

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 693**

AN ORDINANCE TO AMEND CHAPTER 34 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, TO CREATE A NEW ZONING DISTRICT TO BE INCLUDED UNDER DIVISION 27. BUSINESS RENEWAL DISTRICT-2, TO PROVIDE REGULATIONS COMPATIBLE TO SAID DISTRICT; TO SPECIFY THE PURPOSE OF SUCH A DISTRICT AND INCLUDE GREEN BUILDING INITIATIVES.

THE CITY OF CLAWSON HEREBY ORDAINS:

Chapter 34 shall be amended to include a new Division 27 as follows:

PART I: Sec. 34-1200.20. Scope of division; statement of intent.

Statement of Intent. The Business Renewal District-2 district (hereinafter referred to as BRD-2) encompasses the northwest commercial-industrial corridor in the City of Clawson. The area is underutilized, with several parcels of land zoned for uses that cannot be accommodated within the small to mid-size parcels. The intent of the district is to allow for uses and provide site design guidelines that will enable optimal use of the existing parcels. The location of the Oakland-Troy airport within half a mile of the City's boundaries, and the development of the metropolitan rail system in the immediate area, provides the district potential for development into a high technology and support use corridor; however, there are some limitations to uses and site design based on the location of the airport's runway approach protection zone, which overlies a portion of the proposed district..

The current dominantly industrial and general business uses are to be converted to uses that create a campus-type environment with medium intensity land coverage, generous landscaping, preserving significant natural features and attractive buildings. The campus-type environment shall be created by the mixing of uses, interconnected sidewalks, vehicular and pedestrian cross access, site amenities and common architectural and landscaping elements within the developments of the OT District.

The intent of the District is to allow for technology and advanced industrial uses along with hotels (in specific areas based on limitation imposed by the airport) and similar support uses that make up an industrial park setting. The site design guidelines are intended to project high quality development, which will set Clawson on the map as a location for potential high tech users. The district provides a buffer corridor between residential uses to the east and south and the busily traveled Crooks and Maple Roads. The district is intended to accommodate uses that will have minimal impact on the quality of life issues for the adjacent neighborhoods. Quality of life issues inherent in the intent of this Ordinance shall be addressed and demonstrated in development proposals. Quality of life issues may include, but are not limited to, land use adjacency, traffic flow and access management, building

mass, building placement, siting and compatibility, architectural features, landscape design, lighting, and review findings by the Planning Commission that a development plan creates a harmonious and eco-friendly environment that adequately considers those impacted by the development, i.e., residents, tenants, landowners etc.

The BRD-2 is being adopted to implement the intent of the Master Plan, strengthen, clarify and revise current Ordinances in order to support the vision for the future of the City set forth in the Master Plan, and to assist in the development of a well planned community to meet the demand and requirements of the 21st century.

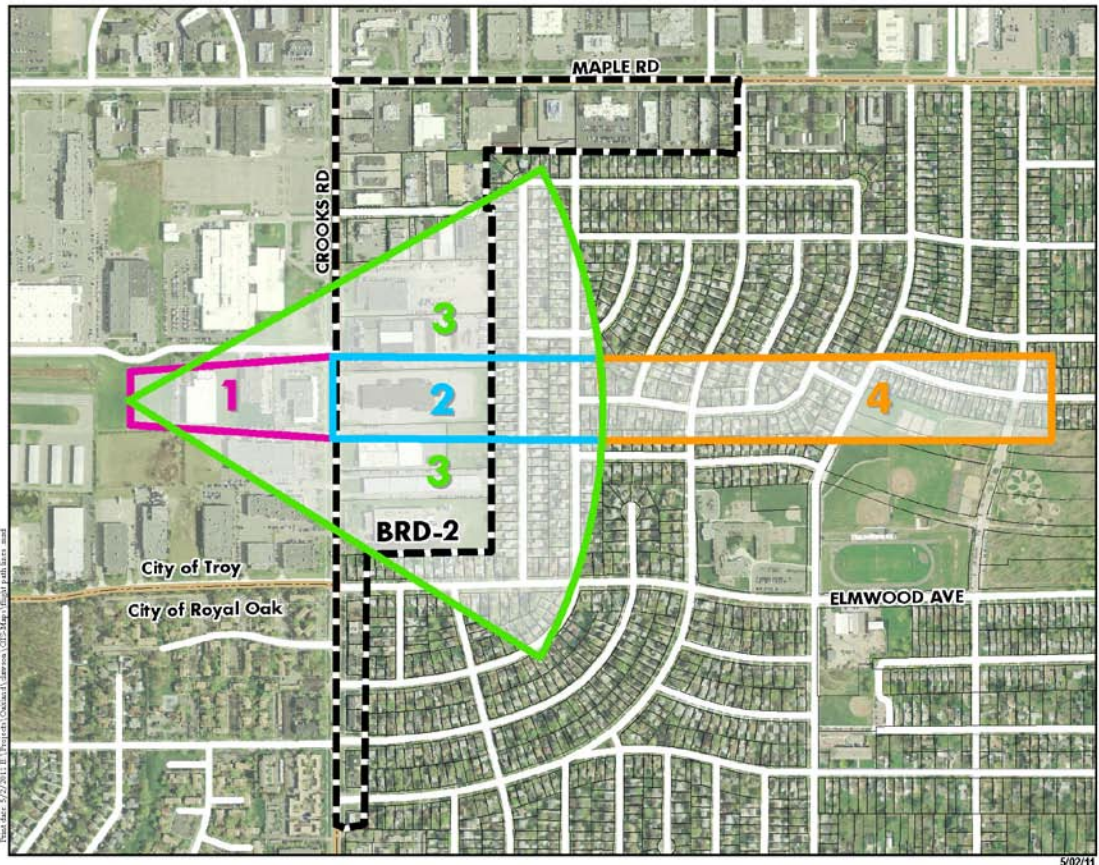


Fig 2: BRD-2 boundary overlaid with Troy Airport runway protection approach zones

Sec. 34-1200.21. Permitted principal uses, uses permitted after administrative approval, uses permitted after special approval and prohibited uses.

- (a) The following uses shall be permitted by right in the BRD-2, subject to review and approval by the Planning Commission:
 - (1) Offices for any of the following occupations: executive, administrative, professional, accounting, bankers, writing, internet/computer technology, drafting corporate offices, regional or district offices, data processing, radio

and television studios, production and media facilities including printing operations when all phases of the operations are completely enclosed within a structure. Shipments outbound from the user here permitted shall be by small trucks, vans and similar vehicles as compared to tractor or semi-truck trailers.

- (2) Medical offices, clinics and research facilities, medical equipment rental and sales, including auxiliary or accessory laboratories. Such uses may include sport medicine, medicine, medical wellness, physical therapy, physical medicine or principally for 24-hour emergency or urgent care.
 - (3) Instructional or vocational institutions operated for profit and any use charged with the principal function of technical training provided that all phases of instruction, training and instructional testing shall be conducted in a completely enclosed building.
 - (4) Alarm and security businesses, phone message centers, telemarketing businesses, complimentary to the scope of the district.
 - (5) Data processing and computer centers, including service and maintenance of electronic equipment and other computer related services.
 - (6) Any use in which the principal function is of conducting research, design testing and pilot or experimental product development.
 - (7) A high technology service use, which has as its principal function the providing of services, including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical or testing services.
 - (8) Public owned and operated buildings and facilities necessary to further the intent of this district.
 - (9) Essential service buildings without storage yards, such as telecom services, digital data storage banks etc.
 - (10) Printing, publishing, duplicating and photographic processing.
- (b) The following uses shall be permitted in the BRD-2, subject to Administrative review and approval, with final approval by the Building Official as described in Section 34-611 (a):
- (1) Accessory uses incidental to a conforming existing use where said use does not require any variance, further site modifications, special use approval and is not located on a non-conforming lot or structure;

- (2) The conversion of an existing building from one permitted use to another permitted use within the same use group in the district provided the subject site is substantially in conformance to the current ordinance standards, *and* has received site plan approval from the Planning Commission within the past 12 months of the date of the application.
 - (3) Provision for additional loading/unloading spaces, parking and landscape improvements as required by this article.
 - (4) Minor structural alterations to building intended to bring the building into compliance with the Americans with Disabilities Act requirements.
- (c) The following additional uses may be permitted in the BRD-2, subject to the conditions specified for each use, review and approval of the Planning Commission, and the requirements set forth in Sec. 34-520. Uses permitted after Special Approval:
- (1) Messenger services, mailing services, delivery services shall be limited to drop off and pick up facilities. Processing, sorting or distribution functions other than to serve the district and areas immediately nearby shall not be allowed.
 - (2) Offices of manufactures agents, sales representatives and others requiring display area and limited warehousing subject to the following:
 - a. Display areas shall not be for selling to the general public. Display areas shall be for restricted use of wholesaler buyers and specialized merchandise which will not be available to the public. Examples of permitted display are: medical equipment for sale to the medical profession, processing equipment sold to manufactures and testing laboratories. The display areas shall be supportive of sales to a restricted group of buyers and not to the public. All display areas shall be totally within an enclosed structure.
 - b. Warehousing shall be accessory to the office, sales or display area. It shall be limited to quantities to support the display area and sales staff. Shipment by tractor trailer or semi-truck type vehicles is prohibited.
 - (3) Banks, credit unions, savings and loan associations, investment companies, brokerage firms and similar financial institutions, including automatic teller machines as an accessory use, with up to two (2) drive through windows or tellers (including any exterior automatic tellers). No free standing or kiosk-type automatic teller machine shall be permitted.
 - (4) Display halls, convention centers or similar uses, excluding movie theaters.
 - (5) Hotels and motels, only within parcels located outside zones 2 and 3 shown on Figure 1 above.

- (6) Any other use of the same nature or class of uses listed in this District as either a principal use permitted or a use subject to special conditions which the Planning Commission find not to be inconsistent with the purpose of this Article and which will not significantly impair the present or potential use of adjacent properties. When considering other uses, the Planning Commission shall review the nature and function of the use and its proposed location to ensure that said use will not present a potential conflict with principal permitted office technology uses.
- (7) Uses deemed by the Planning Commission to be in keeping with the intent of the district noted in Section 34-1200.21. However, in no case shall the use involved include a concentration of individuals for extended periods of time, uses of land deemed to be intensive commercial, or contrary to public safety owing to the airport location.

Sec. 34-1200.22. Development Standards.

- (a) ***Area, height, bulk and placement requirements.*** Buildings and uses in the BRD-2 are subject to the following:
 - (1) Front yards. All buildings shall be located at a minimum setback of 10 feet from the front property line, abutting a public right-of-way. This area shall be maintained as a landscape greenbelt. The following deviations may be permitted by the Planning Commission upon appropriate findings:
 - a. Belt courses, sills, lintels, and cornices may project up to eighteen (18) inches into the greenbelt area for buildings constructed at the 10 foot setback line.
 - b. Canopies and awnings associated with a ground floor use may encroach into the greenbelt area if the Planning Commission makes a determination that it will not negatively impact landscape plantings. Awnings over sidewalk areas shall have a minimum clearance of 10 feet with no additional ground supports.
 - c. Display, show or bay windows may project up to eighteen (18) inches into the greenbelt area.
 - (2) Rear and side yards. Required rear yard building setback shall be 25 feet. There is no side yard setback requirement, unless specifically required per building codes. The site must also be designed for adequate access and circulation around the building.
 - (3) Height. No building or structure shall exceed 30 feet or 2 stories. Structures on parcels located along Maple Road within the district shall be permitted a maximum height of 45 feet or 3 stories. Structure taller than the limit along Maple Road shall be considered by the PC upon presentation by the applicant and Planning Commission's determination that the increased height

is in keeping with the intent of the district, will not negatively impact any of the abutting uses, and that sufficient measures have been taken to minimize any potential impacts through the use of wider greenbelts, increased landscaping and other features.

- (4) No Hazard approval. Structures located within zoned 2 and 3 may be subject to regulations imposed by the FAA and/or State Aviation Authority. Tall structures may require a “no hazard” certification from the State which is administered by the State Authorities.

(b) **Access.** All buildings and uses located in the district shall be subject to the following:

- (1) All buildings and uses located in the district shall be provided access from a paved public street.
- (2) Pedestrian access. All frontages onto a public street shall be provided with a five foot wide concrete sidewalk built in accordance with the City’s standards. Parking lot area shall be provided with safe pedestrian means of access in the form of crosswalk area designed with colored stamped concrete, decorative pavers or other similar materials. Sidewalk connections from sidewalks along the public street right-of-way to sidewalks on-site shall be required where feasible.
- (3) Driveways. Driveways shall be consolidated to minimize congestion and potential conflicts on the adjacent public roads. Access management is a very important tool for a better designed community; therefore, individual driveways for a specific building or use shall not be permitted unless no other means of access is available or feasible. Property owners shall be encouraged to allow for shared and cross-access agreements to reduce curb cuts onto adjacent roadways.

(c) **Design Specifications and design guidelines.** It is the intent of the district as set forth in Section 34-1200.20 to provide an environment of high quality building architecture and site design which projects the City as a technology destination. Special emphasis shall be placed upon methods that encourage tasteful, imaginative design for individual buildings, and to create a welcome entrance into the City’s downtown.

- (1) Miscellaneous design criteria.
 - a. Building entries shall be readily identifiable and accessible from a public sidewalk or from a sidewalk connector.
 - b. Architecture will be evaluated based upon its compatibility to buildings and uses in the general area.

- c. Architectural plans shall confirm that materials are appropriate for the location on the building. In the event that it is determined by the Building Official that the building materials are inappropriate they shall be replaced at the owner's expense.
- d. Use of environmentally friendly building materials and design is strongly encouraged. Under certain circumstances, available incentives may be utilized to encourage such innovation.

(2) Building massing and form.

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

(3) Materials.

- a. One dominant material shall be selected, with a preference towards masonry and stone. Products such as dryvit and EFIS are prohibited to a height of 10 feet from finished grade, except that such materials may be minimally used as an accent detail such as a cornice or similar feature (no more than 10%). Exterior construction materials shall be consistent with the City's design standards.
- b. All exterior building facades and accessory building shall be integrated, harmonious and compatible with the finished material used on the front facade design features. Reflective glass or metal panels shall not be the predominant exterior material. The use of paint, smooth concrete masonry units and stained concrete masonry units shall not be deemed as in compliance with this section.
- c. Consideration shall be given to incorporating durable building materials. If any material is deemed not acceptable by the Building Official for maintenance purposes, such material shall be replaced at the owner's expense.
- d. Rear entrance facades shall be of finished quality and constructed of the same material as the front facade. When parking is located in the rear of the building, the rear entrance shall respond to the same needs as the front facade, only at a reduced scale. This shall include

minimal identification signage, an attractive entry and pedestrian sidewalks.

(4) Building roofs.

- a. Roofs shall be peaked or have the appearance to being peaked. The roof shape and materials shall be architecturally compatible with the rest of the building. Flat roof buildings are not allowed; however an exception shall be made by the Planning Commission, only upon demonstration by the applicant that the proposed flat roof design is intended to facilitate a green roof or other environmentally friendly building design. .
- b. In instances where roof vents, roof-mounted mechanical equipment, pipes, etc., can be viewed from above or below, they shall be grouped together, painted to match roof color to reduce their appearance, screened from view and integrated into the building architecture to the extent feasible.
- c. A parapet of at least forty-two (42) inches high shall screen the mechanical equipment on a flat roof.
- d. Mansard roofs are not permitted.

(5) Color and texture.

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

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

- (1) The use of shared parking between two or more buildings and/or uses shall be allowed by the Planning Commission upon demonstration by the applicant that the individual uses do not have overlapping hours of

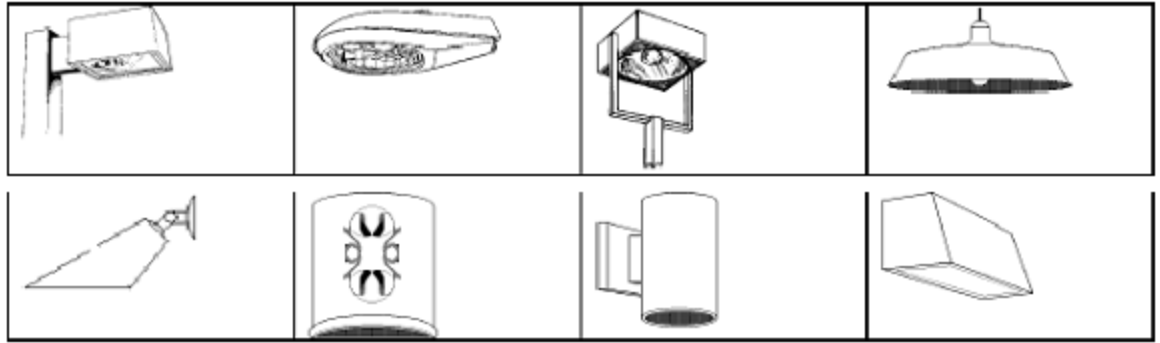
operation, or the sharing of parking will not result in the creation of a parking nuisance on the site or abutting roadways and properties.

- (2) To the extent feasible, all off-street parking shall be located in the rear or side yards. If the layout of the site prohibits the accommodation of all spaces in the rear and side yards, some parking (in no case to exceed 30% of the total required), shall be allowed in the front yard, and shall be screened from any public rights-of-way by a 10 foot greenbelt. Upon recommendation from City Planner and/or Building Official, the Planning Commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived. The plantings in any reduced width greenbelt shall exceed the minimum standards established in the Ordinance and shall include a combination of landscape and hardscape elements.
- (e) **Off-street loading.** Loading/unloading activity shall take place in the rear yard only. Where rear yard loading is not feasible, the Planning Commission has the flexibility to allow for loading/unloading activity to be established in a side yard. In no case shall such activity be permitted within the front yard area. Also, no overhead doors shall be located facing the front yard.
- (f) **Screening.** A decorative masonry wall with a height of 6 feet shall be provided between a parcel in the BRD-2 and any abutting residential district. The wall shall be provided with a cap detail and shall have a finished appearance on both sides. Wall design shall be complimentary to the building architecture. Upon recommendation from the City Planner and/or Building Official, the Planning Commission has the discretion to modify the screen wall design or allow for an alternate type of screening upon making a determination that the proposed screening will adequately safeguard the abutting residential district from any possible adverse effects of the BRD-2 use. Transition landscaping in the form of low and ornamental plantings and trees shall be provided between abutting BRD-2 uses. Where deemed appropriate, maintenance agreements may be imposed by the PC.
- (g) **Signage.** All signs permitted within the BRD-2 shall be subject to the requirements of Division 21 of this Article as follows:
 - (1) One wall sign shall be permitted per business subject to area limitations noted in Section 34-1109. An awning sign no larger than 8 square feet shall be permitted; however the total area of the wall and awning signs shall not exceed the area allowed by Section 34-1109.
 - (2) One ground/monument sign no larger than 32 square feet and no more than 8 feet above grade shall be permitted for each developed site (irrespective of the site containing one or multiple buildings).

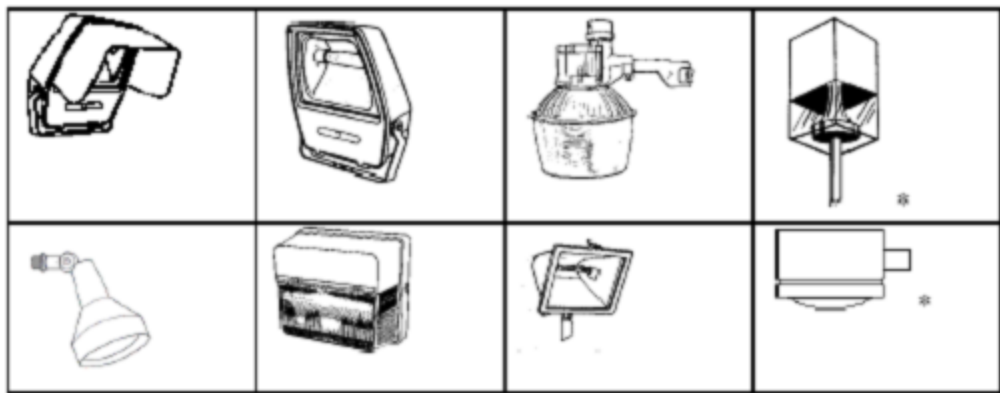
- (3) All signs shall be placed outside the clear vision triangle as defined by Section 34-1036.
 - (4) All signs shall be constructed in conformance to legibility and design standards noted in section 34-1114.
 - (5) Sites may be allowed additional signage upon meeting the criteria noted in Section 34-1110 Sign Bonuses.
 - (6) Signs shall be consistent unless otherwise expressed in this Ordinance with the illumination requirements in Sec. 34-1035 of the Land Development Code.
 - (7) Conceptual sign designs shall be submitted with the site plan and the Planning Commission shall review these conceptual plans together with the site plan.
 - (8) All walls signs, if illuminated, shall be done in a manner that is not intermittent, nor causing a hazard to others.
 - (10) Two (2) window signs are permitted per window surface. Signs shall not exceed 25% of the total surface area of the window to which the sign is affixed.
 - (11) Flashing, blinking, moving or any other sign that may prove to be a safety hazard for motorists or the airport shall be strictly prohibited.
- (h) ***Landscaping.*** All developments shall submit a detailed landscape plan in conjunction with site plan review. The following standards shall be applicable:
- (1) A 10 foot wide landscape greenbelt shall be provided along a public street frontage.
 - (2) Where parking is located along a rear or side yard facing a public right-of-way, a 10 foot greenbelt shall be provided. The width of the greenbelt is subject to Planning Commission discretion as noted in sub-section 34-1200.22 (d) (2).
 - (3) The greenbelt shall be planted to the standards noted in Section 34-1034. If any parking is located within the front yard, the greenbelt plantings shall exceed the minimum standards and include a combination of landscape and hardscape elements as noted in Section 34-1223 (d)(3).
 - (4) Parking lot area shall be provided with landscape islands to define circulation paths. The shape and size of the landscape islands shall be designed to provide adequate area for survival of plantings and safe on-site circulation. The City planner/Building Official shall determine the adequacy of the landscape area proposed.

- (5) No more than 20 parking spaces shall be located in a single uninterrupted row. Rows of parking spaces shall be separated by landscape islands.
 - (6) Landscape areas perpendicular to rows of parking spaces shall have a minimum width of five feet. Where parking spaces abutting such landscape areas have a reduced depth of 18 feet, the landscape area width shall correspondingly be increased by 2 feet to account for vehicles overhang.
 - (7) Landscape areas shall be planted with trees and/or shrubs and ground cover. In no instance shall landscape areas be filled with stones, gravel or similar material, unless determination is made by the City Planner and/or Building Official that said landscape area may adversely affect traffic circulation.
 - (8) Landscape areas and greenbelts abutting public right-of-way shall be planted with salt tolerant species to ensure survival of the plantings.
 - (9) Landscaping installed on a site shall be compatible with or in the same palette as any abutting use approved under this section.
 - (10) All landscape areas shall be provided with automatic irrigation.
 - (11) The applicant shall provide a long term maintenance agreement and monthly plan for all landscaping on the site. The required agreement and plan shall be noted on the site plan.
- (i) ***Lighting.*** All lighting shall conform to the requirements of Sec. 34-1035 in order to maintain vehicle and pedestrian safety, site security, and accentuate architectural details. The following conditions shall be applicable:
- (1) Architectural building lighting, when used for other than security purposes, may articulate the particular building design, as well as provide the required functional lighting for safety of pedestrian movement.
 - (2) Pedestrian walk lighting shall clearly identify the pedestrian walkway and illuminate any posted direction of travel.
 - (3) All lighting shall be shielded such that the source of illumination (bulb or direct lamp image) is not visible from the property line thereby reducing glare and interference with public rights-of-way and adjacent properties.

Examples of fixtures that are fully shielded:



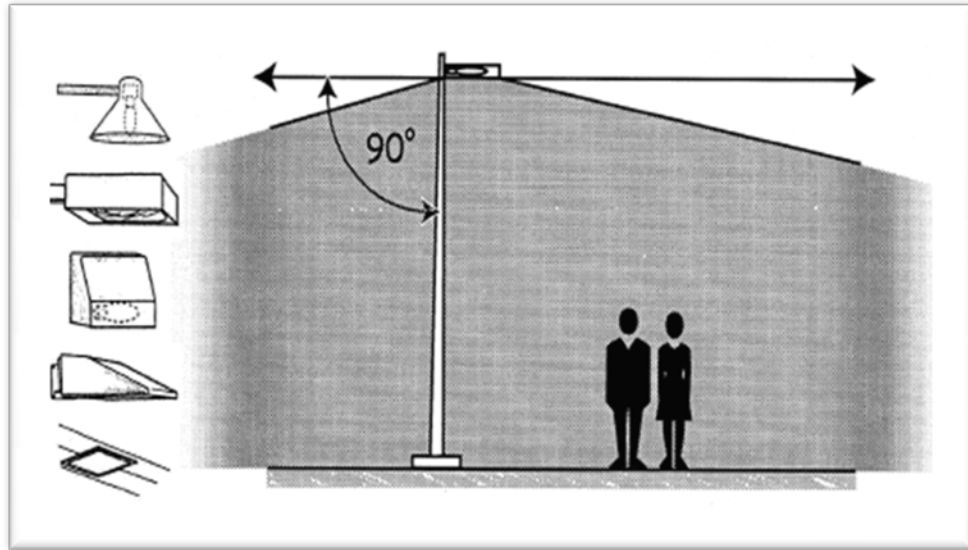
Examples of fixtures that are NOT fully shielded:



* Note: Even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces within the fixture or the lens cover are directly visible from the side.

- (4) Additional lighting in the form of spot lights may be provided for landscape enhancement or signage; however, in no instance shall such lighting comprise of floodlights.
- (5) Roof mounted lighting shall be prohibited.
- (6) Except as otherwise allowed for herein, all lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the Illuminating Engineering Society of North America (IES) criteria for full cut-off fixtures (100% of light output below 90 degrees, and 90 % of light output below 80 degrees from a vertical line through the fixture).

Fig 1: Full cut-off illustration



- (7) All fixtures mounted within 15' of a residential property line or public right-of-way boundary shall be classified as IES Type III or Type F (asymmetric forward throw). These fixtures shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.

Fig 2:



- (8) The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited. Lighting shall not be of a flashing, moving or intermittent type.
- (8) Parking lot lighting shall be limited to a maximum height of 20 feet above grade. Light poles located within 15 feet of a residential district shall not exceed 12 feet in height. Light poles located along the front yards and public rights-of-way shall be of an ornamental design.
- (9) Photometric plans shall be submitted which show the light levels of the site during both hours of operation and after hours. The Planning Commission shall review the light levels to ensure that the minimum illumination has been provided for the health and safety of the users and the community as a whole.

- (j) **Dumpsters.** All buildings and uses shall be required to provide a means of trash removal. Use of shared dumpsters between adjacent buildings is encouraged. All dumpsters shall be contained within the building and/or a fully enclosed structure attached to the building. The enclosure shall be constructed of a material complementary to the primary building material and provided with steel reinforced wooden gates as required by the City. A dumpster location not attached to a building may be approved if adequately screened from the public rights-of-way.

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

PART II. Conflicts.

If any provision of the Clawson Land Development Regulations conflicts with this amendment to the regulations, the most restrictive provision shall be applied.

PART III. Severability.

Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

PART IV. Adoption.

This ordinance was adopted by the City Council of the City of Clawson by authority of Public Act No. 110 of 2006 further amended as Public Act 12 of 2008, of the Public Acts of Michigan, at a meeting duly called and held on the 19th day of July, 2011, and ordered to be published as prescribed by the law.

Penny Leubs, Mayor

G. Machele Kukuk, City Clerk

Dated: _____

Dated: _____