

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-23-728

AN ORDINANCE TO AMEND ARTICLE 2, DIVISION 2: RESIDENTIAL DISTRICTS; ARTICLE 2, DIVISION 3: COMMERCIAL/ MIXED-USE/ OFFICE DISTRICTS; ARTICLE 2, DIVISION 4: INDUSTRIAL DISTRICTS; ARTICLE 3, DIVISION 1: GENERAL PROVISION; ARTICLE 4, DIVISION 1: OFF-STREET PARKING; ARTICLE 4, DIVISION 3: LANDSCAPE STANDARDS AND TREE REPLACEMENT; ARTICLE 4, DIVISION 4: SIGNS; ARTICLE 5, DIVISION 1: SITE PLAN REVIEW; ARTICLE 5, DIVISION 3: CONDITIONAL LAND USE; ARTICLE 5, DIVISION 4: SPECIAL LAND USE; ARTICLE 6, DIVISION 1: NON-CONFORMING USES, STRUCTURES, AND LOTS OF APPENDIX A - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article 2, Division 2: Residential Districts of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 211 Residential Uses

Amend the land uses in the Educational and Public, Semi-Public, Assembly Uses in Table 211.1 Residential Districts Uses, to read as follows:

Table 211.1 Residential Districts Uses					
Use	R-1	R-2	RM-1	RM-2	Add'l Req'ts
Educational					
Private Educational Institutions, including Parochial Elementary, Middle, and High Schools	SLU				Sec. 557h
Private Student dormitories	SLU				Sec. 557q
Public, Semi-Public, Assembly Uses					
Cemeteries			SLU		557d
Community centers	CLU	CLU			Sec.544g
Places of worship	CLU	CLU			Sec. 544g
Public recreation and parks	P	P	P	P	

SEC. 215 Required Conditions

Amend provision (b) under All Residential Districts to read as follows:

b. Prohibited use for open areas: No machinery, equipment, commercial vehicles, or other materials, shall be stored or parked, or permitted to stand in any open

Dry cleaning plant								Sec. 557g
Wireless Communication Facilities		SLU	SLU	SLU	SLU			Sec. 557t

SEC. 224 Building Design Standards

Amend drive-through building type in the table to read as follows:

Commercial/ Mixed-Use Building Types	B-1	B-2	O	PTRED	PC D	MX-1	MX-2	See Section
Drive-through		X					X	356 357.D

SEC. 225 Schedule of Regulations

Amend the height and setback regulations for the office (O) and mixed-use (MX-1 & MX-2) districts in the table and footnotes to read as follows:

	Height				Setback (feet)				
	Min.		Max.		Front		Sides (min.)		Rear
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.
O			15	150	Equals to height of building				
MX-1		25		45 ³	0 ³	10	0	0	0
MX-2		25		45 ³	10	70 ²	0	0	0

1. MX-2 is limited to one double-loaded bay of parking in front yard.
2. The front yard area between the minimum and maximum setback in the B-1 and MX-1 districts is defined as a dooryard. The dooryard is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities. It shall accommodate entrances, outdoor seating, and projections such as awnings and balconies.
3. In the MX-1 and MX-2, the Planning Commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - b. The added height is necessary to support redevelopment.
 - c. The proposed development is designed to facilitate the objectives and strategies of the Master Plan.
 - d. The Planning Commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods

and/or non-residential land uses against any potential negative impact of the project.

SECTION 3. Article 2, Division 4: Industrial Districts of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 231 Industrial Use Table

Amend the land uses in the Educational and Accessory sections, to read as follows:

Use	LI	IF	Add'l Req'ts
Educational			
Colleges, universities, and other institutions of higher learning including trade, technical, and vocational schools	P	P	
Private Educational Institutions, including Parochial Elementary, Middle, and High Schools	SLU		Sec. 557h
Educational tutoring businesses such as computer training establishments, after school tutoring, and similar businesses		P	
Performing and fine arts schools or studios	CLU	P	544t
Private technical schools and training institution	P	P	
Accessory			
Outdoor dining, accessory to restaurant, brewery, winery or distillery	P	P	Sec. 319
Outdoor retail display and sales (commercial)	CLU		544 r
Outdoor storage	CLU		Sec. 557l

Delete only the following land use in the Industrial, Construction, and Storage section:

Use	LI	IF	Add'l Req'ts
Industrial, Construction, and Storage			
Wireless Communication Facilities	SLU	SLU	Sec. 557t

SEC. 234 Schedule of Regulations

Amend the height regulations for the LI and IF districts in the table and footnotes to read as follows:

	Height				Setback (feet)						
	Min.		Max.		Front		Sides (min.) ¹		Rear		
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.		
LI	-	-	-	45	25	-	15	40	25		
IF	-	-	-	45 ³	10	35	10	20	25		

1. Side yard setbacks may be reduced along one interior side lot line which abuts another property or properties zoned industrial, where proper access is provided to the rear of the building for parking, loading/unloading, and emergency services, and provided the building wall complies with all requirements of the building code for proper construction and fire rating. This section permits zero lot line construction where the above conditions are demonstrated to be met through site plan review.

2. The front yard setback may be reduced to 10 feet provided significant landscaping is provided in a greenbelt per Sec. 445.

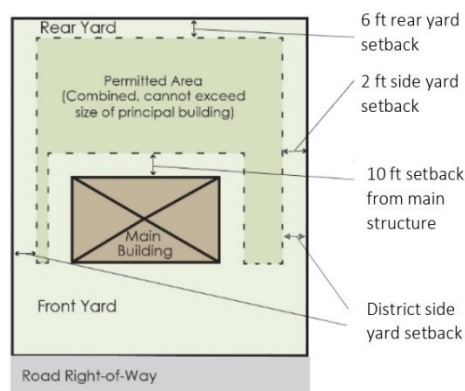
3. In the IF District, the Planning Commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:

- a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
- b. The added height is necessary to support redevelopment.
- c. The proposed development is designed to facilitate the objectives and strategies of the Master Plan.
- d. The Planning Commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

SECTION 4. Article 3, Division 1: General Provision of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended and re-order the remaining provisions, as followed:

SEC. 300 Accessory Buildings, Structures, and Uses (See Figure 3.1 Accessory Buildings and Structures Location standards)

Revise the graphic to correct the rear setbacks as amended in Ordinance #O-22-719, as follows:



SEC. 302 Antennas and Towers

Delete Section 302 to be consistent with state and federal laws and regulations and reorder the remaining sections:

Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as “regulated reception antenna”), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of Article 5, Division 4 Special Land Uses, Wireless Communication Facilities.

a. Ground-Mounted Antennae. Regulated reception antenna exceeding one (1) meter (3.28 feet) in diameter in Residential Districts and three (3) meters (9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:

1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with Article 5, Division 1: Site Plan Review, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.
3. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any Residential District, and shall not exceed one hundred (100) feet above mean grade in any other zoning district.
4. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
5. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.

b. Building-Mounted Antennae. Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in Residential Districts and two (2) meters (6.56 feet) in Non-Residential Districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.

c. Roof-mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in Non-Residential Districts only, provided that the antenna complies with the height requirements of the district in which they are located. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.

d. General

1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building, unless it is a multi family dwelling. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
3. The color of the antennae shall be of tones similar to the surroundings.
4. All electrical and antenna wiring shall be placed underground where applicable.
5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.
6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Building Official prior to erection.
8. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Administrator provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

SECTION 5. Article 4, Division 1: Off-Street Parking and Loading Standards of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 401 General Requirements

Add provision (m) to read as follows:

- m. Parking Reduction. The planning commission or city planner may reduce the total number of spaces by up to twenty percent (20%) than the number required to meet the standards of Section 403 Parking Space Numerical Requirements. If a greater parking reduction is requested, the planning commission may approve fewer parking spaces based on a professionally prepared parking study. However, in no case shall the total parking spaces be reduced by more than 50%.

SEC. 402 Parking Units of Measurements

Amend provisions (a.2) (c) & (d) to read as follows:

- a. Floor Area

2. For the purposes of determining the off-street parking requirements, gross floor area (GFA) shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, floor area shall be considered to be eighty-five percent (85%) of the gross floor area (GFA).

c. Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

d. Fractional Spaces. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction -equal to or greater than one-half- shall be counted as one (1) additional space.

SEC. 403 Parking Space Numerical Requirements

Amend the table to add parking requirements to upper floor units under residential section to read as follows:

Parking Space Numerical Requirements	
Residential	
Upper floor residential units in non-residential districts	1.0 space per dwelling unit

SEC. 408 Bicycle Parking

Amend provision (a) to read as follows:

a. For all new development the amount of bicycle parking shall be determined in accordance with the following table. Unless otherwise noted in the following table, bicycle parking shall be provided at a rate of 1 bicycle for each 10 vehicle parking spaces provided.

Use	Minimum Number of Bicycle Parking Spaces or Bicycle Facilities per Indicated Area or Unit of Measure
Multiple-family residential uses	One space for every 20 units.
Commercial uses	One space for each 2,000 square feet of gross floor area up to 20,000 square feet; 1 space per 5,000 square feet of gross floor area thereafter; a minimum of 4 spaces
Office uses	One space for each 4,000 square feet of gross floor area; a minimum of 4 spaces.
Industrial uses	One space for each 20,000 square feet of gross floor area; a maximum of 12 spaces.

SECTION 6. Article 4, Division 3: Landscape Standards and Tree Replacement of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 441 Purpose

Amend provision (j) to read as follows:

- j. Encourage drought-resistant species and/or species native to southeast Michigan.

SEC. 448 Standards for Compliance for Existing Sites

Amend the section to read as follows:

In any case where the building and/or parking area is being increased by at least forty percent (40%) over the originally approved site plan or is being changed to a more intense use as determined by the planning commission and/or city planner, the site shall be brought into full compliance with the landscape standards herein, unless the site conditions prevent full compliance. In cases where the increase is less than forty percent (40%) the site shall be brought into greater conformity with the landscape standards.

The planning commission and/or city planner shall determine the extent of new landscaping by evaluating the following:

1. Size of the land
2. Configuration and size of the existing buildings
3. Relationship to the proposed buildings and uses of land
4. Relationship to adjacent land uses
5. Relationship to existing and proposed thoroughfares.
6. The new landscaping shall protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

SECTION 7. Article 4, Division 4: Signs of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 465 Findings and Purpose

Amend provisions (i) & (i.4) & (i.8) to read as follows:

- i. These objectives are accomplished by establishing the minimum number of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city to:
 - 4. Assist the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the size and placement of signs.

8. Prohibit all portable signs on public property, including, but not limited to, City-owned property, in recognition of their significant negative impact on traffic safety and aesthetics.

SEC. 466 Sign Definitions

Amend the section to add awning sign and valance definitions to read as follows:

Awning sign: That angled portion of an awning other than 90 degrees.

Awning valance: That portion of an awning consisting of short strips or bands of material hung at the lower edge of the awning.

SEC. 472 Specific Sign Standards

Amend the table under provision (a) and footnote (1) to read as follows:

	Wall, canopy, or awning		Freestanding sign			Temporary signs (c)	
District	Number	Maximum size per sign	number	Maximum size per sign	Maximum height	Maximum size per sign	Maximum height
B-1, B-2, LI, O, PTRED, PCD, PUD, MX-1, MX-2, IF	1 per businesses (1) (6)	15% of front façade, a maximum of 120 square feet (3)	1 sign (3)	30 square feet for businesses fronting roadway of 35 m.p.h. or less (2) ,(4), (5)	6 feet (5)	30 square feet.	Freestanding sign maximum height is 6 feet

Footnotes:

- (1) Businesses located on a corner lot or in an MX-1 District shall be allowed up to one additional wall sign on the second front façade with an area not to exceed 30 square feet. As a substitution for a freestanding sign, one additional wall sign with an area not to exceed 30 square feet, may be displayed on one side of the building. When a business occupies two or more buildings on the same parcel or adjacent parcels, one additional wall sign per building is permitted. The additional wall sign shall not exceed 30 square feet and may be displayed on one side of the building.

Add footnote (6) to read as follows:

- (6) Office District – In office districts one sign per building is allowed. However, businesses located on the ground floor with a dedicated exterior entrance may be allowed one additional awning sign. The awning shall be constructed of durable material, maintained to continue its original appearance and provide proper safety to the persons and property it may affect. Awnings shall be coordinated to be compatible with the overall architectural integrity of the building to which it is attached. Awning signs are not permitted above the first floor. Awnings may not extend from the wall at a height of less than ten (10) feet above a public right-of-way. The awning signage shall be only permitted on the awning directly located above the storefront entrance and shall not exceed twenty percent (20%) of the awning face or valance area. Texts or graphics on a valance shall not be more than 8 inches in height; providing at least one (1) inch gap between the text and the top and bottom of a valance.

Amend provision (b.1.g) to read as follows:

g) Notwithstanding any other provision of this article, each parcel of property shall be allowed, without a permit, temporary non-commercial signage, not to exceed four signs at any one time, no larger than 6 square feet and no taller than four feet in height per sign for a period not to exceed 90 days per calendar year.

SECTION 8. Article 5, Division 1: Site Plan Review of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 501 Uses Requiring Site Plan Review

Amend the following use or activity types in the table to read as follows:

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.			•
f	Co-location of a communication antenna upon an existing tower.			•
j	An increase in floor area of uses subject to site plan review up to 2,000 square feet or 25% of existing floor area, whichever is less.		•	

SECTION 9. Article 5, Division 3: Conditional Land Use of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 544 Conditional Land Specific Requirements

Amend sub-section (d) provisions (1.a.9) & (1.a.10) to read as follows:

d. Automobile or Vehicle Dealership

9.A six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall proposed, shall be located on all property lines which abut any residential district.

10. Where the storage yard abuts residentially zoned property there shall be a ten-foot-wide landscaped greenbelt, between the property line and the wall. Said greenbelt shall be planted in accordance with *Article 4, Division 3 Landscaping, Section 445*.

Amend sub-section (e) as the following and reorder the remaining provisions:

e. Commercial Indoor Recreation

Delete provision e. (1) and reorder the remaining provisions:

1. In the B-2 and MX-1 Districts, the use may not exceed 2,500 square feet.

Amend provision (4) to read as follows:

3. The planning commission may regulate the hours of operation, as necessary, when the project is abutting less-intensive or residential uses, as a part of the conditional land use permit.

Amend the title of sub-section (g) and its provisions to read as follows:

g. Community Center/Places of Worship

1. In residential zoning districts, community centers or cultural facilities, churches, synagogues and other places of worship shall conform to the following requirements and restrictions.
 - a. They shall be located on a Principal Arterial, Major Arterial, Minor Arterial, or Major Collector Street.
 - b. Parking shall not be provided in the front building setback area.
 - c. All parking areas shall be screened from adjoining properties by a minimum four-foot, six-inch high masonry wall or similar material suitable to the planning commission. The planning commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a landscape plan.
 - d. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than 50 feet from an abutting residential district or residential use.
 - e. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking etc., based on proposed uses within the structure.
 - f. The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable.

Amend sub-section (h) provisions (1) (3) & (7) to read as follows:

h. Contractor Storage Yard

1.All such storage shall be located within a rear yard and screened in accordance with *Section 557.m Outdoor Storage*.

3.All storage areas shall conform to all district setback requirements for principal uses. Where the storage yard abuts residentially zoned property, there shall be a ten-foot-wide landscaped greenbelt between the property line and the wall. Said greenbelt shall be planted in accordance with *Article 3, Division 3 Landscaping, Section 447*.

7.Outdoor storage and display areas shall comply with the requirements of *Section 557.m Outdoor Storage*.

Amend sub-section (k) provision (5) to read as follows:

k. Garden Centers/Greenhouse/Nursery

5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center wall.

Add a new sub-section and re-order the remaining sub-sections, as follows:

s. Outdoor Storage

See Section 557.m

Delete sub-section (t) and re-order the remaining sub-sections:

t. Places of Worship, Assembly, or Gathering

Churches, synagogues and other places of worship, assembly, or gathering, may be permitted in certain districts specified in this ordinance, subject to the following:

1. The site shall have direct access to a major or secondary thoroughfare as designated on the city's adopted master plan.
2. All parking areas shall be screened from adjoining properties by a minimum four-foot, six-inch high masonry wall or similar material suitable to the planning commission. The planning commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a landscape plan.
3. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than twice its height to any property line.
4. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking etc., based on proposed uses within the structure.
5. The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable.

Amend sub-section (cc) provisions (4) & (5) to read as follows:

cc. Self-storage Facilities

4. If the site of a self-storage facility directly abuts or lies across the street from a residential district, a masonry screen wall and/or a landscaped greenbelt shall be provided, at the discretion of the Planning Commission. In deciding what type of screening to require, the Planning Commission shall evaluate which would be most appropriate to the neighborhood area in question.

5. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be screened on all sides by a six-foot high masonry wall of face brick, six-foot high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall proposed.

SECTION 10. Article 5, Division 4: Special Land Use of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 552 Application Procedure

Amend provision (b) to read as follows:

b. The following materials shall be submitted to the City at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:

1. Payment of the required fee.
2. Copies of completed application forms.
3. Copies of a site plan meeting the requirements of *Article 5, Division 1: Site Plan Review*.
4. Impact assessment if required by the City Planner; the analysis shall be carried out by qualified individuals and shall include but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.

SEC. 553 Designated Review Authority and Approval Procedure

Amend provision (b) to read as follows:

b. Following the submission of the required application materials the Planning Commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with *Article 6, Division 2, Section 623, Public Hearings*.

SEC. 557 Special Land Use Specific Requirements

Amend sub-section (d) provision (3) to read as follows:

d. Cemeteries

3. No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall at least six feet high.

Amend the title of sub-section (h) to read as follows:

h. Private Educational Institutions, including Parochial Elementary, Middle, and High Schools

Delete sub-section (i) and re-order the remaining sub-sections:

i. Garden Centers/Nurseries

1. The outdoor storage or material display areas shall not be permitted in any front yard as determined by the Planning Commission. Such areas shall meet all other yard setback requirements applicable to any building in the district.
2. All loading activities and parking areas shall be provided off-street and on the same premises.
3. The storage of any soil, sand, mulch, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials shall be prohibited.
4. Decorative fences, knee walls, and other architectural features may be required by the Planning Commission for outdoor sales, display, and storage areas to assure compatibility with the existing or intended character of the general vicinity.
5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center fencing or wall.

Amend the title of sub-section (l) to read as follows:

k. Mobile Home Parks

Amend sub-section (m) provision (1) (8) & (11) to read as follows:

l. Outdoor Storage

1. In B-2 Districts a special land use approval may be granted for outdoor display, sales, or storage.
8. The storage yard shall be screened on all sides by a six-foot-high masonry wall of face brick; or six-foot-high simulated brick pattern poured concrete wall.
 - a. In LI District, the storage yard can be screened on the sides that are visible from the public right-of-way, public view, or any residential district by a screen wall by the provision of the business owners and property owners of abutting properties affirmatively waiving, in writing, the need to provide such screening along their property lines. In such cases, other

types of fences in accordance with Section 308 may be allowed to screen the rest of the outdoor yard sides of the property.

- b. In LI District, the screen wall or fence shall be permitted up to eight (8) feet as permitted in Sec 308 of this ordinance.

11. Where the storage yard abuts residentially zoned property, there shall be a ten-foot wide landscaped greenbelt between the property line and the wall. Said greenbelt shall be planted in accordance with *Article 3, Division 3 Landscaping, Section 447*

Amend sub-section (o) provision (3) to read as follows:

n. Research or Testing Laboratories

3. Where the outdoor placement of an above ground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern. The design and material of the screening to be approved by the planning commission.

Amend sub-section (p) provision (1) (3) (4) & (6) to read as follows:

o. Salvage Yard

1. The salvage yard shall be enclosed on all sides by a masonry wall of face brick or six-foot-high simulated brick pattern poured concrete wall at least six (6) feet in height. The wall shall be maintained in good repair and shall be free of handbills or other advertising except for approved signs. Non-transparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure.

3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be

4. Visible from any residence, business, or street from a height at or below the top of the wall enclosing the yard.

6. The property shall include at least six (6) acres. The front screen wall shall be set back the distance as a principal building in the Industrial District, and all such walls shall be set back a minimum of five hundred (500) feet from any Residential District or use. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.

Amend sub-section (q) Provisions (1) (2) & (3) to read as follows:

p. Private Student Dormitories

Private student dormitory rooms, when constructed as a part of a private educational institution or campus, may be permitted in certain districts, as specified in this ordinance, subject to the following:

1. The site plan shall conform with *Article 5, Division 1, Site Plan Review and Approval*.
2. The minimum site size for a private educational campus which includes a dormitory shall be three acres.
3. A private educational campus which includes a dormitory shall be located on a major or secondary thoroughfare as designated in the city's adopted master plan.

Delete sub-section (s) to be consistent with state and federal laws and regulations:

s. Utility Structures and transmission system

1. Local utility buildings or structures. Utility structures, such as but not limited to, electric transformer stations and substations, gas regulator stations, sewer lift stations, and the like, may be permitted in all districts subject to site plan approval and the following standards:

- a. Operating requirements necessitate the proposed location in order to serve the residents of the city.
- b. All such uses shall be completely enclosed and without storage yards.
- c. No structure shall exceed the height limit of the district in which it is to be located.
- d. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.
- e. No building shall be located closer than 50 feet to any property line abutting land zoned for residential use.
- f. A minimum 15-foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.
- g. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.

2. Utility transmission systems. Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines shall require special land use approval by the planning commission, subject to the following requirements and standards:

- a. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the planning commission.
- b. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- c. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the planning commission for its immediate restoration by replanting or similar techniques.

- d. During construction or repair of any facilities approved hereunder, the following shall be required:
1. All internal roads shall be kept dust-free.
 2. Any damage to public or private roads, fences, structures, or facilities shall be repaired immediately.
 3. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 4. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the planning commission.
- e. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.
3. *Utility transmission buildings or structures.* Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, and similar facilities; excluding oil storage facility, and wireless communications, receiving or transmitting towers, shall require special land use approval by the planning commission be permitted subject to the following requirements and standards:
- a) The following types of utility transmission structures shall be permitted after special land use approval, only in the listed districts:

Use	District
Electric stations	All districts
Telephone exchange buildings	All districts
Gas compressor stations	LI
Oil storage facility	LI
Wireless communications tower	O, LI, B-2, PTRED, PCD

- b. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection 3 below are followed, as approved by the planning commission.
- c. If the equipment proposed will not be enclosed within a building, a setback of 300 feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the planning commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:
1. A landscaped earthen berm at least six feet high with a 3:1 side slope, along all sides of the equipment.
 2. An obscuring fence or a masonry wall at least six feet high, completely surrounding the equipment.
 3. Any combination of the above requirements approved by the planning commission.

d. All buildings permitted under this section shall be setback at least 100 feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within 100 feet of an adjoining property line only after approval of the planning commission and only when fully enclosed within a building.

e. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.

f. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.

Delete sub-section (t) to be consistent with state and federal laws and Regulations:

t. Wireless Communication Facilities

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

- a. Proximity to major thoroughfares;
- b. Population concentrations;
- c. Business centers;
- d. Signal interference;
- e. Topography;
- f. Other specifically identified reason(s) creating facility need.

2. The proposal shall be reviewed in conformity with the colocation requirements of this section below.

3. Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.

4. Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.

5. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

6. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height.

7. The following additional standards shall be met:

- a. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). No wireless transmission tower in excess of 100 feet in height shall be located closer than 2,000 feet to any other such tower. Accessory

buildings shall be limited to the maximum height for accessory structures within the respective district.

b. The setback of the support structure from any property line and existing or proposed road right-of-way line shall be at least the height of the highest point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower.

c. There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement).

d. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

e. Rooftop wireless communication facilities shall be architecturally compatible with the principal building.

f. The Planning Commission may regulate the color of the support structure and all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration. In addition, the Planning Commission may require additional landscaping and/or screening where the Planning Commission determines such screening and or landscaping is necessary to mitigate the negative visual and aesthetic impacts of the facility on the surrounding land uses.

g. Support structures shall be constructed in accordance with applicable building codes. A soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted.

h. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.

i. There shall be no outdoor storage of equipment and/or materials, except those which are necessary for emergency repairs at that particular site (which may be temporarily stored during the emergency).

j. The application shall include a certification by a State of Michigan licensed Professional Engineer regarding the manner in which the proposed structure will fall.

k. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the city attorney and recordable at the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the city in securing removal.

l. The application shall include a map showing existing and known proposed wireless communication facilities within the city and areas within three

miles surrounding the city. If the information is on file with the city, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.

m. The applicant shall provide the name, address and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.

8. *Special requirements for wireless communication facilities proposed outside districts where they are permitted after special land use approval.* Applications for facilities which are proposed to be located outside of a district where they are permitted as a special land use, shall conform with the following standards, along with those in subsection A. above:

a. The applicant shall demonstrate that a location within a district where the facility is permitted as a special land use cannot reasonably meet the coverage and/or capacity needs of the applicant.

b. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.

c. The applicant shall seek to locate the facility at one of the following sites (not in any priority), subject to application of all other standards contained in this section:

1. Municipally owned site.
2. Other governmentally owned site.
3. Religious or other institutional site.
4. Public park and other permanent open space areas.
5. Other locations if none of the above is available.

9. *Requirements for colocation.*

a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.

b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

c. The policy of the city is "pro colocation." Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.

d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the city and consequently such party shall take

responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the city for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the zoning board of appeals regarding this provision must demonstrate that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.

10. *Incentive.*

a. Review of an application for colocation shall be expedited by the city through administrative review and approval of proposed colocation of wireless communication facilities where the application involves the colocation of a new wireless communication facility antenna on an existing wireless communication facility support structure which is in conformance with the provisions of this section.

b. Where the application involves the colocation of a new wireless communication facility antenna on a building, water tower, church steeple, stadium light pole, or similar structure, as determined by the Planning Commission, the required 300-foot setback shall not apply.

c. Review of an application for colocation shall be expedited by the city.

11. *Removal.*

a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

b. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

c. Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.

d. The situations in which removal of a facility is required, as set forth in paragraph 1. above, may be applied and limited to portions of a facility.

e. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.

f. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

**SECTION 11. Article 6, Division 1: Non-Conforming Uses, Structures, and Lots of
Appendix A – Zoning of the Code of Ordinances of the City of Oak
Park, Michigan is hereby amended as followed:**

SEC. 600 Non-Conforming Uses, Structures, and Lots, in General

Amend provision (b) to read as follows:

b. It is the intent of this Division to permit these non-conformities to continue until they are removed, but not encourage their continuation. Such non-conforming uses and structures are declared by this Division to be incompatible with permitted uses in the districts involved. It is further the intent of this Division that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SEC. 604 Non-conforming Structures

Amend provisions (c) & (d) and add provision (e) to read as the follows and re-order the remaining provisions:

c. Any addition greater than 40% of the gross floor area of the principal building shall require the entire addition to fully meet the setback and build to standards.

d. Any addition less than 40% of the gross floor area of the principal building is required to meet the architectural and site standards but may be granted flexibility by the Planning Commission with bringing the building into greater conformity with the setback and build to standards.

e. For standards c & d above, where any existing side or rear part of the structure is non-conforming with the setback standards, the addition may be built to the same structure line. In no way shall the addition extend closer to the lot line than any existing, non-conforming part of the structure.

SECTION 12. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 13. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 14. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park, on this 8th day of March 2023

T. EDWIN NORRIS
City Clerk

MARIAN McCLELLAN
Mayor

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on March 8, 2023.

T. EDWIN NORRIS, City Clerk

First Reading:	February 20, 2023
Second Reading:	March 8, 2023
Adopted:	March 8, 2023
Published	March 19, 2023