveways will be replaced with concrete, asphalt driveways will be replaced with asphalt.

Concrete sidewalk will be replaced as needed to install the water main with provisions for the installation of ADA ramps at the intersections of streets disturbed within the project. The intent is to end construction at the end of radii and stay within the CITY'S rights-of-way when possible. However, the water main connection in the Seven Mile Road right-of-way will require a permit amendment from the Wayne County Department of Public Services (WCDPS). Minimal soil erosion control measures are anticipated. Turf restoration is generally anticipated to be accomplished with topsoil, seed and mulch, with isolated use of sod.

More specifically, the CONSULTANT will:

Construction Services

- **Contract Administration Services** shall consist of preparing monthly pay estimates based on quantities provided with field representative's daily reports to meet CITY deadlines for payment purposes. Work shall also include assistance with CITY staff (i.e., Project Manager) in the resolution of claims, contract interpretations, and review of project schedules and deadlines. CONSULTANT will provide project closeout, consisting of final pay estimate preparation, closeout documentation from the contractor, and a balancing Change Order identifying adjustments to the construction contract. In addition, the CONSULTANT will make field visits to project sites to observe the work in progress and assist in review of contractor's work in general compliance with the contract.

- **Construction Observation Services** shall consist of full-time observation of the work progress by the contractor(s) on days when work is performed. Construction Daily

Reports (CDR's) will be prepared documenting pay item quantities and the general work progress for the day. Checking line and elevation for compliance with the survey stakes will also be provided as part of the CONSULTANT'S regular responsibilities. The CONSULTANT will answer residents' questions and attempt to promptly resolve complaints during the course of construction. The CONSULTANT will also interact with the contractor's supervisory staff to notify them when work is unacceptable and in need of correction, or removal and replacement of specific work elements when necessary.

- **Construction Engineering Services** shall consist of a senior construction engineer/technician who will supervise and direct the CONSULTANT'S field staff to provide appropriate project documentation, shop drawing review, resolution of construction issues/problems that may arise, provide recommendations to the CITY as it relates to claims from the contractor(s) including preparation of change orders if required, responsive complaint resolution, review of project progress for compliance with approved schedule and recommendations to the CITY'S Project Manager for penalties and/or changes in the time of completion of projects. CONSULTANT shall coordinate with a local material testing agency and the CITY'S Project Manager for City to contract for any required material testing. The CONSULTANT shall lead the preconstruction conference and biweekly progress meetings.

- **Public Notification** will consist of the CONSULTANT coordinating with the CITY to draft letters to the residents at the start of construction and, when needed, send out letters to residents when there are changes in construction sequences or schedule. An estimated one (1) mailing shall be distributed to CITY residents for information on construction activities.

- **Complaint Resolution Services** is included as a part of observation and construction engineering. This may include notifying the CITY of:
  Violations of the CITY ordinance for construction traffic on roads within the CITY.
  Concerns raised by property owners during the construction phase of the project.

DELIVERABLES

- Wayne County R.O.W. Permit Amendment Submittal

SERVICES NOT INCLUDED

Changes in scope by Owner will result in additional services and will be billed accordingly. We will provide a proposal for the work at the time of the changes prior to proceeding with the revisions.

- Site Survey
- Construction Plans for Water Main Replacement
- EGLE PA 399 Permit Submittal
- Regulatory and client meetings not specifically referenced
- Bidding documents
- Construction Specifications
- Building Permit application packages
- Permit Fees
- Easement documents

CITY OF LIVONIA

7 MILE ROAD WATER MAIN REPLACEMENT

CONSULTANT shall provide services for the Phases and Tasks outline on Supplement A according to the approximate timeframe below.

Key dates are shown in the following schedule:

Milestone	Date
Authorization	August 23, 2021
Construction Project Start	August 30, 2021
Project Completion	October 1, 2021

CITY OF LIVONIA

7 MILE ROAD WATER MAIN REPLACEMENT

The CITY agrees to pay the CONSULTANT on an hourly basis, billed monthly, per the 2021 Rate Schedule at the not-to-exceed amount of sixty-five thousand four hundred dollars and zero cents ($65,400).

This amount is based on *Attachment A to QBS Contract: Engineering Fees by Construction Value and Type of Project* for the design and construction engineering services.

Additional Services

Additional services, if approved by City Council, shall be paid at the current hourly rate schedule or at an agreed upon price between the CITY and CONSULTANT.

Notes

- Invoices shall be submitted monthly.
- 2021 Hourly Rate Schedule is attached for reference.

OHM ADVISORS
2021 HOURLY RATE SCHEDULE

Professional Engineer IV / Architect IV / Senior Interior Designer IV	$183.00
Professional Engineer III / Architect III / Senior Interior Designer III	$165.00
Professional Engineer II / Architect II / Senior Interior Designer II	$150.00
Professional Engineer I / Architect I / Senior Interior Designer I	$140.00
Project Specialist II	$158.00
Project Specialist I	$130.00
Graduate Engineer IV	$145.00
Graduate Engineer III	$138.00
Graduate Engineer II	$130.00
Graduate Engineer I	$123.00
Graduate Architect III / Landscape Architect III / Interior Designer III	$132.00
Graduate Architect II / Landscape Architect II / Interior Designer II	$112.00
Graduate Architect I / Landscape Architect I / Interior Designer I	$100.00
Technician IV	$140.00
Technician III	$120.00
Technician II	$103.00
Technician I	$83.00
Engineering / Architectural / Interior Design Aide	$65.00
Professional Surveyor III	$162.00
Professional Surveyor II	$150.00
Professional Surveyor I	$135.00
Graduate Surveyor	$115.00
Surveyor III	$117.00
Surveyor II	$110.00
Surveyor I	$90.00
Surveyor Aide	$70.00
Planner IV	$160.00
Planner III	$140.00
Planner II	$118.00
Planner I	$100.00
Planner Aide	$65.00
Graphic Designer	$110.00
Administrative Support	$70.00
Clerical Aide	$60.00
Principal	$210.00
Sr. Associate	$195.00
Associate	$185.00

Rates as reflected subject to review and adjustment on an annual basis.
2021 Public Rates

August 11, 2021

Mr. Jacob Rushlow, P.E., Assistant Director of Public Works
Engineering Division
Department of Public Works
City of Livonia
33000 Civic Center Drive
Livonia, MI 48154

RE: Recommendation for Replacement of 7 Mile Rd Water Main

Dear Mr. Rushlow:

The 2021 DWSRF Program has brought to our attention the existing portion of 12-inch water main on 7 Mile Road from Meadowridge Drive to Inkster Road (approximately 1,800 feet). This portion of water main is aging cast iron pipe and was installed in the 1980's. This line has experienced five (5) water main breaks since 2013 prior to the 2021 DWSRF construction beginning. Early in the water main replacement project, another break occurred on this main. There is a concern that the five connections that are proposed to be made as part of this project to the 7 Mile Road main will generate stress on the main that would result in additional breaks and repairs being necessary. Due to the age of the pipe, material of the pipe and the DWSRF project areas being located on both the north and south sides of 7 Mile Road, it is recommended that this portion of water main be replaced at this time.

The estimated quantities for this proposed water main replacement are as follows: 1,800 feet of 12-inch water main, four (4) 12-inch gate valve and wells, four (4) hydrants, and approximately 15 water service connections. The Contractor for the 2021 DWSRF project, Bidigare Contractors, has provided pricing for this portion for a total construction cost of $502,650.00, see the attached quote for a breakdown of this cost. Current market pricing for all utility installations has sharply risen this year due to material and labor shortages, however OHM has verified that the provided pricing is in line with current bidding results for neighboring SE Michigan communities. We recommend the City replace the water main along 7 Mile Road from Meadowridge Drive to Inkster Road under the current contract with Bidigare Contractors.

Sincerely,
OHM Advisors

Jessica Katers, PE

Encl. Replacement Quote from Bidigare Contractors

OHM Advisors®
34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com

City of Livonia 7 Mile Water Main Replacement

BIDIGARE CONTRACTORS, INC.

939 S. MILL ST

PLYMOUTH, MI. 48170

Contact: **Mr. Jordon Bidigare**

Phone: **(248) 735-1113**

Fax: **(248) 735-1114**

Quote To:

Phone:
Fax:

Job Name:
Date of Plans:
Revision Date:

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Audio Visual Route Survey	1.00	LS	1,725.00	1,725.00
2	Mobilization Max 2.5%	1.00	LSUM	12,000.00	12,000.00
3	Maintnance of Traffic	1.00	LSUM	5,000.00	5,000.00
4	Landscaping Allownace	1.00	LSUM	5,000.00	5,000.00
5	Irrigation System Repair Allowance	1.00	LSUM	2,500.00	2,500.00
6	Water Main, HDPE, Pipe Burst 12 Inch	1,605.00	FT	225.00	361,125.00
7	Gate Valve & Well 12 Inch	1.00	EA	9,000.00	9,000.00
8	Fire Hydrants	4.00	EA	8,000.00	32,000.00
9	Pavement Remove & Replace Asph Drives	50.00	SYD	90.00	4,500.00
10	Water Service 1" Short	6.00	EA	1,700.00	10,200.00
11	Water Service 1", Long	6.00	EA	2,500.00	15,000.00
12	Curb Stop and Box	12.00	EA	550.00	6,600.00
13	12x8 GV&Well Deering St.	1.00	EA	8,500.00	8,500.00
14	Connection to Existing Water Main	4.00	EA	5,000.00	20,000.00
15	Surface Restoration Seeding	500.00	SYD	17.00	8,500.00
16	Fire Hydrant, Rem	2.00	EA	500.00	1,000.00
GRAND TOTAL					**502,650.00**

NOTES:

NOTES:

EXCLUSIONS:

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ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities℠

August 10, 2021

Jacob Rushlow, PE
Assistant Director of Public Works
33000 Civic Center Dr.
Livonia, MI 48154

Regarding: 7 Mile Road Water Main Replacement
Proposal for Engineering Services

Dear Mr. Rushlow:

OHM Advisors (OHM) is pleased to provide this proposal as an amendment to our existing contract for providing services for 2021 DWSRF water main replacement project. This scope of work includes professional engineering services to provide construction engineering for the replacement of water main on 7 Mile Road from Meadowridge Drive to Inkster Road. This is an existing 12-inch cast iron water main, approximately 1,800 feet in length. The proposed replacement method is pipe burst installation.

We have proposed the following schedule and fees to provide construction services. We have based our proposal on the terms and conditions of the current Professional Services agreement. The proposed project Supplements (A-C) for this project are included.

We thank you for this opportunity to provide professional services to the City and we look forward to executing the plan that helps the City provide more reliable service to its citizens. Please do not hesitate to contact us if you have questions. Should you find our proposal acceptable, please notify us and we will prepare the final documents for execution. Should you have any questions, please do not hesitate to give me a call at 734-466-4594.

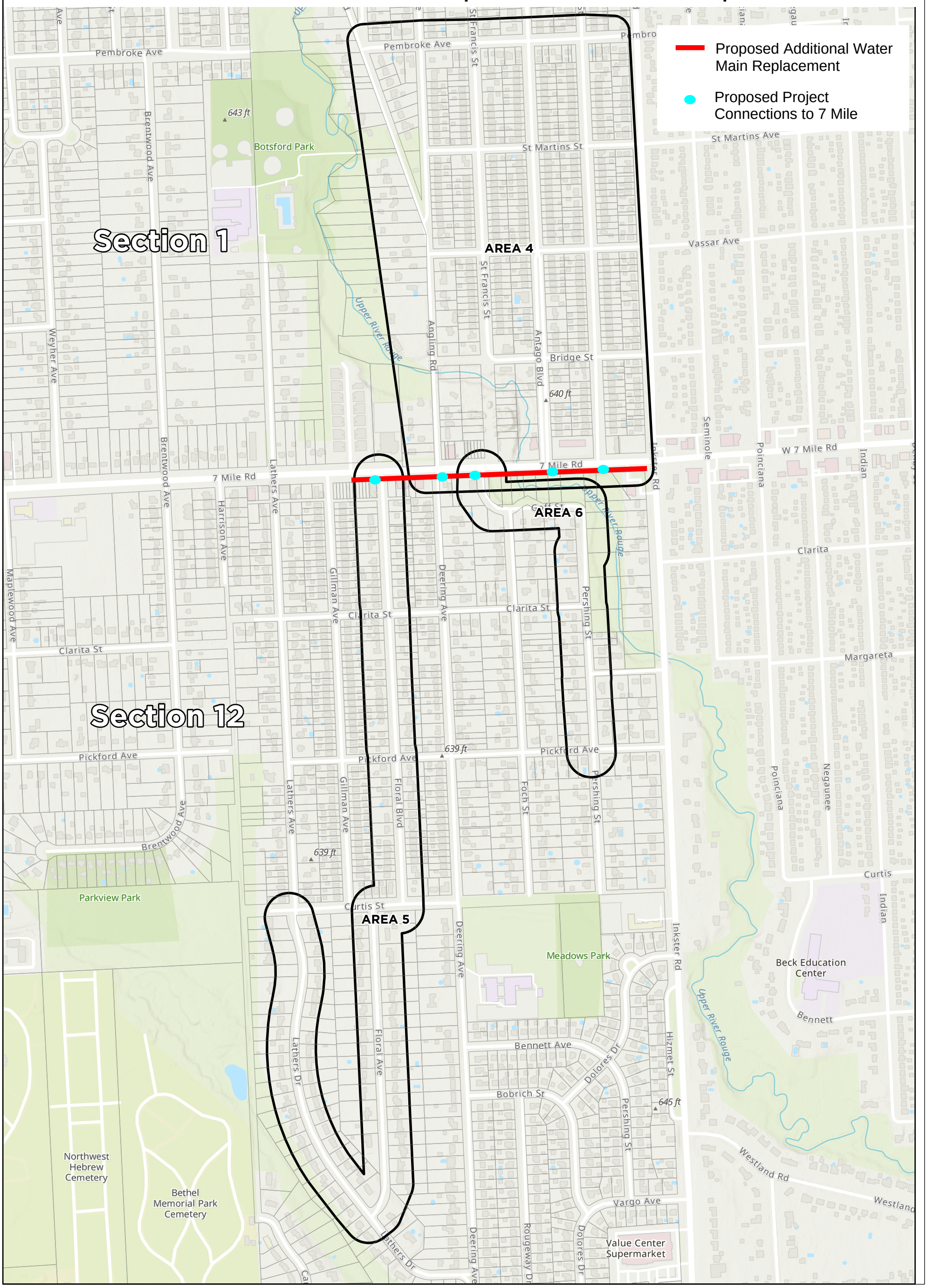
Sincerely,
OHM Advisors

Jessica Katers

Jessica Katers, P.E.
Project Manager

CC: Don Rohraff, Director of Public Works
Todd Zilincik, PE, City Engineer
David Lear, PE, Assistant City Engineer

2021 Water Main Replacement Area Map



Parcels

Project Area

2021 Livonia DWSRF Water Main Replacement Area Map

N

0 275 550

Feet

1" = 550'

Source: Data provided by The City of Livonia. OHM Advisors does not warrant the accuracy of the data and/or the map. This document is intended to depict the approximate spatial location of the mapped features within the Community and all use is strictly at the user's own risk.

Coordinate System: NAD 1983 StatePlane Michigan South FIPS 2113 Feet Intl

Map Published: November 9, 2020

OHM

On a motion by Bahr, supported by Donovic, it was:

#180-21 RESOLVED, that having considered a communication from the Superintendent of Public Service, dated May 20, 2021, submitted pursuant to Council Resolution 132-20, adopted on May 11, 2020, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and OHM Advisors, for providing services relative to the DWSRF water main replacement projects, the Council does hereby authorize a contract amendment and accepts the bid of D & D Water & Sewer, Inc., 5700 S. Sheldon, Canton, MI 48188, for performing all work required in connection with the water main improvements related to DWRF Project No. 7452-01, to include an additional segment of water main replacement from Cavell Street between 5 Mile Road and Oakley Street at an amount not to exceed $371,836.56 for the additional work, with inspector day costs to be included in the construction engineering (CE) costs, to be approved by City Council, based upon the Engineering Division's estimate of units involved and subject to the final payment based on the actual units completed in accordance with the unit prices accepted herein, said amount and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, MI 48150, to provide design and construction engineering services relative to DWRF Project No. 7452-01, specifically the water main replacement from Cavell Street between 5 Mile Road and Oakley Street, for an amount not to exceed $70,000.00 for the additional services; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed $371,836.56 from budgeted funds of the Water and Sewer Fund for purposes of paying for the additional services provided pursuant to the above-referenced contract amendments, for an amended total additional expenditure of $441,836.56; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute contract amendments, approved as to form and substance by the Department of Law, with OHM Advisers and D&D Water and Sewer, Inc., and to do all other things necessary or incidental to the full performance of this resolution.

Jacob Rushlow, Superintendent of Public Service, was present to discuss this matter.

Following discussion by Council, a roll call vote was taken on the foregoing resolution with the following result:

AYES: Toy, Bahr, White, McCullough, Donovic, and McIntyre

NAYS: None

The President declared the resolution adopted.

X-AGENDA ITEM 1 (Regular Meeting of May 24, 2021)

Motion by:	**Bahr**
Seconded by:	**Donovic**
ROLL CALL:	
Ayes:	**Toy, Bahr, White, McCullough, Donovic, McIntyre**
Nays:	**None**
Absent:	**Jolly**

LETTER TO THE LIVONIA CITY COUNCIL

Engineering
August 5, 2021

MEETING DATE	PREPARED BY
August 23, 2021	Karen Worley, Secretary IV,

AGENDA ITEM

REQUEST TO FORFEIT LANDSCAPING/ENTRANCE MARKER BOND: Engineering Division, re: for Rosati Industrial Park Subdivision, located on the west side of Stark Road, between Schoolcraft Road and Plymouth Road, in the South 1/2 of Section 28.

BACKGROUND

Council Resolution No. 126-03, adopted on March 26, 2003, set the requirements which were required to assure the installation of public improvements within the subject development.

To date, the Landscaping and Entrance Markers have not been completed. The developer, Enrico Rosati has agreed to forfeit the Landscaping/Entrance Marker Bond in the amount of $1,000 for this omission.

RECOMMENDATION

In order to close out this project, we recommend that the City Council authorize the forfeiture of the Landscaping/Entrance Marker Bond in the amount of $1,000.

FISCAL CONSIDERATION

ATTACHMENTS

1. 8-5-21 Bond Reduction Schedule for Rosati Industrial Park Sub

APPROVED BY

Todd J. Zilincik

Date: August 06, 2021

Todd Zilincik, P.E., City Engineer

Date: August 06, 2021

Donald Rohraff, Director of Public Works

Date: August 06, 2021

Maureen Miller Brosnan, Mayor

SCHEDULE OF BOND AND FEE REQUIREMENTS

I. Bond Requirements

		Existing	Recommended
A.	General Improvement Bond		
	Water Mains	$5,000.00	$0.00
	Sanitary Sewers	$5,000.00	$0.00
	Storm Sewers (including footing drain storm sewers)	$0.00	$0.00
	Paving (Public Street)	$0.00	$0.00
	Estimates Construction Cost	$10,000.00	$0.00
	Construction Contingencies (Approximately 10%)	$1,000.00	$0.00
	TOTAL	$11,000.00 ($5,000.00 min. cash)	$0.00
B.	Sidewalk Bond	n/a	
C..	Grading and Soil Erosion Control Bond (Ordinance #1187)	$0.00	$0.00
D..	Landscaping/Entrance Markers	$1,000.00	**$0.00 (Forfeit)**
E.	Monuments and Markets	$600.00 (cash)	$0.00

II. Fees (Cash Payments to the City)

A.	Trees (both sides of street, included in developer's landscaping plan)		n/a
B.	Street Name Signs		$100.00
C.	Traffic Control Signs		$100.00
D.	Street Light Notification		$100.00
E.	Street Light Contribution in Aid (First Year Cost)		$19,315.00
F.	Engineering Services (General Imp. and Sidewalks)		
	1. Plan Review and Admin. (1½%)	$10,980.00	
	2. Field Inspection (3½%)	$25,762.00	$36,600.00
G.	Engineering Services (Grading and Soil Erosion Control)		
	1. Plan Review	$80.00	
	2. Permit and Inspection	$400.00	$480.00
	TOTAL CASH PAYMENTS		$56,695.00

*To be adjusted and/or refunded based on street light public hearings and the type of lighting units to be determined by the City Council.