

**ORDINANCE NO. C-2-2020**

**CITY OF FARMINGTON HILLS  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," IN NUMEROUS SEPARATE SECTIONS, INCLUDING ARTICLE I, "PURPOSE AND INTRODUCTION," TO ADDRESS INDOOR RECREATION FACILITIES IN VARIOUS DISTRICTS; ARTICLE II, "DEFINITIONS," TO REVISE THE DEFINITION OF INDOOR RECREATION FACILITIES; ARTICLE III, "ZONING DISTRICTS," TO ADD REGULATIONS FOR OUTDOOR SEATING AREAS IN THE LI-1 INDUSTRIAL DISTRICT; ARTICLE IV, "USE STANDARDS," TO ADD OR AMEND DIVISIONS RELATING TO OUTDOOR SEATING AT RESTAURANTS, INDOOR RECREATION FACILITIES, AND TRUCK CIRCULATION AT GAS STATIONS; ARTICLE V, "SITE STANDARDS," TO ADD OR AMEND PROVISIONS RELATING TO OFF-STREET PARKING, EXTERIOR LIGHTING, CORNER CLEARANCE, AND FREESTANDING SIGNS; AND ARTICLE VII, "ADMINISTRATION AND ENFORCEMENT," RELATING TO TEMPORARY USES.**

**THE CITY OF FARMINGTON HILLS ORDAINS:**

**Section 1 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, "Zoning," Article 4, "Use Standards," Section 34-4.32, "Outdoor Space for Seating Areas Accessory to a Restaurant," is amended to read as follows:

Outdoor space for seating areas accessory to a restaurant are permitted subject to the following conditions:

1. Such outdoor space shall not be located within two hundred (200) feet of a residential district or the residential portion of a PUD, unless separated from such residential area by a major or secondary thoroughfare or by a building.

2.- 6. [Unchanged]

**Section 2 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 3, “Zoning Districts,” Section 34-3.1.29, “Light Industrial District,” Subsection B, “Principal Permitted Uses,” is amended as follows:

**B. Principal Permitted Uses**

The following uses are permitted subject to the required conditions in Sections 34-3.14.

i. - ix. [Unchanged]

x. The following uses shall be permitted subject to Section 34-4.46.2 and Section 34-4.46.3

a – p [Unchanged]

q. Outdoor space for seating areas accessory to a restaurant and reference to Section 34-4.32 for applicable standards.

xi. [Unchanged]

**Section 3 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 2, “Definitions,” Section 34-2.2 “Definitions,” is amended to add a new definition as follows:

**Indoor Recreation Facilities** means an enterprise conducted entirely within a building, which provides some form of recreational activity for people. Such activities and facilities include, but are not limited to: racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, basketball courts, indoor soccer fields, dance studios, yoga studios, cycling studios, and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro

shops or snack bars. Also included are instructional studios that teach the activities or similar activities listed above.

**Section 4 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, "Zoning," Article 4, "Use Standards," Section 34-4.19, "Indoor Recreation Facilities," is amended to read as follows:

**Section 34-4.19 Indoor Recreation Facilities**

All Indoor Recreation Facilities shall be subject to the following:

1. In B-2 districts, indoor recreation facilities are permitted uses provided that such facilities do not exceed three-thousand, three hundred (3,300) square feet gross leasable area in size. All fitness activities shall be contained within a completely enclosed building. Facilities in excess of 3,300 square feet are special approval uses.
2. In the B-3, B-4, and LI-1 districts, indoor commercial recreation facilities are permitted uses. All fitness activities shall be contained within a completely enclosed building.
3. In the SP-4 District, the following shall apply:
  - A. All activities other than parking of motor vehicles and loading and unloading shall be conducted within a completely enclosed building except for outdoor activity specifically approved by the board of appeals.
  - B. The site shall have a minimum area of five (5) acres.
  - C. A four (4) foot berm shall be required along any property line abutting a residential district. Such berm shall be constructed in accordance with the applicable provisions of Section 34-5.15 and shall support a landscaped greenbelt in accordance with the applicable provisions of Section 34-5.14.
4. In the B districts, the use is not located where it would interfere with the retail or parking function of a shopping center.

**Section 5 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 4, “Use Standards,” is amended to delete Section 34-4.58, “Commercial Recreation Facilities and Instructional Dance Studios,” as the regulations are now combined in Section 34-4.19.

**Section 6 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 3, “Zoning Districts,” Section 34-3.1.24 B-2, “Community Business District,” Subsection B, “Principal Permitted Uses,” is amended as follows:

**B. Principal Permitted Uses**

i. – xx [Unchanged]

xxi. Indoor Recreation Facilities not exceeding 3,300 square feet in gross leasable area\_ § 34-4.19

xxii. [Unchanged]

**Section 7 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 3, “Zoning Districts,” Section 34-3.1.24, “B-2 Community Business District,” Subsection C, “Special Approval Uses,” is amended as follows:

**C. Special Approval Uses**

i. Indoor Recreation Facilities over 3,300 square feet in gross leasable area § 34-4.19

ii. [Unchanged]

**Section 8 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 3, “Zoning Districts,” Section 34--3.1.25, “B-3 General Business District,” Subsection B, “Principal Permitted Uses,” is amended as follows:

a. – j. [Unchanged]

k. Indoor Recreation Facilities § 34-4.19

l. – o. [Unchanged]

**Section 9 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 3, “Zoning Districts,” Section 34-3.1.26, “B-4 General Business District,” Subsection B, “Principal Uses Permitted,” is amended as follows:

i – xviii [Unchanged]

xix. Indoor Recreation Facilities § 34-4.19

xx - xxii [Unchanged]

**Section 10 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 3, “Zoning Districts,” Section 34- 3.1.29, “LI-1 Light Industrial District,” is amended as follows:

A. [Unchanged]

B. Principal Permitted Uses

i –ix [Unchanged]

x. The following uses shall be permitted subject to Section 34-4.46.2 and Section 34-4.46.3:

a. – o. [Unchanged]

p. Indoor Recreation Facilities not exceeding 5,000 square feet in gross leasable area. § 34-4.19

C. Special Approval Uses

The following uses are permitted subject to the required conditions in Section 34-3.14:

i –v [Unchanged]

vi. Indoor Recreation Facilities over 5,000 square feet in gross leasable area § 34-4.19

vii - viii [Unchanged]

D – E [Unchanged]

**Section 11 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 5, “Site Standards,” Section 34-5.2, “Off-Street Parking Requirements,” is amended to add parking requirements in the chart at 34-5.2.11, “Minimum Off-Street Parking Spaces,” Section C, “Business and Commercial,” as new Subsections xxiii and xxiv as follows:

Use	Minimum Number of Parking Spaces Per Unit of Measure
xxiii. Indoor Health and Fitness Studios and Instructional Dance Studios	One (1) for each one hundred twenty (120) square feet of gross leasable area
xxiv. Other Indoor Recreational Uses	Parking requirement shall be determined on the basis of one (1) space per each three (3) people at maximum permitted occupancy, as determined by the Fire Code

**Section 12 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 5, “Site Standards,” Section 34-5.16, “Exterior Lighting,” Subsection 3, “Required Conditions,” is amended to read as follows:

- A. Height. Light fixtures shall be mounted in accordance with Table 34-5.16.3.A. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture. Except for fixtures allowed in connection with outdoor athletic fields, all luminaires shall be mounted to illuminate the surface directly below, i.e., 90 degrees above nadir unless otherwise provided in Section 5, “Exemptions,” below.
- B. Specific Lighting Conditions.
  - i – ii [Unchanged]
  - iii. Sites abutting a residential district or use shall meet the following conditions:
    - a – b [Unchanged]

- c. All fixtures mounted within 50 feet of a residential property line or public right-of-way boundary shall be fitted with a shielding reflector on the side facing the residential property line or public right-of-way.
- iv. [Unchanged]
- v. Exterior lighting shall not operate during daylight hours. Building façade and landscape lighting shall be turned off between midnight or one hour after close of business, whichever is later, and 6:00am or opening, whichever is earlier. All other exterior lighting shall be reduced to no greater than 70% of maximum from midnight or one hour after close of business, whichever is later, and 6:00am or opening, whichever is earlier. Use of occupancy sensors to turn off or reduce lighting within 15 minutes of zero occupancy is recommended.

**Section 13 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 7, “Administration and Enforcement,” Section 34-7.14.6, “Board of Appeals,” is amended to read as follows:

1 -5 [Unchanged]

6. Jurisdiction

A – D [Unchanged]

E. Temporary Uses

- i. The Board of Appeals may permit the following temporary uses not otherwise specified in a zoning district, provided such uses do not require the erection of any capital improvements of a permanent structural nature and meets the requirements of Subsection F below:



a – b [Unchanged]

c. Temporary buildings, structures or uses related to the principal use of the lot may be permitted during construction, reconstruction or repair of a building or structure while a valid permit for such construction, reconstruction or repair exists; provided, however, that any buildings, structures or uses directly accessory to such construction, reconstruction or repair, such as tool trailers and contractor's offices, shall not be subject to this section; and provided further that temporary trailers and uses permitted under Sections 34-3.26.13, 34-3.26.14 and 34-3.26.15 of this chapter shall not be subject to this section.

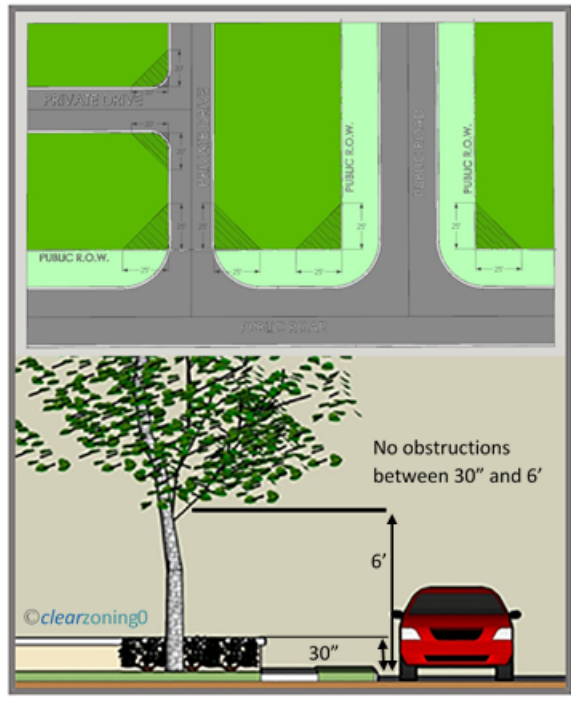
d. [Unchanged]

ii. [Unchanged]

**Section 14 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 5, “Site Standards,” Section 34-5.10, “Corner Clearance,” is amended to read as follows:

No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the top of curb at street level shall be permitted within the triangular area formed at the intersection of any existing or proposed street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. These standards shall also apply to the intersection of private drives with public streets, except that the distance from the point of intersection shall be 20 feet and distance along the driveway shall be measured along the edge of the driveway (along back of curb if curb is provided). Further, all trees within any required corner clearance area shall be trimmed up to a height of 6 feet or more.



**Section 15 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 5, “Site Standards,” Section 34-5.5, “Signs,” Subsection 3, “Specific Regulations for Permanent Signs,” is amended to read as follows:

- A. Freestanding Signs. Freestanding signs are permitted within the various use districts subject to the following conditions:

i – ii [Unchanged]

- iii. The number of freestanding signs permitted in a zoning lot shall be governed as follows:

- a. In non-residential zoning districts, the maximum number of freestanding signs permitted within the freestanding sign zone shall be three, except as otherwise permitted in this subsection. When only one freestanding sign is provided, it shall be the principal sign. If more than one freestanding sign is provided, one shall be designated by the applicant as the principal sign and any others (up to two additional) shall be secondary signs. The

maximum size of a secondary sign is four (4) square feet and the maximum height is 32 inches. Except as otherwise permitted in this subsection, the total area of all freestanding signs combined shall not exceed the maximum sign area permitted in 34-5.5.3.A.iv. below.

b – g [Unchanged]

iv – xi [Unchanged]

**Section 16 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 4, “Gasoline Stations,” Section 34-4.28, “Use Standards,” is amended as follows:

1. In all districts:
  - A. Adequate space shall be provided for the ingress, egress, and maneuvering of delivery trucks and emergency vehicles on the site. The analysis shall be based on radii and standards in the latest edition of A Policy of Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials. Use of AutoTURN software or the equivalent is highly recommended for this analysis. This information shall be depicted on a site plan and approved in accordance with Section 34-6.1.
  - B. Up to fifty (50) percent of fueling positions may be considered toward fulfilling the parking requirement for the gas station, except that fueling positions shall not be counted as spaces required for service bays.
2. [Existing Subsection 1 renumbered as Subsection 2, text unchanged.]
3. [Existing Subsection 2 renumbered as Subsection 3, text unchanged.]

**Section 17 of Ordinance. Repealer.**

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

**Section 18 of Ordinance. Savings.**

The amendments of the Farmington Hills Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Farmington Hills Code of Ordinances set forth in this ordinance.

**Section 19 of Ordinance. Severability.**

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

**Section 20 of Ordinance. Effective Date.**

The provisions of this ordinance are ordered to take effect twenty-one (21) days after enactment.

**Section 21 of Ordinance. Date and Publication.**

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 13th day of January, 2020, and ordered to be given publication in the manner prescribed by law.

Ayes:           Barnett, Boleware, Bridges, Knol, Massey, Newlin and Steckloff

Nays:           None  
Abstentions:   None  
Absent:         None

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held on the 13<sup>th</sup> day of January, 2020, the original of which is on file in my office.

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PAMELA B. SMITH, City Clerk  
City of Farmington Hills

Introduced:   December 9, 2019  
Enacted:       January 13, 2020  
Published:     January 22, 2020  
Effective:     February 3, 2020