

## ARTICLE 2 DEFINITIONS

5.2 Definitions. For the purpose of this Chapter, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." Terms not herein defined shall have the meaning customarily assigned to them.

### 5.3 Definitions (A-B)

For the purpose of this Chapter, certain terms are herewith defined:

- (1) **Adult Arcade:** Any place to which the public is permitted or invited which coin-operated, slug operated, or for any form of consideration, or electronically, electrically or mechanically controlled still or motion-picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (2) **Adult Booth:** A partitioned area of less than 100 square feet inside an adult regulated use which is:
  - (a) Designed or regularly used for the viewing of books, magazines, periodicals, or other printed matter, photographs, films, motion-pictures, video cassettes, slides, or other visual representations, recordings, and novelties or devices including which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas by one or more persons.
- (2) **Adult Cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, exotic dancers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.

- (3) **Adult Model Studio:** Any place where a person who displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Such an establishment includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performance or dance performances, barber shops or hair salons, car washes, and/or convenience stores. An adult model studio shall not include a proprietary school licensed by the State of Michigan or a college, community college, or university supported entirely or in part by public taxation, a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation, or in a structure:
- (a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; and
  - (b) Where in order to participate in a class a student must enroll at least three days in advance of the class; and
  - (c) Where no more than one nude or seminude model is on the premises at any one time.
- (4) **Adult Motel:** A hotel, motel or similar commercial establishment which:
- (a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction;
  - (b) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
  - (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
- (5) **Adult Motion-Picture Theater or Adult Live Stage Performing Theater:** An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (6) **Adult Retail Store (Bookstore, Adult Novelty Store or Adult Video Store):** A commercial establishment having 20% or more of all usable interior, retail, wholesale, or warehouse

space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, videotapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

- (7) ALTERNATIVE FINANCIAL SERVICES: Any non-chartered financial institution offering check cashing services, currency exchange, pay-day loans and/or similar services as its primary function. (Amended – Ordinance 1597 – 11/11/12)
- (8) AN ALLEY: is a dedicated public way of less than thirty (30') feet (9.15 meters) in width affording a secondary means of access to abutting property and not intended for general traffic circulation.
- (9) **Anthropomorphic Device: A robotic device sex robot (“sexbots”), sex droids, love droid, or artificial intelligence that resembles a human being.**
- (10) ARCADES: any place of business or amusement, or any place of business or amusement located within a building or any portion thereof in which more than three (3) tokens, coins or otherwise operated mechanical and/or electrical amusement devices are installed, whether or not intended as a principal use or accessory use of that building or structure, in accordance with the provisions of Chapter 81, Recreation, Amusement and Games, Section 7.286 and Section 7.287 of the Southfield City Code. (Amended - Ordinance 1102 - 9/27/82)
- (11) ATTIC: the space between the ceiling beams of the top habitable floor and the roof.
- (12) A BASEMENT: a portion of a building partially underground, but having less than half its clear height below the grade plane (see cellar).
- (13) BED AND BREAKFAST (B&B) (Amended – Ordinance 1699 – 12/27/18): a dwelling of residential character containing rooms designed for overnight lodging, or transient guests, for compensation, including provisions for breakfast for guests; provided that such food is not advertised to the general public as a restaurant. Additional names include, but are not limited to: "Bed-N-Breakfast"; "Guest House", "Boarding House."
- (14) BIORETENTION: a stormwater management practice that utilizes landscaping and

soils to treat stormwater runoff by collecting it in shallow depressions before filtering through an amended soil medium. (Amended – Ordinance 1678 – 7/6/17)



For further information on our innovative storm water management techniques please see the Southeastern Michigan Council of Governments (SEMCOG) Low Impact Development manual at <http://semcog.org/LowImpactDevelopment.aspx>.



- Visual inspections shall be conducted after heavy rain to ascertain that standing water drains from swales within 5 days of a major storm.
- Visual inspections shall be conducted at least once a month during the dry season to ascertain that water is not forming deep pools.
- Remove all sediment by hand. Ensure that cobblestone or other energy dissipaters do not become embedded in sediment.
- Keep swale free of debris/litter; remove any accumulation that could cause clogging. If blockage is found, the soil shall be tilled and replanted.
- Areas of slope failure shall be repaired and replanted, eroded or mucky areas near inlets or outlets may also need to be lined with riprap on a case by case basis. Consult the City of Southfield for inspection.
- Weeds and invasive species shall be promptly removed.
- Bioswales and bioretention planters need to be irrigated until plants become established. Irrigation water to be seasonally adjusted so that adequate and not excessive water is being used.
- Maintenance shall vary according to plant species. Application of pesticides and fertilizers shall be minimal if at all. Physical and biological controls are the preferred method of maintenance.



- (15) **BOARD OF APPEALS:** shall mean the Zoning Board of Appeals of the City of Southfield.
- (16) **BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP:** A treatment or counseling relationship between a physician and patient in which all of the following are present:
- (a) The physician has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient.
  - (b) The physician has created and maintained records of the patient's condition in accord with medically accepted standards.
  - (c) The physician has a reasonable expectation that he or she will provide follow-up care to the patient to monitor the efficacy of the use of medical marihuana as a treatment of the patient's debilitating medical condition.
  - (d) If the patient has given permission, the physician has notified the patient's primary care physician of the patient's debilitating medical condition and certification for the use of medical marihuana to treat that condition. (Amended – Ordinance 1637 – 4/5/15)
- (17) **BUFFER:** A strip of land of definitive width and location reserved to separate existing uses or districts from proposed uses located within an ODD. The buffer may include existing topography, vegetation, and waterways; Right(s)-Of-Way; and landscaped site features (including walls and decorative fencing). (Amended – Ordinance 1603 – 4/7/13)
- (18) **BUFFER STRIP:** a strip of land of definite width and location reserved for planting of shrubs and trees to serve, either solely or in combination with fencing or walls, as an obscuring screen. A buffer strip may incorporate the installation or preservation of plantings capable of filtering and managing stormwater runoff. (Amended – Ordinance 1678 – 7/6/17)



- (19) **BUILDING:** any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.
- (20) **BUILDING, ACCESSORY:** is a building subordinate to the main or principal building on the lot and used for the purposes customarily incidental to those of the main building.
- (21) **BUILDING, HEIGHT OF:** the height of a building is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface, if a flat roof; to the deck line for mansard roofs; and to the mean height level between eaves and the ridge for gable, hip and gambrel roofs.
- (22) **BUILDING LINE:** a line parallel to the front lot line at the minimum required front setback line.
- (23) **BUILDING, PRINCIPAL:** a building in which is conducted the primary use of the lot on which it is situated.

#### 5.4 DEFINITIONS (C-D)

- (1) **CABARET:** any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- (2) **CARPORT, PRIVATE:** a permanent roofed structure, not exceeding one story in height, permanently open on at least two sides, designed for or occupied by private passenger motor vehicles. (Amended – Ordinance 1606 – 4/8/13)
- (3) **CELLAR:** that portion of a building partially or wholly, underground, having half or more than half of its clear height below the grade plane. A cellar shall be uninhabitable and shall not be counted as a story.
- (4) **CHECK CASHING FACILITY:** (See also Alternative Financial Services) A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. “Check Cashing Facility” does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. “Check Cashing Facility” also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee as a service that is incidental to its main purpose or business. (Amended – Ordinance 1597 – 11/11/12)

- (5) **CHILD CARE CENTER (OR DAY CARE CENTER):** a facility, other than a private residence, receiving one or more preschool-age children for care for periods of less than 24 hours a day, where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before-or after-school program, or drop-in center.

A Child Care Center or Day Care Center does not include the following:

- (I) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
  - (II) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
  - (III) A program that is primarily supervised school-age child-focused training in a specific subject, including, but not limited to: dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training
  - (IV) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to: youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will. (Amended – Ordinance 1588 – 12/25/2011)
- (6) **CHILD CARE HOME, FAMILY:** a private home in which a permanent occupant of the dwelling provides for the care of fewer than seven minor children unrelated to the care provider for periods of less than 24 hours a day for more than four weeks in a calendar year unattended by the children's parents or legal guardians, and must be licensed and/or registered by the State. (Amended – Ordinance 1588 – 12/25/2011)
- (7) **CHILD CARE HOME, GROUP:** a private home in which a permanent occupant of the dwelling provides for the care of more than six but not more than 12 minor children unrelated to the care provider of periods of less than 24 hours a day, for more than four weeks in a calendar year unattended by the children's parents or legal guardians, and must be licensed and/or registered by the State. (Amended – Ordinance 1588 – 12/25/2011)



- (8) **CHILD CARE, PRIVATE HOME:** a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. (Amended – Ordinance 1588 – 12/25/2011)
- (9) **CIGAR BAR:** an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere. (Amended – Ordinance 1619 – 3/9/14)
- (10) **CISTERN:** containers designed and installed to store quantities of stormwater above or below ground, with a capacity greater than that of a rain barrel, as defined in this ordinance, and generally between 120 and 6,500 gallons. (Amended – Ordinance 1678 – 7/6/17)



- (11) **Commercial Establishment:** Any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial gain.
- (12) **COMMISSION:** shall mean the Planning Commission of the City of Southfield.
- (13) **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.

- (14) COUNCIL: shall mean the City Council of the City of Southfield.
- (15) 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.
- (16) 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)
- (17) 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)
- (18) DEPARTMENT: The Michigan department of licensing and regulatory affairs. (Amended – Ordinance 1637 – 4/5/15)
- (19) 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)
- (20) DETENTION BASIN: any constructed basin that temporarily stores water before discharging into an approved location. (Amended – Ordinance 1678 – 7/6/17)



- (21) 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.
- (22) 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.
- (23) **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.**
- (24) 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.
- (25) DWELLING, MULTIPLE FAMILY: is a building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other.
- (26) DWELLING, MULTIPLE FAMILY HIGH RISE: a multiple family dwelling of three (3) or more stories in height.
- (27) DWELLING, MULTIPLE FAMILY LOW RISE: a multiple family dwelling not more than two (2) stories in height.

- (28) DWELLING, ONE FAMILY: is a building designed exclusively for, and occupied exclusively by, one (1) family.
- (29) DWELLING, TWO FAMILY: is a building designed exclusively for occupancy by two (2) families living independently of each other.
- (30) DWELLING UNIT: is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- (31) 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.

#### 5.5 Definitions (E-F) (Amended - Ordinance 1347 - 6/8/92)

- (1) EMERGENCY SHELTER FOR THE HOMELESS: A facility which provides congregate style temporary lodging with or without meals and supportive services on the premises to primarily the homeless for more than four weeks in any calendar year. An emergency shelter does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law. (Amended – Ordinance 1654 – 3/20/16)
- (2) **Employee: A person who performs any service for any consideration on the premises of an adult regulated use on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not said person is paid a salary, wage, or other compensation by the operator of said adult regulated use. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.**
- (3) ENCLOSED LOCKED FACILITY: An indoor closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. (Amended – Ordinance 1637 – 4/5/15)
- (4) **Establishment: The site or premises on which an adult regulated use is located, including the interior of the establishment or portions thereof, upon which certain activities or operations are being conducted for commercial gain.**

- (5) A FAMILY: is any number of persons living together in a room or rooms comprising a single housekeeping unit, doing their cooking on the premises and related by blood or marriage and including the domestic employees thereof. Any group of persons not so related, but inhabiting a single house, shall, for the purpose of this Chapter, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in such group.
- (6) A FARM: is a parcel or parcels of contiguous unplatted land of not less than ten (10) acres (4.05 hectares) which is directly farmed or used in the normal pursuits of agriculture by one (1) farmer, and which may include establishments operating as greenhouses, nurseries, orchards, chicken hatcheries, or apiaries. But establishments operating as fish hatcheries, stockyards, recreational parks, stone quarries, gravel pits, breeding or raising furbearing animals or game, or keeping more than the normal number of dogs or livestock usually kept on a farm shall not be considered farms hereunder as to the particular part or portion of the premises used or engaged in the operation of said enterprises; and provided, any other matter which emits an offensive odor and/or is obnoxious, detrimental, or dangerous to the public health or safety, or interferes with the peaceful enjoyment of property, shall be and is hereby declared to be a nuisance per se, on a parcel of land of less than ten (10) acres (4.05 hectares); the growing and selling of produce, animals, and fowl, and the keeping of bees shall be permitted under this Chapter, provided same is produced on said parcel of land and does not become a nuisance or obnoxious to the public health, morals, general welfare, or safety of the community.
- (7) FINANCIAL INSTITUTION: A bank, savings and loan, credit union, mortgage office, or automated teller machine, which is chartered under federal or state law. Financial institutions shall not include a currency exchange. (Amended – Ordinance 1597 – 11/11/12)
- (8) FLOODPLAIN: the land adjacent to a body of water which has been or may be hereafter covered by floodwaters which has the same boundaries as the one hundred (100) year base flood level as delineated on the flood insurance rate map of the City of Southfield, Community Panel No. 260179-0010 B, prepared by the United States Department of Housing and Urban Development and the profiles prepared by the Federal Insurance Administration in conjunction with said map. Specifically, the floodplain controls apply to the main River Rouge, Pebble Creek, Franklin Branch, Evans Ditch, Farmington Branch, and Carpenter Branch.
  - (a) REGULATORY FLOODPLAIN: the channel of a river or other watercourse and the adjacent land areas designated by the profiles in the flood insurance study, for the City of Southfield, Michigan 1978, and prepared by the Federal Insurance Administration which must be reserved in order to discharge the base flood, or that flood which has a one (1%) percent chance of being equaled or exceeded in any given year.

- (b) FLOODPLAIN FRINGE: that portion of the floodplain outside of the regulatory floodplain (100 year flood) and designated as Zone "B" (100-500 year flood) on the flood insurance rate maps and the flood insurance study.
- (9) FLOOR AREA: is the sum of the horizontal areas of each story of the dwelling unit and shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, common halls, and stairways in two family or multiple family structures, and enclosed and unenclosed porches.
- (10) FRONTAGE: that portion of any property abutting a street; a corner lot and a thru lot have frontage on both abutting streets.
- (11) FRONTAGE BLOCK: for the purposes of this Chapter, a frontage block shall mean all land fronting on both sides of a street between the nearest streets intersecting said streets.

#### 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 and ancillary retail sales as permitted in this Chapter.
  - (b) GASOLINE SERVICE STATION: a place for the dispensing, sale or offering for sale of motor fuel and ancillary retail sales as permitted in accordance with this Chapter.
  - (c) GASOLINE FILLING/SERVICE STATION: a place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, ancillary retail sales as permitted in this Chapter, and the servicing of, and minor repair of, motor vehicles in accordance with this Chapter.



- (3) A GRADE: is a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of said total averages.

GREEN INFRASTRUCTURE OR LOW IMPACT DEVELOPMENT (LID): activities, landscaping measures, and stormwater management measures designed to mimic natural hydrologic conditions and to infiltrate, filter, store, evaporate, and detain stormwater runoff close to its source. Green infrastructure shall include, but not be limited to, cisterns, and green roofs, as defined in this ordinance. (Amended – Ordinance 1678 – 7/6/17)



- (4) **GREEN ROOF:** an engineered roofing system that includes vegetation planted in a growing medium above an underlying waterproof membrane material, designed to reduce the volume of storm water runoff from building roofs. (Amended – Ordinance 1678 – 7/6/17)



- (5) **HOSPITAL:** an installation used primarily for the inpatient medical or surgical care and treatment of sick and disabled persons.
- (7) **HOTEL:** a building, or part of a building, or a group of buildings, containing rooms designed to provide transient lodging for compensation which shall include as minimum services, but not limited to: bellboy service, room service, maid service, telephones, desk service, full-service restaurant, meeting and conference facilities with a joint capacity of at least the same number of people as there are rooms in the hotel.  
(Amended - Ordinance 1220 - 2/26/87)

- (8) **HOUSING FOR THE ELDERLY:** an installation other than a hospital, hotel or nursing home which provides dwelling units for persons where at least one (1) occupant per unit shall be at least sixty-two (62) years of age at the time of occupancy with the exception that units occupied by the physically handicapped must have at least one (1) occupant fifty (50) years of age or older. Such housing shall include the following:
- (a) non-skid bathtubs.
  - (b) electrical outlets at levels at least twenty-four (24") inches (60.96 centimeters) above the floor.
  - (c) grab bars around bathtubs and showers.
  - (d) lever type faucets and door handles.
  - (e) at least one (1) emergency signal in each unit which is audible and visible at a central location.
  - (f) all buildings over one (1) story shall contain an elevator for the tenants.
- (9) **IMPERVIOUS SURFACE:** a surface that prevents the infiltration of water into the ground such as roofs, streets, sidewalks, driveways, and parking lots. (Amended – Ordinance 1678 – 7/6/17)
- (10) **INDUSTRIAL PARK:** a planned industrial development containing a minimum of four (4) or more buildings under single ownership characterized by architecturally similar building styles on landscaped sites and served only by one internal street, either private or public. (Amended Ordinance 1523 – 11/13/05)
- (11) **INFILTRATION PRACTICE:** a stormwater control measure or measures designed to allow stormwater to soak into the soil mantle. (Amended – Ordinance 1678 – 7/6/17)
- (12) **JUNKYARD OR JUNK STORAGE:** the outdoor standing or placement of waste or scrap materials including, but not limited to, scrap iron or other metals, cans, automobiles, machinery, paper, rubber, rags, tires, lumber, concrete products, building materials, or bottles.

### 5.7 Definitions (L-M)

- (1) **LANDSCAPING:** the treatment of the ground surface with live materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other growing horticultural material. Landscaping shall include vegetated stormwater management measures including bioretention areas, swales, and infiltration practices as defined in this ordinance. In addition, the combination or design may include other decorative surfacing such as wood chips, or mulch materials not to exceed twenty (20%) percent of the total for any landscape area. Structural features such as fountains, pools, statues, garden walls less than three (3') feet (0.915 meters) in height, and benches shall also be considered a part of landscaping but such objects alone shall not meet the requirements of landscaping. In addition, artificial plant materials shall not be permitted in required landscape areas. (Amended – Ordinance 1678 – 7/6/17)

- (2) **Licensee: A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in case of employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.**
- (3) **LOADING SPACE:** an off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- (4) **A LOT:** is a parcel of land on which a principal building and its accessories may be placed, together with the required open spaces.
- (5) **LOT, CORNER:** a corner lot is a lot of which at least two (2) adjacent sides abut a street, provided that such two (2) sides intersect at an angle of not more than one hundred and thirty-five (135E) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection are not more than one hundred and thirty-five (135E) degrees. In the case of a corner lot with a curved street line, the corner shall be considered to be that point of the street and lot line nearest to the point of intersection of the tangents herein described.
- (5) **LOT, INTERIOR:** an interior lot is a lot other than a corner lot.
- (6) **LOT, THRU:** a lot having front and rear lot lines abutting a street.
- (7) **LOT OF RECORD:** a parcel of land delineated on a plat recorded with the Oakland County Register of Deeds.
- (8) **LOT LINE, FRONT:** in the case of a lot abutting upon one (1) street, the front lot line is the line separating such lot from such street. In the case of any other lot, one (1) such line shall be elected to be the front lot line for the purpose of this Chapter, provided it is so designated by the building plans filed for approval with the Director of the Department of Building and Safety Engineering.
- (9) **LOT LINE, REAR:** the rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10') feet (3.05 meters) long, lying farthest from the front lot line and wholly within the lot.
- (10) **LOT LINE, SIDE:** a side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- (11) **A MAJOR THOROUGHFARE:** is any street with an existing or proposed right-of-way of one hundred and twenty (120') feet (36.6 meters) or more.

- (12) **MARIHUANA:** That term as defined in Section 7106 of the public health code, 1978 PA 368, MCL 333.7106. (Amended – Ordinance 1637 – 4/5/15)
- (13) **MECHANICAL AND ELECTRICAL AMUSEMENT DEVICE:** any machine which, upon the insertion of a coin, slug, token, plate, or disc or any charge thereof, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical or electrical machines, and all games, operations, or transactions similar thereto under whatever name they may be indicated and in accordance with the provisions of Chapter 81, Recreation, Amusements and Games, Section 7.286 and Section 7.287 of the Southfield City Code. (Amended - Ordinance 1062 - 7/6/81)
- (14) **MEDICAL MARIHUANA FACILITY:** A licensed facility, building or structure used, maintained or occupied to provide the medical use of marihuana for use by qualifying patient(s) and a primary caregiver as provided and authorized by the Michigan Medical Marihuana Act and in exchange for compensation for reimbursement of costs associated with assisting a registered qualifying patient in the medical use of marihuana. A Medical Marihuana Facility is located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located. A Medical Marihuana Facility shall meet all the requirements of a special land use in designated zoning district(s). (Amended – Ordinance 1637 – 4/5/15)
- (15) **MEDICAL USE:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. (Amended – Ordinance 1637 – 4/5/15)
- (16) **MOBILE HOME:** a structure designed or used for residential occupancy built upon, or having, a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached or is supported by blocks or skirted.
- (17) **MOTEL:** a building or buildings of attached, semidetached or detached rental units, containing a bedroom and a bathroom, designed for overnight lodging and which may not be used as a domicile. The term motel may include rooms with cooking facilities, suites, motor courts, tourist courts, motor lodges, residence inns, or residence hotels which lack the full service requirements of a hotel in Section 5.6 (5) (Amended - Ordinance 1220 - 2/26/87; Amended - Ordinance 1434 - 9/24/98).

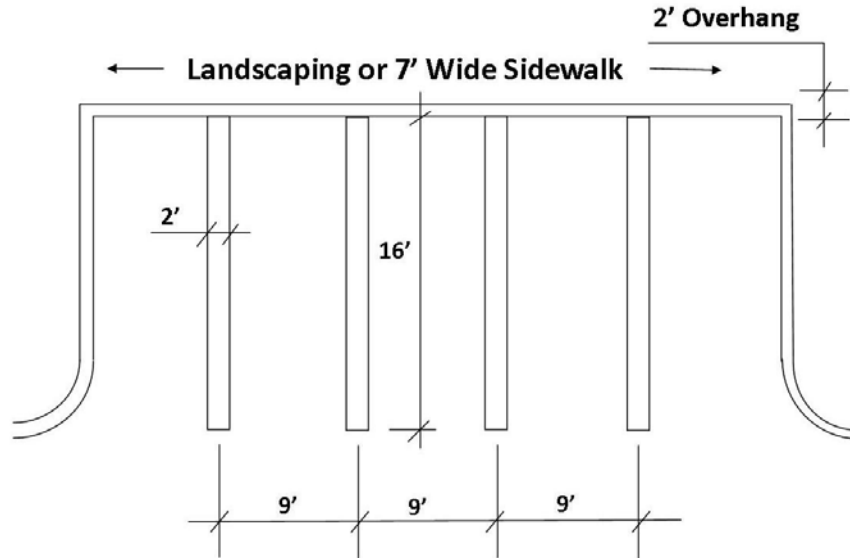
#### 5.8 Definitions (N-S) (Amended - Ordinance 1336 - 6/8/92)

- (1) **NONCONFORMING BUILDING:** a building or portion thereof lawfully existing at the

effective date of this Chapter, or amendments thereto, that does not conform to the provisions of this Chapter and/or the use regulations of the district in which it is located.

- (2) NONCONFORMING USE: a use which lawfully occupied a building or land at the time this Chapter, or amendment thereto, became effective, that does not conform to the provisions of this Chapter nor to the use regulations of the district in which it is located.
- (3) **Nudity or State of Nudity: The knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female individual's breast with less than a fully opaque covering of the nipple and areola. Nudity, as used in this chapter, does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.**
- (4) NURSING HOME: an installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or infirmity.
- (5) ONE FAMILY ATTACHED: a building or structure for more than one (1) dwelling unit, where each dwelling unit is separated from the abutting dwelling unit by a party wall extending up from the ground the full height of the building. Each dwelling unit shall have direct access from outdoors from at least the front and rear or side of the unit.
- (6) **Operator: An owner, manager, or other person who exercises control over the premises or operation of an adult regulated use.**
- (7) OVERLAY DEVELOPMENT DISTRICT (ODD): The Overlay Development District (ODD) means a unified site design for one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose density or intensity transfers, density or intensity increases, mixing of land uses, or any combination thereof, and that provides flexibility to lot size, bulk, or type of dwelling or building use, density, intensity, lot coverage, parking, required common open space, public art or other standards to zoning use district requirements that are otherwise applicable to the area in which it is located. (Amended – Ordinance 1603 – 4/7/13)
- (8) PARKING: the standing or placement of motor vehicles currently used to transport people, goods, or materials in the conduct of normal daily activities provided that such standing or placement is limited to periods of less than forty-eight (48) hours.
- (9) PARKING SPACE: the area required for parking an automobile which shall be a minimum of nine (9') feet wide and EIGHTEEN (18') FEET long, but not including drives and aisles. (Amended – Ordinance 1678 – 7/6/17)





**Parking Stripe Detail**

- (10) **PAWN SHOP:** A business or establishment which loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. (Amended – Ordinance 1597 – 11/11/12)
- (11) **PAY DAY LOANS:** (See also Alternative Financial Services) An establishment providing loans to individuals in exchange for personal checks as collateral. (Amended – Ordinance 1597 – 11/11/12)
- (12) **PERMEABLE SURFACING:** a material or materials and accompanying subsurface layers designed and installed specifically to allow stormwater to drain through the material, thereby reducing the volume of stormwater runoff from a hard surfaced area. Permeable surfacing may include without limitation: paver blocks, “grasscrete” or similar structural support materials, and permeable concrete or asphalt. (Amended – Ordinance 1678 – 7/6/17)
- (13) **Person: An individual, proprietorship, partnership, corporation, association or other legal entity.**



- (14) **PHYSICIAN:** An individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556. (Amended – Ordinance 1637 – 4/5/15)
- (15) **PLANTER BOX:** a structure with vertical walls and an open or closed bottom, which may be attached to a building or structure, that is planted with a soil medium and vegetation intended to collect, absorb, and treat runoff from impervious surfaces. (Amended – Ordinance 1678 – 7/6/17)



- (16) **PRIMARY CAREGIVER OR CAREGIVER:** A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a. (Amended – Ordinance 1637 – 4/5/15)
- (17) **PUBLIC UTILITY:** any person, firm, corporation, municipal department, or board or commission duly authorized to furnish and furnishing to the public, under governmental regulations: electricity, gas, steam, telephone, telegraph, transportation, water, communication, or sewage disposal.

- (18) **QUALIFYING PATIENT:** A person who has been diagnosed by a physician as having a debilitating medical condition. (Amended – Ordinance 1637 – 4/5/15)
- (19) **RAIN BARREL:** a structure designed and installed to collect roof runoff in containers typically ranging from 50 to 100 gallons in size, with subsequent release to landscaped areas. (Amended – Ordinance 1678 – 7/6/17)



Examples of rain barrels

- (20) **REGIONAL SHOPPING CENTER:** the regional shopping center is designed to provide a large concentration of comparison shopping needs for persons residing in a densely settled urban area. The regional shopping center shall provide shopping goods, general merchandise, apparel, furniture and home furnishings in full depth and variety. The regional shopping center will contain a minimum of three hundred thousand (300,000) gross square feet (27,900 square meters) of commercial building area and will include at least one (1) department store. (Amended - Ordinance 1331 - 2/10/92)
- (21) **REGISTRY IDENTIFICATION CARD:** A document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver. (Amended – Ordinance 1637 – 4/5/15)
- (22) **Regularly:** In the context of "regularly features," "regularly shown" or similar contexts in this chapter, means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

(23) RESTAURANTS:

- (a) DINING ROOM; a structure which is maintained, operated, and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.
- (b) DRIVE-IN RESTAURANT: a drive-in restaurant is any establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.
- (c) FAST FOOD RESTAURANT: a structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the building; outside, at facilities provided; or "carried out" for consumption off the premises.
- (d) CARRYOUT RESTAURANT: a structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.
- (e) BAR/LOUNGE: a structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.
- (f) Outside Dining: Seasonal outside dining is permitted in conjunction with the above uses when the use complies with the following conditions. (Amended - Ordinance 1430 - 9/24/98)
  - 1. Seasonal outside dining, for the purposes of this chapter, will be defined as beginning on the first day of May through the last day of October.
  - 2. The hours of operation for outside dining will be consistent with the hours of operation of the inside restaurant, with the exception of establishments which hold a liquor license in which case the designated outside dining area shall close at midnight.
  - 3. That there is adequate parking for the outside dining area in accordance

with the parking provisions of Article 4, Section 5.30 of this Ordinance.

4. That the outside dining area is separated from sidewalks and driveways by means of landscaping, planter boxes, and/or fences and railings.
5. That all tables, chairs and trash receptacles will be removed at the end of the summer season.
6. Appropriate trash receptacles shall be provided within the designated outside dining area.
7. Outside entertainment, whether live or recorded, is expressly prohibited unless approval is granted by the Southfield city council.

(g) **RESTAURANT WITH DRIVE-THRU** (Amended – Ordinance 1699 – 12/27/18): a structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers through a window designed to accommodate automobile traffic in disposable (not reusable by restaurant) containers or wrappers. such food, beverage, and/or desserts is generally consumed off the premises.

(24) **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)

(25) **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)

**(26) 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.**

(27) **SETBACK:** the distance required to obtain the minimum front, side, and rear open space provisions of this Chapter.

- (28) **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.**
- (29) **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.**
- (29) **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.**
- (30) **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.
- (31) **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)
- (32) **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)
- (33) **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)
- (34) **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.

- (35) **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.
- (36) **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.
- (37) **STORAGE, NEW VEHICLES:** the standing or placement of new operable automobiles or trucks not previously used.
- (38) **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.
- (39) **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)
- (40) **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.
- (41) **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.
- (42) **STRUCTURE:** anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground.

## 5.9 Definitions (T-Z)

- (1) **TOBACCO SPECIALTY RETAIL STORE:** an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. (Amended – Ordinance 1619 – 3/9/14)
- (2) **TRAILER COACH (MOBILE HOME):** is a vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.
- (3) **TRAILER COURT, TRAILER CAMP:** any plot of ground upon which two (2) or

more trailer coaches are parked or where public parking space for two (2) or more trailer coaches is provided with facilities for residential occupancy.

- (4) UNATTENDED COLLECTION BINS (OR UCBS) (Amended – Ordinance 1701 – 2/7/19): unstaffed drop-off boxes, containers, receptacles, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling.
- (5) URBAN OPEN SPACE: Open space shall consist of urban open space:
  - (a) Urban Open Space: The following are examples of urban open space, which are located in the ODD districts: A public space that functions as a gathering space or part of a downtown, special subarea (e.g. Southfield City Centre, Southfield Downtown Development Authority, or Southfield Technological Corridor, etc.), or other area within the public realm that helps promote social interaction and create a “sense of place”. Possible examples may include such space as: plazas, “town” squares, parks, marketplaces, public commons and malls, public greens, special areas with convention centers or grounds, sites within buildings (such as lobbies, concourses, or public spaces within public & private buildings). (Amended – Ordinance 1603 – 4/7/13)
- (6) USABLE FLOOR AREA: shall be the sum of the gross horizontal floor areas of all the floors of the building or structure and of all accessory buildings measured from the interior face of the exterior walls and which may be made usable for human habitation but excludes the horizontal floor area of heater rooms, mechanical equipment rooms, attics, unenclosed porches, light shafts, public corridors, public stairwells, and public toilets.
- (7) USABLE MARIHUANA: The dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant. (Amended – Ordinance 1637 – 4/5/15)
- (8) USE, ACCESSORY: a use subordinate to the principal use and for purposes clearly incidental to those of the principal use.
- (9) USE, PRINCIPAL: the primary use to which the premises are devoted and the primary purpose for which the premises are used.
- (10) VEGETATED SWALE (ALSO KNOWN AS A RAIN GARDEN): a stormwater conveyance system routing stormwater flows through vegetated areas, a natural elongated depression or a constructed channel. A vegetated infiltration swale differs from a conventional drainage channel or ditch in that it is constructed specifically to promote infiltration. (Amended – Ordinance 1678 – 7/6/17)



- (11) **VISITING QUALIFYING PATIENT:** A patient who is not a resident of this state or who has been a resident of this state for less than 30 days. (Amended – Ordinance 1637 – 4/5/15)
- (12) **WRITTEN CERTIFICATION:** A document signed by a physician, stating all of the following:
  - a. The patient’s debilitating medical condition.
  - b. The physician has completed a full assessment of the patient’s medical history and current medical condition, including a relevant, in-person, medical evaluation.
  - c. In the physician’s professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient’s debilitating medical condition or symptoms associated with the debilitating medical condition. (Amended – Ordinance 1637 – 4/5/15)
- (13) **YARD, FRONT:** is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the front lot line, unoccupied from the ground upward.
- (14) **YARD, REAR:** a rear yard is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the rear lot line unoccupied from the ground upward, except as hereinafter specified.
- (15) **YARD, SIDE:** a side yard is an open space extending from the front yard to the rear yard and of a uniform width measured horizontally at right angles to the side lot line and unoccupied from the ground upward, except as hereinafter specified.

- (16) **ZONING VARIANCE:** is a modification of the literal provision of this Chapter granted when strict enforcement of this Chapter would cause practical difficulty or undue hardship owing to the circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are practical difficulty, undue hardship, and unique circumstances applying to the specific property involved. A variance is not justified unless all elements are present in each case.

## **Sexually Oriented Businesses – DRAFT 8-26-19**

### **Article 4 General Provisions**

#### **5.50 ~~Adult Retail Store, Adult Motion Picture Theater, and Cabaret Controls (Amended—~~** **Ordinance 1699—12/27/18)** **SEXUALLY ORIENTED BUSINESSES**

### **1. Purpose and Intent**

A. Recognizing that because of their nature, some uses have objectionable operational characteristics, particularly when several of them are concentrated in small areas and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or other sensitive land uses. These special regulations are itemized in this section and pertain to sexually oriented businesses defined in this chapter as adult arcades; adult bookstores; adult booths; adult novelty stores; adult video stores; adult motels; adult motion picture theaters; adult live state performing theater; adult model studios. Sexual Encounter Centers are prohibited in all zoning districts in the City.

The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in Chapter 70, Title VII, Business and Trades, Sexually Oriented Businesses, have been met. These use controls do not legitimize activities which are prohibited in other sections of the city's code or ordinances.

B. The provisions of this section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this section to legitimize activities that are prohibited by city ordinance or state or federal law. If any portion of this section relating to the regulation of adult and sexually oriented businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the city intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The city further states that it would have passed and adopted what remains of any portion of this section related to regulation of adult and sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

### **2. Findings.**

Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City of Southfield, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Coleman Young v. American Mini Theaters*, 427 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986); *California v. LaRue*, 409 U.S. 109 (1972); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6<sup>th</sup> Cir. 1997); *Kev, Inc. v. Kitsap County*, 793 F. 2d 1053 (9<sup>th</sup> Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F. 3d 1248 (5<sup>th</sup> Cir.1995); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11<sup>th</sup> Cir. 1984), as well as studies conducted in other cities including,



but not limited to Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Oklahoma City, Oklahoma; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); as well as the following articles on adult regulated uses: "Does the Presence of Sexually Oriented Business Relate to Crime? An Examination using Spatial Analysis", (2012) Eric S. McCord and Richard Tewksbury; "Report: Adult Oriented Businesses in Austin" (1986), Office of Land Development Services; "Adult Entertainment Study" (1994) New York City, Department of City Planning; and "Crime - related secondary effects: secondary effects of "off site" sexually-oriented businesses", (2008) Richard McCleary Ph.D., Report Commissioned by Texas City Attorneys Association.

A. Sexually oriented businesses and other adult business uses, as a category of adult business uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.

B. Sexually oriented businesses and other adult business uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other such uses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of such uses in one (1) area.

C. The preceding negative secondary effects constitute harms which the City has a substantial governmental interest in preventing and/or abating. The substantial government interest in preventing negative secondary effects, which is the City's rationale for this ordinance, exists independent of any comparable analysis between sexually oriented and adult oriented businesses and non-sexually oriented businesses. Further, the City's interest in regulating sexually oriented businesses and other adult business uses extends to preventing further negative secondary effects of current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this section are reasonably believed to be relevant to the eradication of negative secondary effects.

D. This section shall not have the purpose or effect of placing a limitation or restriction on the content of communicative materials, including sexually oriented or adult materials, or to deny access by distributors of sexually oriented materials. It is not the purpose of this section to impose limits or restrictions on the content of constitutionally prohibited forms of speech or expression.

**3. PROHIBITED USES: IT SHALL BE UNLAWFUL TO OPERATE A SEXUAL ENCOUNTER CENTER, AS DEFINED IN ARTICLE 2 DEFINITIONS, IN ANY DISTRICT WITHIN THE CITY OF SOUTHFIELD.**

**4. Area Requirements.**

In addition to compliance with all other provisions within this ordinance, the following special regulations apply to all sexually oriented businesses and adult businesses:

(a) It shall be unlawful to establish any sexually oriented business as defined in this chapter, except with Special Use Approval in the B-3 (General Business) and I-1 (Industrial) Districts. Sexual Encounter Centers, as defined, are prohibited in all zoning districts.

(b) No such uses may be permitted in the B-3 (General Business) or I-1 (Industrial) Districts within one thousand (1,500') feet of any residential district, Adult Regulated use, school, church, child care facility, park, measured from the lot line of the location of the proposed use. For purposes of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.

(c) The City Council may waive this location provision if the following findings are made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Chapter will be observed.
2. That the character of the area shall be maintained.
3. That all applicable regulations of this Chapter will be observed.
4. That no sexually oriented or adult business shall be located within 1,500 feet of any Pawn Shop, Alternative Financial Institution, Medical Marijuana facility or other Sexually Oriented Business.

(d) Anything herein to the contrary notwithstanding the City Council shall not consider the waiver of the locational requirements as hereinabove set forth until a petition shall have been filed with the City Clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) percent or more of the persons owning property within a radius of one thousand (1000') feet of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.

(e) The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him/her and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator verily believes that the signers of such petition are persons owning property within one thousand (1,000') feet of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the City Council.

## **5. Parking.**

All off-street parking areas for any sexually oriented businesses or adult businesses shall

comply with Article 4, General Provisions of this ordinance.

## **6. Other requirements.**

A. Entrances to sexually oriented businesses must be posted on both the exterior and interior walls, in a location clearly visible to the entering and exiting public, using lettering no less than four (4) inches in height noting that: a) Persons under the age of 18 are not permitted to enter the premises and b) no alcoholic beverages are permitted in the premises.

B. The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the General Business District.

C. The location, size, intensity and periods of operation of any such proposed use may be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

D. The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

E. The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

F. The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

G. The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

H. The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public. (Amended - Ordinance 1501 - 5/30/04).

## **Sexually Oriented Businesses - DRAFT 7-31-19**

### **Article 18 B-3 General Business District**

#### **5.169 Uses Permitted Subject to Special Approval**

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

#### **(1) Standards**

- (a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the General Business District.
- (b) The location, size, intensity and periods of operation of any such proposed use may be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.
- (c) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.
- (d) The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.
- (e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.
- (f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.
- (g) The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public. (Amended - Ordinance 1501 - 5/30/04)

#### **(2) Uses**

- (a) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, arcades with a minimum of one hundred (100) gross square feet (9.3 square meters) of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences

or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building. (Amended - Ordinance 1104 - 10/11/82)

(b) Motor vehicle washing, conveyor or non-conveyor type, when completely enclosed in a building excepting points of ingress and egress and subject to the following conditions:

- (1) All cleaning operations shall be completely enclosed within a building.
- (2) A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack.
- (3) The driveway as provided shall be not less than ten (10') feet (3.05 meters) wide for a single lane and not less than (10) additional feet (3.05 meters) in width for each additional lane.
- (4) Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be suitable protected from interference by other traffic.
- (5) The total length of the required lane or lanes so provided for a conveyor type wash rack shall be determined by the overall length of the building, including areas having side walls but not roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this Section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:

Where the building is eighty (80') feet (24.4 meters) or less in overall length, the total required lanes shall be not less than four hundred (400') feet (122 meters) in length. Where the building exceeds eighty (80') feet (24.4 meters) in length, the length of the required lane or lanes shall be increased fifty (50') feet (15.25 meters) for each ten (10') feet (3.05 meters) or fraction thereof by which the building exceeds eighty (80') feet (24.4 meters) in overall length.

- (6) For a non-conveyor type auto wash, five (5) waiting spaces for each twenty (20') feet (6.1 meters) in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.

- (7) The site shall be designed in such a manner that no operations are conducted off the parcel.
  - (8) A building setback of at least sixty (60') feet (18.3 meters) must be maintained from the proposed or existing street right-of-way, whichever is greater.
  - (9) Ingress and egress points shall be located at least sixty (60') feet (18.3 meters) from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.
  - (10) The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
  - (11) Gasoline sales shall be permitted on the property provided there is compliance with Section 5.169, Paragraph 2 (b-4) and 2 (c) of this Chapter.
- (c) Gasoline stations. Prohibited activities include, but are not limited to, the following: 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.

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 (36.6 meters) 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 (1,116 square meters) in area.
- (3) All buildings shall be set back not less than forty (40') feet (12.2 meters) 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 (4.575 meters) from all street right-of-way lines.



- (5) Driveway widths entering the gasoline station shall have a maximum width of thirty-five (35') feet (10.675 meters). 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 (6.1 meters) 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 (4.575 meters) 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) 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 station (i.e. automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the planning director) which may only remain outside for display and retail sales during the hours of operation of the gasoline station. Exterior convenience items (such as ice chests, newspaper boxes, vending machines, propane tanks/cages, or similar, as determined by the planning director) 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 (93 square meters) 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 (3.81 meters) 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) Ancillary retail sales of automotive and nonautomotive products related to the primary use of a gas station shall be acceptable under the following guidelines: automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar, as determined by the Planning Director; non-automotive related products of single containers of various beverages excluding alcoholic liquor, beer and wine and individual packages of sundries such as gum, candy, cigarettes, newspapers etc. Along with milk, eggs, bread and/or other general grocery items, pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department. Non-perishable items such as clothing, footwear, hats, music and other general retail items not associated with the dispensing of motor fuel are prohibited. (Amended – Ordinance 1699 – 12/27/18)
  - (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) in conjunction with the primary use of a gasoline station is required. (Amended – Ordinance 1699 – 12/27/18)
- (d) Automobile repair and service facilities subject to the following provisions:
- (1) Minor repair and service of automobiles are permitted with prohibited activities including, but not limited to, truck and trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.
  - (2) All activities shall be conducted in an enclosed building.
  - (3) All buildings shall be set back not less than forty (40') feet (12.2 meters) from all existing or proposed street right-of-way lines, whichever is greater.
  - (4) 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)

- (5) There shall be no outside storage or display of any kind except for the display of new merchandise to the primary use of the facility and for retail sale during the hours of operation of the facility.
  - (6) There shall be no parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.
  - (7) Parking shall be provided on the site at a ratio of one (1) parking space for each three thousand (3,000) square feet (279 square meters) of site area.
  - (8) Automobile leasing may be permitted 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 (93 square meters) of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.
  - (9) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.
- (e) Automobile and truck agency sales and showrooms subject to the following provisions:
- 1. The automobile and truck sales agency must be located on a site having a frontage on a major thoroughfare of not less than one hundred and fifty (150') feet (45.75 meters) and an area of not less than two (2) acres (.81 hectares).
  - 2. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet (18.3 meters) from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
  - 3. Major repair and major refinishing shops will be permitted as accessory when located not less than two hundred (200') feet (61 meters) from residentially zoned property and conducted entirely within an enclosed building.
  - 4. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
  - 5. The outside display of new and used automobiles and trucks shall be permitted but the outside storage of vehicles shall be limited to new vehicles and such storage area shall occupy no more than thirty-five (35%) percent

of a lot which is used for new vehicle sales.

6. A fifteen (15') foot (4.575 meters) landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.
  7. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.
  8. No outside loud speaker or outside public address system shall be used.
- (f) Drive-in and fast food restaurants, any restaurant with a drive-thru, any restaurant with a bar/lounge and any restaurant open 24 hours subject to the following conditions (Amended – Ordinance 1699 – 12/27/18):
1. A setback of at least sixty (60') feet (18.3 meters) from the right-of-way line of any existing or proposed street must be maintained.
  2. Ingress and egress points shall be located at least sixty (60') feet (18.3 meters) from the intersection of any two (2) streets and shall be directly from a major thoroughfare.
  3. There shall be provided an unpierced face brick wall six (6') feet (1.83 meters) in height on all sides of the premises so used except as provided below; provided said wall or fence, if required, shall be protected by means of precast concrete wheel stops or their equivalent, not less than three (3') feet (.915 meters) from said wall.
    - a. On the side of the property adjacent to the major thoroughfare, the above described wall shall be reduced to a height of three (3') feet six (6") inches (1.0675 meters).
    - b. A cyclone fence may be used in lieu of a brick wall on those lot lines not adjacent to a street or alley but contiguous to property zoned in an I-L or I-1, Industrial classification
    - c. No wall shall be required on that portion of a lot line where there is a building or structure serving the purpose of a wall. Any such building or structure located on adjacent property shall be protected from damage by means of precast concrete wheel stops as specified in (3) above.
  4. Parking requirements.

Parking shall be provided per Section 5.30, Off-Street Parking Requirements. (Amended – Ordinance 1641 – 5/31/15)

5. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500') feet (152.5 meters) from residentially zoned property.
- (g) Open-air display and sale of motor homes, camping trailers, vehicles other than trucks and automobiles, home owners gardening equipment and etc., provided there is no outside storage and further provided, that there shall be no display in areas that are required for parking, aisle ways, loading or sidewalks.
- (h) Retail sales operations specializing in primarily handcrafted, used merchandise and antiques which are displayed on portable tables in undivided open areas or in booth or stall-like enclosures using an arcade as a common entrance and being separated from each other by portable partitions. Said retail sales operations shall include, but shall not be limited to, so-called farmers' markets, flea markets, trading posts and the like.
- (i) Executive, administrative and professional offices.
- (j) Motels. (Amended - Ordinance 1224 - 2/16/87)
- (k) Theaters. (Amended - Ordinance 1279 - 5/22/89)
- (l) Alternative Financial Services (AFS), subject to the following conditions Pawn shops, subject to the following conditions (Amended – Ordinance 1597 – 11/11/12):
  1. Cannot be located any nearer than 1,500 feet to any other Alternative Financial Services establishment or Pawn Shops.
  2. Cannot be located any nearer than 500 feet to any residential zoning district, schools, religious institutions, parks, or childcare facilities.
  3. Hours of operation are limited to 8:00 A.M. to 8:00 P.M.
  4. Drive-thru transaction stations are prohibited.
  5. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
  6. Note: Other retail establishments where less than 10% of usable floor space is dedicated for AFS services are not subject to items 1-5 above.
- (m) Pawn shops, subject to the following conditions (Amended – Ordinance 1597 – 11/11/12):
  1. Cannot be located any nearer than 1,500 feet to any other Pawn Shops or Alternative Financial Services establishment.
  2. Cannot be located any nearer than 500 feet to any residential zoning district, schools, religious institutions, parks, childcare facilities, firearm dealers or businesses selling alcohol.

3. Hours of operation are limited to 8:00 A.M. to 8:00 P.M.
4. Requires unobstructed view of the business from a public street, a security plan (window bars, chains, etc. are prohibited), and other *approved* operating and development standards.
5. At least 30% of a first floor façade that faces a public street shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level. The business window shall not be obscured in any way, including by temporary or painted window signs. Neon signs are prohibited. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
6. All receipt, sorting or processing of goods shall occur within a completely enclosed building.
7. The building shall have lighting to provide illumination for security and safety of parking and access areas.

(n) Smoking Lounges, subject to the following conditions (Amended – Ordinance 1619 – 3/9/14):

1. Must be approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of Section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.
2. Hours of operation are limited to 10:00 A.M. to 12:00 A.M.
3. Cannot be located any nearer than 2,640 feet (1/2 mile) to any other Smoking Lounges.
4. Cannot be located any nearer than 500 feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.
5. Outdoor patios used for smoking cannot be any closer than 20 feet from any other business entrance or outside dining area.
6. Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.
7. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.
8. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.
9. The maximum occupancy level for a smoking lounge shall be established by the fire department.



(o) Shelters for the homeless, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.
2. Resident manager and support services shall be provided.
3. Cannot be located any nearer than 2,000 feet to any other Emergency Shelter for the Homeless or Soup Kitchen.
4. Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.
5. Must be located on a major thoroughfare.
6. Maximum occupancy is limited to 30 persons.
7. Facilities jointly operated as an Emergency Shelter for the Homeless and Soup Kitchen must also meet the requirements for Soup Kitchens.

(p) Soup Kitchens, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.
2. Must provide proof of license or approval by the Oakland County Health Department.
3. Seating shall be provided at 100% of meal service capacity.
4. Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, Rights-of-Way and private property, and that emergency access points are clearly identified and maintained. Adequate space must be available to accommodate the expected number of persons who will be served meals.
5. All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:00 a.m. and 7:00 p.m. The hours should be posted and clearly visible to the public. This limitation does not apply to meals served to the residents and staff of a facility that is jointly operated as an Emergency Shelter for the Homeless and a Soup Kitchen.

6. Cannot be located any nearer than 2,000 feet to any other Soup Kitchen or Emergency Shelter for the Homeless.
7. Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.
8. Must be located on a major thoroughfare.
9. Maximum occupancy is limited to 50 persons.

**(q)**

**Sexually Oriented Business**

1. **See Article 4 Section 5.50 Sexually Oriented Business for requirements and conditions.**
2. **The City Council may waive the location provision if the following findings are made:**
  - a. **That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Chapter will be observed.**
  - b. **That the character of the area shall be maintained.**
  - c. **That all applicable regulations of this Chapter will be observed.**
  - d. **That no sexually oriented business is located within two thousand (2,000') feet (610 meters) of the proposed location.**

**(r)**

**Cabaret**

1. An establishment which wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator holds a yearly license to sell such beverages by the glass and which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, exotic dancers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
2. Purpose. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations, and uses subject to these regulations, are as follows:
  - (a) It shall be unlawful to establish any cabarets except in the B-3 (General Business) and I-1 (Industrial) Districts.

- (b) No such uses may be permitted in the B-3 (General Business) District within one thousand (1,000') feet (305 meters) of any residential district measured from the lot line of the location of the proposed use.
- (c) The City Council may waive this location provision if the following findings are made:
  - 1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Chapter will be observed.
  - 2. That the character of the area shall be maintained.
  - 3. That all applicable regulations of this Chapter will be observed.
  - 4. That no cabaret is located within two thousand (2,000') feet (610 meters) of the proposed location.
- (d) Anything herein to the contrary notwithstanding, the City Council shall not consider the waiver of the locational requirements as hereinabove set forth until a petition shall have been filed with the City Clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) percent or more of the persons owning property within a radius of one thousand (1,000') feet (305 meters) of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.
  - 1. The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator verily believes that the signers of such petition are persons owning property within one thousand (1,000') feet (305 meters) of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the City Council.

## **Sexually Oriented Businesses DRAFT 7-31-19**

### **Article 20 I-1 Industrial District**

#### **5.185 Uses Permitted as a Special Land Use (Amended – Ordinance 1664 – 9/11/16)**

The following uses may be permitted in the Industrial (I-1) zone as a special land use after recommendation by the planning commission and after a public hearing by the city council which may deny, approve, or approve with conditions, the request for a special land use based upon the standards and requirements following. (Amended – Ordinance 1075 – 12/7/81) (Amended – Ordinance 1662 – 5/1/16)

#### **(1) Standards**

- (a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Industrial Districts (I-1).
- (b) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which must be adverse to occupants of any other nearby permitted uses.
- (c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principals of sound planning.
- (d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.
- (e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.
- (f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

#### **(2) Uses**

- (a) The following special land uses only shall be allowed on properties with frontage on Telegraph Road:
  - 1. Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.
  - 2. Wholesale establishments.
  - 3. Restaurants with drive-thrus.
  - 4. General or professional office not related to an industrial or manufacturing operation.
  - 5. Self-storage or warehousing use not related to an industrial or manufacturing operation.
  - 6. New & used vehicle dealers (Class A: New Vehicle Dealer and Class B: Used Vehicle Dealer):
    - a. Banners, balloons, balloon structures, portable signs, streamers, flags, other than United States or State of Michigan designations, vehicles or

persons displaying advertising signage as a means of advertising vehicles for sale on the property is strictly prohibited.

7. Dry cleaning & laundry establishments including plants.
8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).
- (b) The following special land uses only shall be allowed on properties with at least one hundred (100') foot wide frontage on W Eight Mile Road:
  1. Contractor offices with or without ancillary showroom and storage use including landscape contractor's offices and yards.
  2. Self-storage or warehousing use not related to an industrial or manufacturing operation.
  3. Automotive repair, salvage facility, junk yard or junk storage
  4. Any use which requires the following dealer license(s) from the State of Michigan:
    - (a) Class C: Used vehicle parts dealer
    - (b) Class F: Vehicle scrap metal processor
    - (c) Class G: Vehicle salvage pool
    - (d) Class E: Distressed vehicle transporter
    - (e) Class W: Wholesaler
  5. Crematorium
    - (a) Crematorium buildings shall not be located closer than 300 feet to any residential district measured from the closest point of the building to the nearest residential district boundary line.
    - (b) Bodies to be cremated shall not be stored or kept on the premises for a period exceeding fourteen (14) calendar days.
    - (c) Any building used as a crematorium shall provide an auxiliary means of electrical service in the event of a power failure.
    - (d) Any crematorium shall, at all times, be operated in full compliance with any and all applicable laws and regulations.
  6. Dry cleaning & laundry establishments including plants.
  7. Transportation service providers (emergency vehicle dispatch
  8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).
    - (a) No motor vehicles shall run idle on the property between the hours of 10:30pm and 6:00am each day.
  9. Motor freight depots, trucking terminals, or trucking dispatch centers.
    - (a) Access shall only be via a major thoroughfare as defined in Article 2 Definitions
    - (b) The applicant shall submit credible evidence of the provisions to be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration and smoke).
    - (c) A minimum lot area of three (3) acres shall be provided.
    - (d) All buildings and parking facilities shall be located a minimum of 100 feet from all property lines.
    - (e) Outside storage shall be permitted in accordance with Ordinance requirements.
    - (f) Any and all service work shall be performed within a completely enclosed building.
    - (g) Parking, screening and landscaping shall be provided in accordance with the requirements of the Zoning Ordinance.
    - (h) The ground surface of off-street parking and loading spaces shall be paved with asphalt or concrete to protect the surrounding uses from inappropriate

- dust and other disturbances.
  - (i) No motor vehicles shall run idle on the property between the hours of 10:30pm and 6:00am each day.
  - (j) No trucks shall operate between the hours of 10:30pm and 6:00am within 100 feet of a residential district boundary or residential property line.
- 10. Recycling centers and refuse haulers.
- 11. Sexually Oriented Business
  - (a) See Article 4 Section 5.50 sexually Oriented Business for requirements and conditions.
  - (b) The City Council may waive the location provision if the following findings are made:
    - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Chapter will be observed.
    - ii. That the character of the area shall be maintained.
    - iii. That all applicable regulations of this Chapter will be observed.
    - iv. That no sexually oriented business is located within two thousand (2,000') feet (610 meters) of the proposed location.
- 12. Cabaret
  - (a) An establishment which wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator holds a yearly license to sell such beverages by the glass and which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, exotic dancers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
  - (b) Purpose. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations, and uses subject to these regulations, are as follows:
    - i. It shall be unlawful to establish any cabarets except in the B-3 (General Business) and I-1 (Industrial) Districts.
    - ii. No such uses may be permitted in the I-1 Industrial District within one thousand (1,000') feet (305 meters) of any residential district measured from the lot line of the location of the proposed use.
    - iii. The City Council may waive this location provision if the following findings are made:
      - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and



that the spirit and intent of this Chapter will be observed.

- b. That the character of the area shall be maintained.
- c. That all applicable regulations of this Chapter will be observed.
- d. That no cabaret is located within two thousand (2,000') feet (610 meters) of the proposed location.

(c) Anything herein to the contrary notwithstanding, the City Council shall not consider the waiver of the locational requirements as hereinabove set forth until a petition shall have been filed with the City Clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) percent or more of the persons owning property within a radius of one thousand (1,000') feet (305 meters) of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.

- i. The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator verily believes that the signers of such petition are persons owning property within one thousand (1,000') feet (305 meters) of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the City Council.