

ORDINANCE NO. 1774

The City of Southfield has amended An Ordinance to amend Title V, Zoning and Planning, Chapter 45, Zoning, of the Code of the City of Southfield by amending Article 2, Definitions, Article 4, General Provisions, Article 5 Single Family Residential Districts, Article 18, General Business District (B-3), and Article 20, Industrial District (I-1), Zoning, of Title V of the Southfield City Code.

THE CITY OF SOUTHFIELD ORDAINS:

SECTION 1.

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY REVISING SECTIONS 5.4, 5.6, and 5.8 OF ARTICLE 2, DEFINITIONS, OF CHAPTER 45, ZONING, OF TITLE V, ZONING AND PLANNING, WHICH SHALL BE DESIGNATED AS FOLLOWS:

5.4 Definitions (C-D)

- (11) CITY PLANNER: The official having immediate charge over the planning department per Section 6.11 of the Charter of the City of Southfield, also known as the Planning Director and Director of Planning.
- (12) COMMERCIAL ESTABLISHMENT: Any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial gain. (Amended – Ordinance 1707 – 9/26/19)
- (13) COMMISSION: shall mean the Planning Commission of the City of Southfield.
- (14) COMMUNITY IMPACT STATEMENT: an informational document, the purpose of which is to provide the City of Southfield with detailed information about the effect which a proposed rezoning or a proposed project is likely to have on the environment and the community; to list ways in which any adverse effects of such a rezoning or proposed project might be minimized.
- (15) COUNCIL: shall mean the City Council of the City of Southfield.
- (16) A COURT: is an open, unoccupied space other than a yard and bounded on at least two (2) sides by a building. A court extending to the front lot line or front yard, or the rear lot line or rear yard, is an outer court. Any other court is an inner court.
- (17) CURRENCY EXCHANGE: (See also Alternative Financial Services) A commercial use that exchanges common currencies, sells money orders or cashier's checks, and cashes checks as its principal business activity. This shall

- not include a properly chartered financial institution. (Amended – Ordinance 1597 – 11/11/12)
- (18) **DARK STORE:** A retail outlet facility related to online shopping only. This facility provides fulfillment from its on-premises stock for online orders, coordinates delivery of orders, and is not accessible to the general public. (Amended – Ordinance 1743 – 10/21/21)
- (19) **DATA PROCESSING AND COMPUTER CENTER:** A facility that is engaged in operating, managing, or maintaining a group of networked computers or networked facilities for the purpose of centralizing, or allowing 1 or more collocated businesses to centralize, the storage, processing, management, or dissemination of data, or that houses data processing and networking equipment, Information Technology services, accessory office uses, and accessory exterior generators or equipment. (Amended – Ordinance 1743 - 10/21/21)
- (20) **DEBILITATING MEDICAL CONDITION:** Means 1 or more of the following:
- (a) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of these conditions.
 - (b) A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of Multiple sclerosis.
 - (c) Any other medical condition or its treatment approved by the department, as provided for in Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), as amended. (Amended – Ordinance 1637 – 4/5/15)
- (21) **DEPARTMENT:** The Michigan department of licensing and regulatory affairs. (Amended – Ordinance 1637 – 4/5/15)
- (22) **DEPARTMENT STORE:** a department store is defined as one (1) retail store providing shopping goods, general merchandise, apparel and home furnishings in full depth and variety or one (1) retail store containing a minimum floor area of forty-five thousand (45,000) usable square feet (4,185 square meters). (Amended - Ordinance 1331 - 2/10/92)
- (23) **DETENTION BASIN:** any constructed basin that temporarily stores water before discharging into an approved location. (Amended – Ordinance 1678 – 7/6/17)



- (24) **DEVELOPMENT AREA:** a tract of land of five (5) acres (2.025 hectares) or more which may be subsequently subdivided into parcels of less than five (5) acres (2.025 hectares). The development area may be owned by or controlled by one (1) or more parties who are acting with the single purpose of developing the contiguous parcels in accordance with the provisions of a single zoning district.
- (25) **DISPLAY, OUTSIDE:** the outdoor standing or placement of immediately usable goods which are available for sale, lease, or rental and which are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.
- (26) **DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON:** The dominant or principal theme of the object so described. For example, “films which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexually activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities. (Amended – Ordinance 1707 – 9/26/19)
- (27) **DISTRICT:** a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
- (28) **DWELLING, MULTIPLE FAMILY:** is a building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other.
- (29) **DWELLING, MULTIPLE FAMILY HIGH RISE:** a multiple family dwelling of three (3) or more stories in height.
- (30) **DWELLING, MULTIPLE FAMILY LOW RISE:** a multiple family dwelling not more than two (2) stories in height.

- (31) DWELLING, ONE FAMILY: is a building designed exclusively for, and occupied exclusively by, one (1) family.
- (32) DWELLING, TWO FAMILY: is a building designed exclusively for occupancy by two (2) families living independently of each other.
- (33) DWELLING UNIT: is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- (34) DWELLING UNIT, EFFICIENCY TYPE: a dwelling unit consisting of not more than one (1) room in addition to kitchen and sanitary facilities and containing not less than four hundred and twenty-five (425) square feet (39.525 square meters) of usable floor area.

5.6 Definitions (G-K)

- (1) GARAGE, PRIVATE: a private garage is a structure enclosed on all sides by walls which extend up from the ground to the full height of the structure for the storage principally of private passenger motor vehicles, or for the private use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees and shall be not more than one (1) story or fifteen (15') feet (4.575 meters) in height. No service for profit may be conducted within the structure. A carport is not a garage (Amended – Ordinance 1606 – 4/17/13).
- (2) GASOLINE STATION (Amended - Ordinance 1502 - 5/30/04)
(Amended – Ordinance 1699 – 12/27/18)
 - (a) GASOLINE FILLING STATION: a place for only the dispensing, sale or offering for sale of motor fuel, electric vehicle charging, and retail sales as permitted in this Chapter.
 - (b) GASOLINE SERVICE STATION: a place for the dispensing, sale or offering for sale of motor fuel, electric vehicle charging, retail sales as permitted in accordance with this Chapter, and the servicing of, and minor repair of, motor vehicles in accordance with this Chapter.

5.8 Definitions (N-S)

- (27) RETAIL: Stores or businesses which offer the sale of commodities on the premises to customers on a “cash and carry” basis, such as, but not limited to, groceries, baked goods, or other food, over the counter drugs, dry goods, clothing, and hardware
- (28) SALON: A personal service establishment which provides beauty treatments and may offer the ancillary sale of retail beauty products. Treatments offered primarily include one or more of the following: 1)

- cutting, trimming, shampooing, weaving, coloring, waving, or styling hair;
2) facial treatments; 3) application of makeup (including permanent makeup, subject to applicable County and State licensing requirements);
and 4) providing nail care services, such as manicures, pedicures, and nail extensions. (Amended – Ordinance 1745 - 11/4/21)
- a. **OPEN CONCEPT SALON:** A salon which functions under one operator. Stylists, aestheticians, nail technicians, etc. are employees of the salon who share space and chairs/stations, typically as part of a common area/open floor plan. Hours of operation, services offered, and fees are typically set by the salon operator.
 - b. **SALON SUITES:** A salon which consists of individual rooms (also referred to as suites or booths), controlled by a landlord. Suites are rented out to stylists, aestheticians, nail technicians, etc., who function as independent contractors. Salon suites may or may not include a limited number of common area chairs/stations, such as shampoo bowls or dryers. Hours of operation, services offered, and fees are typically set by the renter.
- (29) **SATELLITE DISH ANTENNA:** is any earth station antenna of parabolic or spherical design for the reception or transmission of earth radio and/or television signals to/or from satellites or other orbiting facilities. (Amended - Ordinance 1191 - 3/17/86)
- (30) **SCHOOL:** A building or part of a building, which is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction as required by section 1561 of Act No. 451 of the Public Acts of 1976, as amended of the Michigan Compiled Laws, which is occupied by 6 or more students, and which is used 4 or more hours per day or more than 12 hours per week.
- a. **Drug-free school zone:** An area inclusive of any property used for school purposes by any publicly funded primary school, whether or not owned by such school, within 1,000 feet of any such property, and within or immediately adjacent to school buses. (Amended – Ordinance 1637 – 4/5/15)
- (31) **SEMINUDE OR STATE OF SEMINUDITY:** A state of dress in which opaque covering covers no more than the genitals or anus and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part. (Amended – Ordinance 1707 – 9/26/19)

- (32) **SETBACK:** the distance required to obtain the minimum front, side, and rear open space provisions of this Chapter.
- (33) **SEX DOLL (AKA LOVE DOLL OR BLOW-UP DOLL):** A type of sex toy in the size or shape of a sexual partner. The sex doll may consist of an entire body with face, or just a head, pelvis or other body parts for sexual stimulation. (Amended – Ordinance 1707 – 9/26/19)
- (34) **SEXUAL ENCOUNTER CENTER:** A business or commercial establishment (including sex doll brothels) that, as one of its principal business purposes, offers for any form of consideration or gratuity:
- a. Physical contact in the form of wrestling or tumbling between person of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity; or
 - c. Sexual intercourse, sodomy, oral copulation, indecent exposure, lewd conduct or masturbation between persons or between a person and any type of anthropomorphic device or sex doll.
 - d. These uses are prohibited in all zoning districts in the City. See Article 4 General Provisions. (Amended – Ordinance 1707 – 9/26/19)
- (35) **SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult booth, adult novelty store, adult video store, adult cabaret, adult motel, adult motion-picture theater, adult live stage performing theater, or adult model studio. (Amended – Ordinance 1707 – 9/26/19)
- (36) **SHOPPING CENTER BUILDING COMPLEX** (Amended – Ordinance 1699 – 12/27/18): a group of retail and other commercial establishments that is planned, owned, and managed as a single property that share a common parking area. The building shall consist of at least two (2) units of various and distinct attached uses.
- (37) **SMALL BOX DISCOUNT STORE.** A retail store with a floor area ranging from 5,000-15,000 square feet that offers for sale an assortment of physical goods, products or merchandise directly to the consumer, including food or beverages for off-premise consumption, household products, personal grooming and health products and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount stores do not include retail stores that: contain a prescription pharmacy; sell gasoline or diesel fuel; primarily sell specialty food items (e.g., meat, seafood, cheese, or oils and vinegars); or dedicate at least 15% of floor area or shelf space to fresh foods and vegetables. (Amended – Ordinance 1734 – 4/22/21)

- (38) **SMOKE OR SMOKING:** the lighting, inhaling, exhaling, burning, or carrying of any lighted cigar, cigarette, tobacco, plant, or other similar article or combustible substance in any form. (Amended – Ordinance 1619 – 3/9/14)
- (39) **SMOKING LOUNGE:** an establishment which, in whole or in part, includes as part of the business, or otherwise, permits the smoking of tobacco or other substances including, but not limited to, establishments commonly known as or referred to Cigar Bars/Lounges, Hookah Bars/Cafes, Tobacco Bars/Cafes, or Smoking Parlors. (Amended – Ordinance 1619 – 3/9/14)
- (40) **SOUP KITCHEN:** a facility regularly used to furnish meals without cost or at very low cost to needy and destitute persons, however, lodging is prohibited. A Soup Kitchen shall not be considered to be a restaurant. The preparation of meals in any building or structure, or portion thereof, for distribution at another site or location shall not be considered to be a Soup Kitchen. (Amended – Ordinance 1654 – 3/20/16)
- (41) **SPECIAL EXCEPTION:** a use permitted when the facts and conditions specified in this Chapter, as those upon which the exception is permitted, are found to exist by the appropriate administrative officer or body.
- (42) **SPECIFIED ANATOMICAL AREAS:** for the purposes of this Chapter shall be defined as follows:
 - a. Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock, and (3) female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (43) **SPECIFIED SEXUAL ACTIVITIES:** for the purposes of this Chapter shall be defined as follows:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (44) **STORAGE, NEW VEHICLES:** the standing or placement of new operable automobiles or trucks not previously used.

- (45) STORAGE, OUTSIDE: the outdoor standing or placement of usable and potentially usable goods or equipment other than for display and not including waste or scrap materials.
- (46) STORMWATER: water from rainfall, snowmelt or other precipitation that runs over or off of a surface rather than being absorbed or infiltrated. (Amended – Ordinance 1678 – 7/6/17)
- (47) STORY: that portion of a building, but not including a cellar, as defined in this Chapter between one (1) floor level and the ceiling next above it and which portion meets the requirements of the Building Code (Chapter 98) for a habitable room.
- (48) A STREET: is any thoroughfare or way, other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designations.
- (49) STRUCTURE: anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground.

SECTION 2.

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY REVISING SECTION 5.28, ADDING NEW SECTION 5.28-2, AND REVISING SECTIONS 5.37-1 AND 5.46 OF ARTICLE 4, GENERAL PROVISIONS, OF CHAPTER 45, ZONING, OF TITLE V, ZONING AND PLANNING, WHICH SHALL BE DESIGNATED AS FOLLOWS:

5.28 Outside Storage (Amended - Ordinance 1664 – 9/11/16)

- (6) Exterior convenience items (such as newspaper boxes, vending machines, propane tanks/cages, or similar, but not including exterior ice chests, and as determined by the city planner) are considered outside storage and must comply with the requirements of this Section. (Amended – Ordinance 1699 – 12/27/18). Exterior ice chests are not considered outside storage and are regulated under Section 5.28-2 Exterior Ice Chests.

5.28-2 Exterior Ice Chests

- (1) Exterior ice chests shall be permitted only in conjunction with approved Gasoline Filling or Service Stations within the (B-3) General Business District, and conditional upon the following to be submitted to the Planning Director for review and approval before placement:

- (A) Administrative site plan review with appropriate submittal requirements.
 - (1) Ice chest must be wheelchair accessible.
 - (2) Any other reasonable information regarding time, place, and manner of Exterior Ice Chest operation, placement, and/or maintenance that the Planning Director requires to evaluate the proposal consistent with the requirements of this Section.
- (B) Exterior ice chests shall not be permitted:
 - (1) Within a required landscape area.
 - (2) Within fifty (50) feet of any driveway, and less than ten (10) feet from a public right-of-way or sidewalk.
 - (3) In a required vehicular parking space as determined by section 5.30 Off-Street Parking.
 - (4) In a location causing a visual obstruction to vehicular or pedestrian traffic as determined by the city, or block access to required parking, emergency vehicle routes, Barrie-Free accessible routes, building entrances or exits, easements, or dumpster enclosure areas.

C. Standards for Approval:

- 1. Residential Districts: Residential fences (R-A, R-1, R-2, R-3, R-4, & R-E) are subject to an application to the Building Department and the following requirements:
 - (a) Front Yard: Not permitted unless it meets the definition of *Decorative Fence* or *Living Fence*.
 - (b) Side Yard: Fences, not exceeding seventy-two inches (72"), shall not extend toward the front of the lot nearer than the front of the house (see F-1).
 - (c) Rear Yard: Fences shall not exceed seventy-two inches (72") in the rear yard (see F-1).
 - (d) Side Yard Abutting a Street: On corner lots where a side yard is abutting a street, and where there is a common rear yard relationship with a lot in the same block, a fence no greater than 72" in height may be installed along the common street line from the side of the house to the rear property line. Clear vision zones shall be maintained for corner lots and adjacent driveways.
 - (e) Decorative Fencing: Decorative fencing (e.g., split rail, white picket, etc.), which is less than 30" high and less than sixteen feet (16') in length when erected as part of landscaping does not require a permit (see F-3).

- (f) Living Fences shall meet the requirements for clear vision triangles.
 - (g) Permitted Materials: Wood, wrought iron, tubular aluminum, vinyl coated chain link, aluminum, quality vinyl and other approved quality materials. Wood fences shall be pressure treated, painted, or stained. Board-on-board, shadow-box and semi-privacy fence styles may include a one foot high lattice top (see Photo 5). Naturally decay-resistant woods (i.e., teak, redwood, cedar) may be permitted. Vinyl coated chain link fences may be permitted in the rear and side yards.
2. Non-Residential Districts: Non- residential fences and multi-family residential are subject to the following requirements:
- (a) A permit shall be required prior to the construction of any fence, after Administrative approval is granted by the City Planner. Administrative approval may not be required if the fence is approved as part of a site plan approval.
 - (b) Fences, not to exceed six (6) feet in height, may be located within any yard except the minimum front yard setback or the minimum setback of a yard abutting a street. Ornamental fencing no taller than 30 inches in height may be located within the front yard. Fences above six (6) feet in height may be requested through the Zoning Board of Appeals. Front yard setback requirements may be waived in the City Centre and DDA districts if *Ornamental Fencing* is installed.
 - (c) Chain link fences shall be vinyl coated.
 - (d) Barb wire or other pointed materials may be used only in industrially zoned districts provided said material is over seven (7) feet above the ground and any projections at the top shall be over the fence owner's property and shall not overhang onto abutting property (see F-4).
 - (e) Fencing and gates that cross driveways require Administrative Site Plan review and approval.

5.46 Corner Clearance & Clear Vision Triangle

In order to promote safe movement of vehicles at and near street intersections and driveway connections, and in order to promote more adequate protection of the safety of children, pedestrians, property and other vehicles and occupants, no permanent or temporary fence, wall, shrubbery, sign, vehicle, or other construction to vision above a height of three (3') feet (.915 meters) from the established street grades shall be permitted in the following locations:

1. Within the Corner Clearance, which is the triangular area formed at the intersection of any street right-of-way lines (the "Corner Clearance") by a straight

line drawn between said right-of-way lines at a distance, along each right-of-way line, of twenty-five (25') feet from this point of intersection.

2. Within the Clear Vision Triangle, which is the triangular area formed at the intersection of any street right-of-way line and driveway connection by a straight line drawn between said right-of-way line and driveway connection at a distance, along each right-of-way/driveway connection line, of ten (10') feet) from this point of intersection.

SECTION 3.

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY REVISING SECTIONS 5.64 AND 5.69 OF ARTICLE 5, SINGLE FAMILY RESIDENTIAL DISTRICTS, OF CHAPTER 45, ZONING, OF TITLE V, ZONING AND PLANNING, WHICH SHALL BE DESIGNATED AS FOLLOWS:

5.64 Side Yard

In all residence districts, there shall be a side yard on each side of every lot, the minimum width of side yards shall be as set forth in the "Schedule of Regulations" in Article 22, except that in no instance shall any side yard abutting a street be less than twenty-five (25') feet (7.625 meters) in width. Minimum side yard abutting a street does not pertain to fencing located within Residential Districts, which is governed by Section 5.37 of this Chapter.

5.69 Accessory Buildings and Structures (Amended - Ordinance 1229 - 4/6/87)

One (1) or more accessory buildings, including one (1) detached garage, shall be permitted in all single family residence districts provided that:

- (1) Such buildings shall not exceed fifteen (15) feet in height.

SECTION 4.

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY REVISING SECTION 5.169 OF ARTICLE 18, GENERAL BUSINESS DISTRICT (B-3), OF CHAPTER 45, ZONING, OF TITLE V, ZONING AND PLANNING, WHICH SHALL BE DESIGNATED AS FOLLOWS:

- (c) Gasoline stations. Prohibited activities include, but are not limited to, the following: the sale of medical marihuana or medical marihuana-infused products, trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line. (Amended – Ordinance 1709 – 10/3/19)

City Council review and approval shall be for the purpose of maintaining the health, safety and welfare of the community. The City Council shall approve the use only after finding that the use is so arranged that the gasoline station will not adversely affect the normal development or use of adjacent property and further, that the gasoline station will be constructed in accordance with the following development standards.

- (1) One hundred and twenty (120') feet of street frontage on the lot proposed for the gasoline station shall be provided on the principal street serving the station.
- (2) The lot shall contain not less than twelve thousand (12,000) square feet in area.
- (3) All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.
- (4) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines.
- (5) Driveway widths entering the gasoline station shall have a maximum width of thirty-five (35') feet. Curb openings for such driveways shall be in accordance with the City of Southfield Standard Deceleration Lane.
- (6) Any driveway approach shall enter the property not less than twenty (20') feet from the intersection formed by the existing or proposed right-of-way lines as set forth in the Official Thoroughfare Plan, and not less than fifteen (15') feet from any adjoining property line.
- (7) Curbs in accordance with standard City specifications shall be constructed on all streets adjacent to the gasoline station site.
- (8) Lighting shall be shielded from residential property. (Amended - Ordinance 1345 - 6/8/92)
- (9) No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles (Amended - Ordinance 1345 - 6/8/92)
- (10) Outside Storage, Retail Display, and Exterior Ice Chests
 - (a) Gasoline Filling Stations:
 1. Shall not have any outside storage or retail display.
 2. May have Exterior Ice Chests if compliant with and in accordance with Section 5.28-2 Exterior Ice Chests.

(b) Gasoline Service Stations:

1. Shall not have outside storage or display except for the display of new merchandise related to the primary use of a Gasoline Service Station (i.e., automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the City Planner) which may only remain outside for display and retail sales during the hours of operation of the gasoline service bays.
2. May have Exterior Ice Chests if compliant with and in accordance with Section 5.28-2 Exterior Ice Chests.

Exterior convenience items (such as newspaper boxes, vending machines, propane tanks/cages, or similar, as determined by the City Planner) are strictly prohibited. Any exterior convenience items which were unlawfully installed and maintained prior to the effective date of this section must be removed as of the effective date of this Section. (Amended – Ordinance 1699 – 12/27/18)

- (11) There shall be no parking of damaged motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.
- (12) Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the City Council and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.
- (13) The landscape requirement for a gasoline station shall be not less than twelve and one-half (12.5) feet along a street frontage. The landscape strip need not be provided at points of approved vehicular access and may incorporate vegetated stormwater control measures. (Amended - Ordinance 1501 - 5/30/04) (Amended – Ordinance 1678 – 7/6/17)
- (14) Parking shall be determined by applying the appropriate parking standards based on the category of gasoline station (either gasoline filling station or gasoline service station) according to section 5.30, off-street parking requirements, except for in the case of gasoline filling/service station with ancillary retail sales area, in which case, in addition to said requirement, additional parking shall be provided per Section 5.30, Off-Street Parking Requirements. (Amended - Ordinance 1501 - 5/30/04) (Amended – Ordinance 1641 – 5/31/15)

- (15) Retail sales of automotive and nonautomotive products for sale inside the building shall be acceptable except as otherwise noted in this Section. (Amended – Ordinance 1699 – 12/27/18) (Amended – Ordinance 1709 – 10/3/19)
- (16) Separate special approval for restaurants (or the sale of food items subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department) is required. (Amended – Ordinance 1699 – 12/27/18)
- (17) Retail sales of the following (for consumption off the premises, in conjunction with the use of the property as a gasoline filling or service station, and subject to licensing by the State of Michigan Liquor Control Commission) require special approval:
 - (a) Beer and wine only
 - (b) Beer, wine, mixed spirit drink products and/or spirits

SECTION 5.

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY REVISING SECTION 5.185-A OF ARTICLE 20, INDUSTRIAL DISTRICTS (I-1), OF CHAPTER 45, ZONING, OF TITLE V, ZONING AND PLANNING, WHICH SHALL BE DESIGNATED AS FOLLOWS:

5.185-A Required Conditions (Amended – Ordinance 1699 – 12/27/18)

- (1) Any gasoline station established before September 11, 2016, shall be considered a legal nonconforming use.
 - (a) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline service station (i.e., Automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the City Planner) which may only remain outside for display and retail sales during the hours of operation of the gasoline station.
 - (b) Exterior convenience items (such as newspaper boxes, vending machines, propane tanks/cages, or similar as determined by the City Planner) are strictly prohibited. Any Exterior Convenience Items which were unlawfully installed and maintained prior to the effective date of this section must be removed as of the effective date of this section.
 - (c) Exterior Ice Chests, if compliant with and in accordance with Section 5.28-2 Exterior Ice Chests may be permitted after review and approval.

SECTION 6.

Every person, firm, or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) and cost of prosecution or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. The City, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate, or restrain the violation. Each day's continuance of a violation shall be deemed a separate and distinct offense. Any person violating the provisions of this Ordinance shall in addition become liable to the City for any expense or loss or damage occasioned by the City by reason of such violation.

SECTION 7.

Should any section, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 8.

All Ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 9.

This Ordinance shall become effective upon passage and publication.

KENSON J. SIVER, Mayor
ALLYSON BETTIS, City Clerk

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A COPY OF THIS ORDINANCE MAY BE PURCHASED OR INSPECTED AT THE SOUTHFIELD CITY CLERK'S OFFICE LOCATED AT 26000 EVERGREEN ROAD, MONDAY THROUGH FRIDAY, FROM 8:00 A.M. TO 5:00 P.M.