

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 745**

AN ORDINANCE TO AMEND THE CITY OF CLAWSON CODE OF ORDINANCES CHAPTER 34, ARTICLE 10, SECTIONS 34-1033, 34-1035, 34-1040, 34-1048, 34-1050, 34-1057, 34-662, AND 34-603 TO UPDATE SITE DEVELOPMENT STANDARDS

NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:

PART 1. Amend Division 19, Section 34-1033 to read as follows:

Sec. 34-1033. - Obscuring walls.

(a) For those zoning districts and uses listed in this subsection, there shall be provided and maintained an obscuring wall as required by the conditions, heights and locations noted in this subsection, except as provided in subsections (c), (d) and (e) of this section.

Districts Requiring Obscuring Walls	Conditions	Height of Wall	Location of Wall
O-1, B-1, B-2, B-3 and P-1	When abutting any R or RM district, CR district	6'0"	Along common district boundary
O-2, I-1 and I-2	When abutting any R or RM district, CR district	8'0"	Along common district boundary
BRD-1 and BRD-2	Any R or RM district, CR district	6'0"	Along common district boundary
WG	Any R or RM district, CR district	6'0"	Along common district boundary
Off-street parking areas in RM-1, RM-2 districts, or PUD	When abutting any R district, CR district	4'6"	Along property line between R district and parking areas
Junkyards	Under any circumstances	8'0"	All sides of use
Outside storage facilities or areas in an I-1, I-2 or O-2 district	When abutting any R, RM, CR, B, C-1, O-2 or P-1 district	6'0"	Along property line between outside storage areas and abutting R, RM, B, C-1, O-2 or P-1 district or thoroughfare (setback)
Off-street parking areas in R-2, R-3, CC, CMD, or CR (except single-family and two-family)	When abutting any single-family use	4'6"	Along property line between single-family zoning district and off-street parking area

(b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this article requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the planning commission in reviewing such request.

(c) Where the parking lot is contiguous to a residentially zoned district which has a common frontage on the same block with the parking lot and wherein residential structures have been erected, there shall be established a setback line 20 feet from the street lot line and the screening shall be provided at the setback line and shall not be less than 30 inches and not more than three feet in height above the grade measured on the outside face of the wall.

(d) Where the parking lot lies across a street from and opposite a residentially zoned district wherein the lots front upon such street, the screening shall be provided at a setback line 20

feet from the street property line and shall be not less than 30 inches and not more than three feet in height above the grade measured on the outside face of the wall.

- (e) Where the parking lot fronts a major thoroughfare, an obscuring wall shall be placed along the street property line and shall be not lower than 30 inches and not more than three feet in height above the grade measured on the outside face of the wall. The wall shall be covered by brick masonry, on both sides, and have a stone cap or a suitable substitute cap approved by the planning commission.
- (f) Where a wall is required to be set back in conformance with front yard setbacks in adjacent residential districts, such setback shall be landscaped and maintained in a healthy and growing manner.
- (g) Obscuring walls, as required in this section, except as specified in subsection (f) of this section, shall be constructed with an exterior of face brick, or reinforced imitation poured brick wall where such wall faces any residential area or street. The width of the wall shall be a minimum of six inches and a maximum of 16 inches, and the height shall be as specified in subsection (a) of this section.
- (h) The planning commission may approve an alternate location for the wall or may waive or modify the requirements in subsections (a)—(h) of this section upon making a determination that proposed or existing screening will adequately safeguard the abutting residential district. Examples of instances where no good purpose would be served include:
 - a. An existing fence, of solid construction, in good repair and sufficient to serve as screening, is located where the obscuring wall would be placed.
 - b. A large open space borders the lot line where the wall would be required, and this open space is unlikely to be developed due to existing site characteristics such as a prevalence of wetlands, environmental degradation, or other characteristics prohibiting development.
 - c. All obscuring walls must be of sound construction with adequate support footings. The wall shall be installed plumb and maintained so as not to become unsightly. Damaged or deteriorated walls shall be repaired or removed within 30 days of damage or notice of nuisance from the building department.
- (i) Wall design shall be complementary to the building architecture.
- (j) Where a site has existing obscuring walls bordering a residential district, the planning commission shall have the discretion to modify the wall height and material type requirement established in section 34-1033, based on an evaluation of the condition of the existing wall. If the existing wall is in a state of severe disrepair, the planning commission may require erection of a new wall. If the existing wall is well-maintained or requires minor repairs and upkeep, the planning commission may permit the wall to remain with required maintenance and repairs.

PART 2. Amend Division 19, Section 34-1040 to read as follows:

Sec. 34-1040. - Access to sites.

- (1) Required access to major thoroughfare. All uses requiring ingress and egress directly to a major thoroughfare, as defined in section 34-481 and making reference to this section, may provide access driveways to other than a major thoroughfare, only where such access is provided to a street where the property directly across the street from such driveway, and all property abutting such street between the driveway and the major thoroughfare is zoned for multiple-family use or any nonresidential uses or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future.
- (2) Access to paved, public streets. All buildings and uses located in any district shall be provided access from a paved public street.
- (3) Pedestrian access. All frontages onto a public street shall be provided with a five-foot-wide concrete sidewalk built in accordance with the city's standards. Parking lot areas shall be provided with safe pedestrian means of access in the form of crosswalk area designed with colored stamped concrete, decorative pavers or other similar materials. Sidewalk connections from sidewalks along the public street right-of-way to sidewalks on-site shall be required where feasible.
- (4) Driveways. Driveways shall be consolidated to minimize congestion and potential conflicts on the adjacent public roads. Access management is a very important tool for a better designed

community; therefore, individual driveways for a specific building or use shall not be permitted unless no other means of access is available or feasible. Property owners shall be encouraged to allow for shared and cross-access agreements to reduce curb cuts onto adjacent roadways.

PART 3. Amend Division 19, Section 34-1048 to read as follows:

Sec. 34-1048. - Enclosure of roof appliances or accessories.

- (1) In all zoning districts, roof appliances such as, but not limited to, cooling towers, air conditioners, heating apparatus, dust collectors, filters, transformers and any other such appliance or apparatus, other than flagpoles, chimneys for carrying products of combustion, and radio antenna towers, shall be enclosed with opaque screens not less in height than the height of the highest appliance, as measured from the plane of the roof surface upon which the screen device is mounted to the top of the highest appliance.
- (2) In instances where roof vents, roof-mounted mechanical equipment, pipes, etc., can be viewed from above or below, they shall be grouped together, painted to match roof color to reduce their appearance, screened from view and integrated into the building architecture to the extent feasible.
- (3) Where a parapet wall is present and accomplishes the same screening effect required above, the parapet wall may be accepted by the planning commission as a substitute for the rooftop screening device.
- (4) The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

PART 4. Amend Division 19, Section 34-1050 to read as follows:

Sec. 34-1050. - Dumpsters or outdoor trash receptacles.

Any new or altered use which requires site plan review under division 4 of this article and has an outdoor trash storage area shall comply with the following requirements:

- (1) Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- (2) A decorative masonry wall of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Screening gates may be required by the planning commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
- (3) In no instance shall any such refuse be visible above the required enclosure.
- (4) Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- (5) Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. The planning commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
- (6) All non-single family buildings and uses shall be required to provide a means of trash removal. Use of shared dumpsters between adjacent or contiguous buildings or uses is encouraged. All dumpsters shall be contained within the building and/or a fully enclosed structure attached to the building. The enclosure shall be constructed of a material complementary to the primary building material and provided with steel reinforced wooden gates as required by the city. A dumpster location not attached to a building may be approved if adequately screened from public rights-of-way or required by city ordinance to serve multiple buildings/uses.

PART 5. Amend Division 19, Section 34-1057 to read as follows:

34-1057 Green Building Strategies

In the interest of encouraging environmentally friendly site design and architecture, the city encourages properties to incorporate "greening" strategies into their designs in the form of stormwater drainage ideas like rain gardens, porous pavers, innovative landscaping, energy efficient building materials etc. Upon

recommendation from the city planner, the planning commission has the discretion to modify some site requirements in favor of incorporation of green elements.

PART 6. Amend Division 19, Section 34-1035 to read as follows:

Sec. 34-1035. - Exterior lighting.

- (1) Intent. The purpose of this ordinance is to provide regulations for outdoor lighting that will:
 - a. Permit the use of outdoor lighting that meets the minimum levels specified in this Ordinance for night-time safety, utility, security, productivity, enjoyment, and commerce.
 - b. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
 - c. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
 - d. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
 - e. Conserve energy and resources to the greatest extent possible.
 - f. Promote traffic safety by minimizing glare and promoting the even distribution of lighting in parking lots.
 - g. Permit the lighting of property in a manner that fosters public safety while protecting nearby sites and rights-of-way from the potential adverse effects of nighttime site lighting, including distractions to vehicular traffic, and glare onto residential properties.
- (2) A photometric plan meeting the standards of Section 34-603(b)(28) plan shall be submitted for any use requiring site plan approval.
- (3) All outdoor lighting in all zoning districts used to light the general area of a specific site shall be shielded such that the source of illumination (bulb or direct lamp image) is not visible from the property line in order to reduce glare and interference with public rights-of-way and adjacent properties.
- (4) All lighting in nonresidential districts used for the external illumination of buildings shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- (5) Pole-mounted lights and related structures shall be limited to a height of 20 feet. Pole-mounted lighting located within 15 feet of a residential property line shall be limited to a height of 12 feet.
- (6) All fixtures mounted within 15 feet of a residential property line or public right-of-way boundary shall be classified as IES Type III or Type F (asymmetric forward throw). These fixtures shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way. [illustration pending]
- (7) Except as otherwise allowed for herein, all lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the Illuminating Engineering Society of North America (IES) criteria for full cut-off fixtures (100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture). [illustration pending]
- (8) Roof-mounted lighting, laser light sources, searchlights and similar high-intensity lighting are prohibited.
- (9) Pedestrian walk lighting shall clearly identify the pedestrian walkway and illuminate any posted direction of travel.
- (10) Architectural building lighting may be used for security purposes, to articulate the building design, or lighting for pedestrian areas. In all cases, the source of such lighting shall be fully shielded.
- (11) Lighting shall not flash, move or be otherwise intermittent.

PART 7. Amend Division 6, Section 34-662, footnote (k) to read as follows:

(k) No side yards are required along the interior side lot lines, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which has a rear yard abutting a residential district, there shall be provided a setback of 20 feet on the residential street side of the lots. Where a lot has a side or rear yard which borders on a residential street, there shall be provided setbacks of not less than ten feet for all parking, loading and storage areas on the side bordering the residential street. A minimum five-foot wide greenbelt shall be maintained along a residential street per the requirements of section 34-1034. An obscuring wall shall be provided on those sides or rear lot lines of a lot abutting land zoned residential, per section 34-1033.

PART 8. Amend Division 4, Section 34-603 to add new item (28) as follows:

(28) A photometric plan including the following information:

- a. Light levels across the area of the site to be illuminated and at all property lines, both during hours of operation and outside of hours of operation.
- b. Location and mounting heights of all fixtures.
- c. Manufacturer cut sheets showing the design of all proposed fixtures.
- d. Information on whether and when the lights will be programmed to dim or turn off.

PART 9. SAVINGS CLAUSE.

The amendments referenced herein do not affect or impair any act done, offense committed, or right accruing or acquired, or liability, penalty or forfeiture or punishment pending or incurred prior to the effective date of this amendment.

PART 10. SEVERABILITY.

This Ordinance and its various parts, sentences, paragraph, sections, clauses and rules promulgated hereunder are hereby declared to be severable. If any part, sentence, paragraph, section, clause, or rule promulgated hereunder is adjudged to be unconstitutional or invalid for any reason, such holdings shall not affect the remaining portions of this Ordinance.

PART 11. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PART 12. EFFECTIVE DATE; PUBLICATION.

This Ordinance shall become effective after publication of a brief notice in the newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk, and such other facts as the City Clerk shall deem pertinent.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting via video and phone conference on August 5, 2020 at 7:30 p.m., further this Ordinance was duly published in the Daily Tribune, August 19, 2020 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.



Reese Scripture, Mayor
Dated: August 29, 2020



G. Machele Kukuk, Interim City Clerk
Dated: August 29, 2020