

**CITY OF CLAWSON  
OAKLAND COUNTY, MICHIGAN  
ORDINANCE NO. 746**

**AN ORDINANCE TO AMEND THE CITY OF CLAWSON CODE OF ORDINANCES CHAPTER 34,  
ARTICLE 10, DIVISION 25, SECTION 34-1200.3, DIVISION 26, SECTION 34-1200.12,  
DIVISION 27, SECTION 34-1200.22 TO PROVIDE STANDARDS GOVERNING WIRELESS  
COMMUNICATIONS TOWERS**

**NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:**

**PART 1. Amend Chapter 34, Section 34-1200.3 to read as follows:**

Sec. 34-1200.3. - Development standards.

- (a) *Area, height, bulk and placement requirements.* Buildings and uses in the West Gate District are subject to the following:
- (1) *Front yards.* All buildings shall be located at a minimum setback of 10 feet from the front property line, abutting a public right-of-way. This area shall be maintained as a landscape greenbelt. The following deviations may be permitted by the Planning Commission:
    - a. Belt courses, sills, lintels, and cornices may project up to 18 inches into the greenbelt area for buildings constructed at the ten-foot setback line.
    - b. Canopies and awnings associated with a ground floor use may encroach into the greenbelt area if the planning commission makes a determination that it will not negatively impact landscape plantings. Awnings over sidewalk areas shall have a minimum clearance of ten feet with no additional ground supports.
    - c. Display, show or bay windows may project up to 18 inches into the greenbelt area.
  - (2) *Rear and side yards.* There is no rear or side yard setback requirement, unless specifically required per building codes. The site must also be designed for adequate access and circulation around the building.
  - (3) *Height.* No building or structure shall exceed two stories or 30 feet.
  - (4) *Floor area.* There is no maximum floor area limit for structures in the district, provided the applicant demonstrates the availability of adequate parking, landscaping and other site design features. Further, the building or structure proposed shall have architectural details on all facades exceeding 50 feet in length to prevent the appearance of a single large expanse of wall. The planning commission shall make a determination on the adequacy of architectural details proposed.
- (b) *Design specifications and design guidelines.* It is the intent of the district as set forth in section 34-1200.10 to provide an environment of high quality and complementary building architecture and site design. Special emphasis shall be placed upon methods that encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the streetscape.
- (1) *Miscellaneous design criteria.*
    - a. Building entries shall be readily identifiable and accessible from a public sidewalk or from a sidewalk connector.
    - b. Architecture will be evaluated based upon its compatibility to buildings and uses in the general area.
    - c. Architectural plans shall confirm that materials are appropriate for the location on the building. In the event that it is determined by the building official that the building materials are inappropriate they shall be replaced at the owner's expense.
    - d. Use of environmentally friendly building materials and design is strongly encouraged.
  - (2) *Building massing and form.*
    - a. Buildings with wall facades exceeding 50 feet in length shall be provided with architectural details to relieve the blank facade. For larger buildings, the detail shall be repeated every 50 feet.
    - b. All facades of a building visible from a public right-of-way shall be provided with design elements such as clear glazed windows, spandrel windows, faux window openings, brick trim detailing, awnings etc. to provide additional visual interest.
    - c. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, portico or other architectural feature. Where feasible, a building shall be provided with dual entrances: one facing the public right-of-way and a second entrance from the rear yard where parking is located.

- d. Proposed building architecture shall be subject to review and approval by the planning commission. Planning commission shall have the discretion to require additional architectural improvements in the interest of meeting the intent of the district.
- (3) *Materials.*
- a. One dominant material shall be selected, with a preference towards masonry and stone. Products such as dryvit and EFIS are prohibited to a height of ten feet from finished grade, except that such materials may be used as an accent detail such as a cornice or similar feature. Exterior construction materials shall be consistent with the city's design standards.
  - b. Materials shall blend with those existing on adjacent properties, to the extent feasible.
  - c. Consideration shall be given to incorporating durable building materials. If any material is deemed not acceptable by the Building Official for maintenance purposes, such material shall be replaced at the owner's expense.
  - d. To the extent feasible all facades of the building shall be constructed of the same materials. However, the planning commission may allow the use of a different material on the side and rear facades which are not visible from public rights-of-way or which do not adversely affect the appearance of the building as a whole.
- (4) *Building roofs.*
- a. A parapet of at least 42 inches high shall screen the mechanical equipment on a flat roof.
  - b. Mansard roofs are not permitted.
- (5) *Color and texture.*
- a. Colors shall be subdued in tone, of a low reflectance and of neutral or earth tone colors. Simple and uniform texture patterns are encouraged.
  - b. Variations in color shall be kept to a minimum.
  - c. Use of building materials and colors, purely to reflect corporate identity or business theme is discouraged.
  - d. The color of all awnings or canopies shall complement the building colors.
  - e. Applicant shall present a colored rendering and color material samples to the planning commission for approval.
- (c) *Off-street parking.* Buildings and uses in the West Gate District shall be subject to the parking requirements of division 20.
- (1) The use of shared parking between two or more buildings and/or uses shall be allowed by the planning commission upon demonstration by the applicant that the individual uses do not have overlapping hours of operation, and the sharing of parking will not result in the creation of a parking nuisance on the site or abutting roadways and properties.
  - (2) To the extent feasible, parking shall be located within the rear and side yards and concealed from the view of the public right-of-way.
  - (3) The planning commission may allow off-street parking to be located in the front yard, provided a minimum ten-foot-wide landscape greenbelt is provided along the site's frontage and no more than one-half of the required parking spaces for the site are located in the front yard. The plantings in the greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.
  - (4) If a business located within the district has hours of operation that do not extend into late evening (after 8:00 p.m.), the parking spaces associated with the business shall be open to the public.
- (d) *Off-street loading.* Loading/unloading activity shall take place in the rear yard only. If the rear yard abuts the front entrance to another building or use, the planning commission has the flexibility to allow for loading/unloading activity to be established in a side yard. In no case shall such activity be permitted within the front yard area. Also, no overhead doors shall be located facing the front yard.
- (e) *Signage.* All signs permitted within the West Gate District shall be subject to the requirements of chapter 36 as follows:
- (1) One wall sign shall be permitted per business subject to area limitations noted in section 36-10. An awning sign no larger than eight square feet shall be permitted; however the total area of the wall and awning signs shall not exceed the area allowed by section 36-10.
  - (2) One ground/monument sign no larger than 32 square feet and no more than eight feet above grade shall be permitted for each developed site (irrespective of the site containing one or multiple buildings).
  - (3) All signs shall be placed outside the clear vision triangle as defined by section 34-1036.
  - (4) All signs shall be constructed in conformance to legibility and design standards noted in section 36-15.
  - (5) Sites may be allowed additional signage upon meeting the criteria noted in section 36-11, sign bonuses.
  - (6) Drive-in and drive-through restaurants shall also be subject to provisions of section 36-14.

- (7) Signs shall be consistent unless otherwise expressed in this Ordinance with the illumination requirements in section 34-1035 of the Land Development Code.
- (8) Conceptual sign designs shall be submitted with the site plan and the planning commission shall review these conceptual plans together with the site plan.
- (9) All wall signs, if illuminated, shall be illuminated in a manner that is not intermittent, nor causing a hazard to others.
- (10) Window signage is not permitted in the West Gate District.
- (f) *Open space amenities.* To encourage pedestrian activity in the area and provide for a gateway entrance to the city, developments are encouraged to incorporate open space amenities and site design feature(s) into the site's development. These may include, but are not limited to benches, plaza areas, outdoor art, sculptures and welcome sign to the city. The open space amenities in this district are intended to provide an inviting setting into the city and are not intended to detract from the open space amenities within the City Center District located to the east.
- (g) *Landscaping.* All developments shall submit a detailed landscape plan in conjunction with site plan review. The following standards shall be applicable:
  - (1) A ten-foot-wide landscape greenbelt shall be provided along a public street frontage.
  - (2) Where the rear yard of a site abuts a main circulation aisle within the site, a landscape greenbelt no less than five feet wide shall be provided to define the limits of the site and separate the two circulation routes. The planning commission shall have the discretion to modify this requirement upon recommendation from the city planner and/or building official.
  - (3) The greenbelt shall be planted to the standards noted in section 34-1034. If any parking is located within the front yard, the greenbelt plantings shall exceed the minimum standards and include a combination of landscape and hardscape elements as noted in subsection 34-1200.12(d)(3).
  - (4) Parking lot area shall be provided with landscape islands to define circulation paths. The shape and size of the landscape islands shall be designed to provide adequate area for survival of plantings and safe on-site circulation. The city planner/building official shall determine the adequacy of the landscape area proposed.
  - (5) No more than 20 parking spaces shall be located in a single uninterrupted row. Rows of parking spaces shall be separated by landscape islands.
  - (6) Landscape areas perpendicular to rows of parking spaces shall have a minimum width of five feet. Where parking spaces abutting such landscape areas have a reduced depth of 18 feet, the landscape area width shall correspondingly be increased by two feet to account for vehicle overhang.
  - (7) Landscape areas shall be planted with trees and/or shrubs and ground cover. In no instance shall landscape areas be filled with stones, gravel or similar material.
  - (8) Landscape areas and greenbelts abutting public right-of-way shall be planted with salt tolerant species to ensure survival of the plantings.
  - (9) All landscape areas shall be provided with automatic irrigation.
  - (10) The applicant shall provide a long term maintenance agreement and weekly plan for all landscaping on the site. The required agreement and plan shall be noted on the site plan.
- (h) *Performance bond.* In cases where the applicant seeks immediate occupancy of the site with an existing building or a site that is still in the process of compliance with the approved site plan and is affected due to practical reasons such as weather, the planning commission and/or building official may require the submission of a performance bond in an amount equal to the cost of completion of all improvements associated with the approved site plan. A temporary certificate of occupancy shall be issued for a period not to exceed 90 days, within which the applicant shall be required to complete all of the remaining improvements. Failure to do so may result in revocation of the C of O.

(Ord. No. 679, pt. I, 10-20-2009)

**PART 2. Amend Chapter 34, Section 34-1200.12 to read as follows:**

Sec. 34-1200.12. - Development standards.

- (a) *Area, height, bulk and placement requirements.* Buildings and uses in the BRD-1 are subject to the following:
  - (1) *Front yards.* All buildings shall be located at a minimum setback of ten feet from the front property line, abutting a public right-of-way. This area shall be maintained as a landscape greenbelt. The following deviations may be permitted by the planning commission:
    - a. Belt courses, sills, lintels, and cornices may project up to 18 inches into the greenbelt area for buildings constructed at the ten-foot setback line.
    - b. Canopies and awnings associated with a ground floor use may encroach into the greenbelt area if the planning commission makes a determination that it will not negatively impact

landscape plantings. Awnings over sidewalk areas shall have a minimum clearance of ten feet with no additional ground supports.

- c. Display, show or bay windows may project up to 18 inches into the greenbelt area.
- (2) *Rear and side yards* . Required rear yard building setback shall be 25 feet. There is no side yard setback requirement, unless specifically required per building codes. The site must also be designed for adequate access and circulation around the building.
- (3) *Height* . No building or structure shall exceed two stories or 30 feet.
- (4) *Floor area* . There is a maximum floor area limit for specific uses in the district as established in subsections a., b. and c., above. The intent in limiting the floor area is to allow for structures that will fit on the small sized parcels within the area and still provide for adequate parking, circulation and landscaping.
- (b) *Design specifications and design guidelines* . It is the intent of the district as set forth in section 34-1200.10 to provide an environment of high quality building architecture and site design which is complimentary and fits in with the adjoining residential neighborhoods. Special emphasis shall be placed upon methods that encourage tasteful, imaginative design for individual buildings, and to create a welcome entrance into the city's downtown.
  - (1) *Miscellaneous design criteria*.
    - a. Building entries shall be readily identifiable and accessible from a public sidewalk or from a sidewalk connector.
    - b. Architecture will be evaluated based upon its compatibility to buildings and uses in the general area.
    - c. Architectural plans shall confirm that materials are appropriate for the location on the building. In the event that it is determined by the building official that the building materials are inappropriate they shall be replaced at the owner's expense.
    - d. Use of environmentally friendly building materials and design is strongly encouraged.
  - (2) *Building massing and form*.
    - a. All facades of a building visible from a public right-of-way shall be provided with design elements such as clear glazed windows, spandrel windows, faux window openings, brick trim detailing, awnings etc. to provide additional visual interest.
    - b. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, portico or other architectural feature.
    - c. Proposed building architecture shall be subject to review and approval by the planning commission. Planning commission shall have the discretion to require additional architectural improvements in the interest of meeting the intent of the district.
  - (3) *Materials* .
    - a. One dominant material shall be selected, with a preference towards masonry and stone. Products such as dryvit and EFIS are prohibited to a height of ten feet from finished grade, except that such materials may be used as an accent detail such as a cornice or similar feature. Exterior construction materials shall be consistent with the city's design standards.
    - b. Materials shall blend with those existing on adjacent properties, to the extent feasible.
    - c. Consideration shall be given to incorporating durable building materials. If any material is deemed not acceptable by the building official for maintenance purposes, such material shall be replaced at the owner's expense.
    - d. To the extent feasible all facades of the building shall be constructed of the same materials. However, the planning commission may allow the use of a different material on the side and rear facades which are not visible from public rights-of-way or which do not adversely affect the appearance of the building as a whole.
  - (4) *Building roofs* .
    - a. A parapet of at least 42 inches high shall screen the mechanical equipment on a flat roof.
    - b. Mansard roofs are not permitted. Roof design shall be designed to compliment and blend in with the residential neighborhoods in the adjoin areas.
  - (5) *Color and texture* .
    - a. Colors shall be subdued in tone, of a low reflectance and of neutral or earth tone colors. Simple and uniform texture patterns are encouraged.
    - b. Variations in color shall be kept to a minimum.
    - c. Use of building materials and colors purely to reflect corporate identity or business theme is discouraged.
    - d. The color of all awnings or canopies shall complement the building colors.
    - e. Applicant shall present a colored rendering and color material samples to the planning commission for approval.

- (c) *Off-street parking* . Buildings and uses in the BRD-1 shall be subject to the parking requirements of division 20.
- (1) The use of shared parking between two or more buildings and/or uses shall be allowed by the planning commission upon demonstration by the applicant that the individual uses do not have overlapping hours of operation, and the sharing of parking will not result in the creation of a parking nuisance on the site or abutting roadways and properties.
  - (2) Off-street parking shall be located in the front, rear or side yards, and shall be screened from any public rights-of-way by a ten-foot greenbelt. Upon recommendation from city planner and/or building official, the planning commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived. The plantings in any reduced width greenbelt shall exceed the minimum standards established in the Ordinance and shall include a combination of landscape and hardscape elements.
- (d) *Off-street loading* . Loading/unloading activity shall take place in the rear yard only. Where rear yard loading is not feasible, the planning commission has the flexibility to allow for loading/unloading activity to be established in a side yard. In no case shall such activity be permitted within the front yard area. Also, no overhead doors shall be located facing the front yard.
- (e) *Signage* . All signs permitted within the BRD-1 shall be subject to the requirements of chapter 36 as follows:
- (1) One wall sign shall be permitted per business subject to area limitations noted in section 36-10. An awning sign no larger than eight square feet shall be permitted; however the total area of the wall and awning signs shall not exceed the area allowed by section 36-10.
  - (2) One ground/monument sign no larger than 32 square feet and no more than eight feet above grade shall be permitted for each developed site (irrespective of the site containing one or multiple buildings).
  - (3) All signs shall be placed outside the clear vision triangle as defined by section 34-1036.
  - (4) All signs shall be constructed in conformance to legibility and design standards noted in section 36-15.
  - (5) Sites may be allowed additional signage upon meeting the criteria noted in section 36-11, sign bonuses.
  - (6) Signs shall be consistent unless otherwise expressed in this division with the illumination requirements in section 34-1035.
  - (7) Conceptual sign designs shall be submitted with the site plan and the planning commission shall review these conceptual plans together with the site plan.
  - (8) All walls signs, if illuminated, shall be illuminated in a manner that is not intermittent, nor causing a hazard to others.
  - (10) Two window signs are permitted per window surface provided there is no obstruction of the interior. Signs shall not exceed 25 percent of the total surface area of the window to which the sign is affixed.
- (f) *Landscaping* . All developments shall submit a detailed landscape plan in conjunction with site plan review. The following standards shall be applicable:
- (1) A ten-foot-wide landscape greenbelt shall be provided along a public street frontage.
  - (2) Where parking is located along a rear or side yard facing a public right-of-way, a ten-foot greenbelt shall be provided. The width of the greenbelt is subject to planning commission discretion as noted in subsection (d)(2).
  - (3) The greenbelt shall be planted to the standards noted in section 34-1034. If any parking is located within the front yard, the greenbelt plantings shall exceed the minimum standards and include a combination of landscape and hardscape elements as noted in subsection 34-1223(d)(3).
  - (4) Parking lot area shall be provided with landscape islands to define circulation paths. The shape and size of the landscape islands shall be designed to provide adequate area for survival of plantings and safe on-site circulation. The city planner/building official shall determine the adequacy of the landscape area proposed.
  - (5) No more than 20 parking spaces shall be located in a single uninterrupted row. Rows of parking spaces shall be separated by landscape islands.
  - (6) Landscape areas perpendicular to rows of parking spaces shall have a minimum width of five feet. Where parking spaces abutting such landscape areas have a reduced depth of 18 feet, the landscape area width shall correspondingly be increased by two feet to account for vehicles overhang.
  - (7) Landscape areas shall be planted with trees and/or shrubs and ground cover. In no instance shall landscape areas be filled with stones, gravel or similar material, unless determination is made by the city planner and/or building official that said landscape area is not conducive to traffic safety.

- (8) Landscape areas and greenbelts abutting public right-of-way shall be planted with salt tolerant species to ensure survival of the plantings.
  - (9) All landscape areas shall be provided with automatic irrigation, to the extent feasible.
  - (10) The applicant shall provide a long-term maintenance agreement and weekly plan for all landscaping on the site. The required agreement and plan shall be noted on the site plan and shall acknowledge compliance with subsection 34-1034(g).
- (g) *Performance bond.* In cases where the applicant seeks immediate occupancy of the site with an existing building or a site that is still in the process of compliance with the approved site plan and is affected due to practical reasons such as weather, the planning commission and/or building official may require the submission of a performance bond in an amount equal to the cost of completion of all improvements associated with the approved site plan. A temporary certificate of occupancy (TCO) shall be issued for a period not to exceed 90 days, within which the applicant shall be required to complete all of the remaining improvements. Failure to do so may result in revocation of the C of O. The issuance of a TCO creates no vested rights in the applicants, if there is noncompliance with any ordinance of the city.
- (Ord. No. 683, pt. I, 5-4-2010)

**PART 3. Amend Chapter 34, Section 34-1200.22 to read as follows:**

Sec. 34-1200.22. - Development standards.

- (a) *Area, height, bulk and placement requirements.* Buildings and uses in the BRD-2 are subject to the following:
- (1) *Front yards.* All buildings shall be located at a minimum setback of ten feet from the front property line, abutting a public right-of-way. This area shall be maintained as a landscape greenbelt. The following deviations may be permitted by the planning commission upon appropriate findings:
    - a. Belt courses, sills, lintels, and cornices may project up to 18 inches into the greenbelt area for buildings constructed at the ten-foot setback line.
    - b. Canopies and awnings associated with a ground floor use may encroach into the greenbelt area if the planning commission makes a determination that it will not negatively impact landscape plantings. Awnings over sidewalk areas shall have a minimum clearance of ten feet with no additional ground supports.
    - c. Display, show or bay windows may project up to 18 inches into the greenbelt area.
  - (2) *Rear and side yards.* Required rear yard building setback shall be 25 feet. There is no side yard setback requirement, unless specifically required per building codes. The site must also be designed for adequate access and circulation around the building.
  - (3) *Height.* No building or structure shall exceed 30 feet or two stories. Structures on parcels located along Maple Road within the district shall be permitted a maximum height of 45 feet or three stories. Structure taller than the limit along Maple Road shall be considered by the PC upon presentation by the applicant and planning commission's determination that the increased height is in keeping with the intent of the district, will not negatively impact any of the abutting uses, and that sufficient measures have been taken to minimize any potential impacts through the use of wider greenbelts, increased landscaping and other features.
  - (4) *No hazard approval.* Structures located within zones 2 and 3 may be subject to regulations imposed by the FAA and/or State Aviation Authority. Tall structures may require a "no hazard" certification from the state which is administered by the state authorities.
- (b) *Design specifications and design guidelines.* It is the intent of the district as set forth in section 34-1200.20 to provide an environment of high quality building architecture and site design which projects the city as a technology destination. Special emphasis shall be placed upon methods that encourage tasteful, imaginative design for individual buildings, and to create a welcome entrance into the city's downtown.
- (1) *Miscellaneous design criteria.*
- a. Building entries shall be readily identifiable and accessible from a public sidewalk or from a sidewalk connector.
  - b. Architecture will be evaluated based upon its compatibility to buildings and uses in the general area.
  - c. Architectural plans shall confirm that materials are appropriate for the location on the building. In the event that it is determined by the building official that the building materials are inappropriate they shall be replaced at the owner's expense.
  - d. Use of environmentally friendly building materials and design is strongly encouraged. Under certain circumstances, available incentives may be utilized to encourage such innovation.

(2) *Building massing and form.*

- a. All building elevations visible from a public right-of-way or residential district shall be designed to incorporate vertical design elements, building off-sets, facade articulations, overhangs, shadows or other techniques to break up the horizontal mass of the building and to reflect an office or administrative appearance.
- b. Proposed building architecture shall be subject to review and approval by the planning commission. Planning commission shall have the discretion to require additional architectural improvements in the interest of meeting the intent of the district.

(3) *Materials.*

- a. One dominant material shall be selected, with a preference towards masonry and stone. Products such as dryvit and EFIS are prohibited to a height of ten feet from finished grade, except that such materials may be minimally used as an accent detail such as a cornice or similar feature (no more than ten percent). Exterior construction materials shall be consistent with the city's design standards.
- b. All exterior building facades and accessory building shall be integrated, harmonious and compatible with the finished material used on the front facade design features. Reflective glass or metal panels shall not be the predominant exterior material. The use of paint, smooth concrete masonry units and stained concrete masonry units shall not be deemed as in compliance with this section.
- c. Consideration shall be given to incorporating durable building materials. If any material is deemed not acceptable by the building official for maintenance purposes, such material shall be replaced at the owner's expense.
- d. Rear entrance facades shall be of finished quality and constructed of the same material as the front facade. When parking is located in the rear of the building, the rear entrance shall respond to the same needs as the front facade, only at a reduced scale. This shall include minimal identification signage, an attractive entry and pedestrian sidewalks.

(4) *Building roofs.*

- a. Roofs shall be peaked or have the appearance to being peaked. The roof shape and materials shall be architecturally compatible with the rest of the building. Flat roof buildings are not allowed; however an exception shall be made by the planning commission, only upon demonstration by the applicant that the proposed flat roof design is intended to facilitate a green roof or other environmentally friendly building design.
- b. A parapet of at least 42 inches high shall screen the mechanical equipment on a flat roof.
- c. Mansard roofs are not permitted.

(5) *Color and texture.*

- a. Colors shall be subdued in tone, of a low reflectance and of neutral colors. Corporate colors may be used, but shall be integrated into the overall design of the building. Simple and uniform texture patterns are encouraged.
- b. Variations in color shall be kept to a minimum.
- c. Use of bright, primary or pastel colors shall not be permitted as the dominant color.
- d. The color of all awnings or canopies shall complement the building colors.
- e. Applicant shall present a colored rendering and color material samples to the planning commission for approval.

(c) *Off-street parking.* Buildings and uses in the BRD-2 shall be subject to the parking requirements of division 20.

- (1) The use of shared parking between two or more buildings and/or uses shall be allowed by the planning commission upon demonstration by the applicant that the individual uses do not have overlapping hours of operation, or the sharing of parking will not result in the creation of a parking nuisance on the site or abutting roadways and properties.
- (2) To the extent feasible, all off-street parking shall be located in the rear or side yards. If the layout of the site prohibits the accommodation of all spaces in the rear and side yards, some parking (in no case to exceed 30 percent of the total required), shall be allowed in the front yard, and shall be screened from any public rights-of-way by a ten-foot greenbelt. Upon recommendation from city planner and/or building official, the planning commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived. The plantings in any reduced width greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.

(d) *Off-street loading.* Loading/unloading activity shall take place in the rear yard only. Where rear yard loading is not feasible, the planning commission has the flexibility to allow for loading/unloading activity to be established in a side yard. In no case shall such activity be permitted within the front yard area. Also, no overhead doors shall be located facing the front yard.

- (e) *Screening.* Transition landscaping in the form of low and ornamental plantings and trees shall be provided between abutting BRD-2 uses. Where deemed appropriate, maintenance agreements may be imposed by the PC.
- (f) *Signage.* All signs permitted within the BRD-2 shall be subject to the requirements of chapter 36 as follows:
  - (1) One wall sign shall be permitted per business subject to area limitations noted in section 36-10. An awning sign no larger than eight square feet shall be permitted; however the total area of the wall and awning signs shall not exceed the area allowed by section 36-10.
  - (2) One ground/monument sign no larger than 32 square feet and no more than eight feet above grade shall be permitted for each developed site (irrespective of the site containing one or multiple buildings).
  - (3) All signs shall be placed outside the clear vision triangle as defined by section 34-1036.
  - (4) All signs shall be constructed in conformance to legibility and design standards noted in section 36-15.
  - (5) Sites may be allowed additional signage upon meeting the criteria noted in section 36-11, sign bonuses.
  - (6) Signs shall be consistent unless otherwise expressed in this division with the illumination requirements in section 34-1035 of the Land Development Code.
  - (7) Conceptual sign designs shall be submitted with the site plan and the planning commission shall review these conceptual plans together with the site plan.
  - (8) All walls signs, if illuminated, shall be done in a manner that is not intermittent, nor causing a hazard to others.
  - (9) Two window signs are permitted per window surface. Signs shall not exceed 25 percent of the total surface area of the window to which the sign is affixed.
  - (10) Flashing, blinking, moving or any other sign that may prove to be a safety hazard for motorists or the airport shall be strictly prohibited.
- (g) *Landscaping.* All developments shall submit a detailed landscape plan in conjunction with site plan review. The following standards shall be applicable:
  - (1) A ten-foot-wide landscape greenbelt shall be provided along a public street frontage.
  - (2) Where parking is located along a rear or side yard facing a public right-of-way, a ten-foot greenbelt shall be provided. The width of the greenbelt is subject to planning commission discretion as noted in subsection (d)(2).
  - (3) The greenbelt shall be planted to the standards noted in section 34-1034. If any parking is located within the front yard, the greenbelt plantings shall exceed the minimum standards and include a combination of landscape and hardscape elements as noted in subsection (d)(2).
  - (4) Parking lot area shall be provided with landscape islands to define circulation paths. The shape and size of the landscape islands shall be designed to provide adequate area for survival of plantings and safe on-site circulation. The city planner/building official shall determine the adequacy of the landscape area proposed.
  - (5) No more than 20 parking spaces shall be located in a single uninterrupted row. Rows of parking spaces shall be separated by landscape islands.
  - (6) Landscape areas perpendicular to rows of parking spaces shall have a minimum width of five feet. Where parking spaces abutting such landscape areas have a reduced depth of 18 feet, the landscape area width shall correspondingly be increased by two feet to account for vehicles overhang.
  - (7) Landscape areas shall be planted with trees and/or shrubs and ground cover. In no instance shall landscape areas be filled with stones, gravel or similar material, unless determination is made by the city planner and/or building official that said landscape area may adversely affect traffic circulation.
  - (8) Landscape areas and greenbelts abutting public right-of-way shall be planted with salt tolerant species to ensure survival of the plantings.
  - (9) Landscaping installed on a site shall be compatible with or in the same palette as any abutting use approved under this section.
  - (10) All landscape areas shall be provided with automatic irrigation.
  - (11) The applicant shall provide a long term maintenance agreement and monthly plan for all landscaping on the site. The required agreement and plan shall be noted on the site plan.



- (h) *Performance bond.* In cases where the applicant seeks immediate occupancy of the site with an existing building or a site that is still in the process of compliance with the approved site plan and is affected due to practical reasons such as weather, the planning commission and/or building official may require the submission of a performance bond in an amount equal to the cost of completion of all improvements associated with the approved site plan. A temporary certificate of occupancy may be issued for a period not to exceed 120 days, within which the applicant shall be required to complete all of the remaining improvements. Failure to do so without a reasonable basis shall result in revocation of the C of O.

(Ord. No. 693, pt. 1, 7-19-2011)

**PART 4. 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 5. 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 6. REPEALER.**


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


**PART 7. 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