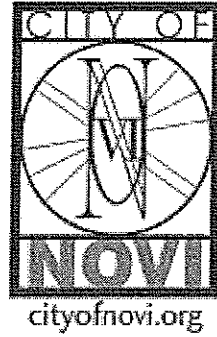


## MEMORANDUM



TO: ZONING BOARD OF APPEALS  
FROM: MARK SPENCER, AICP, PLANNER  
SUBJECT: CLARIFICATION OF M-2 OUTDOOR STORAGE  
DATE: MAY 15, 2008

At the request of the Zoning Board of Appeals support staff, the following is a brief recap of "permitted outdoor storage" as described in Article XX, Section 20.02 of Ordinance No. 18 adopted in February of 1971, the Zoning Ordinance in effect at the time a site plan was approved for outdoor storage on part of parcel 22-24-251-002 (25280 Seeley Rd.). Article XX (see attached) pertains to the M-2, Restricted Manufacturing District which was one of three manufacturing districts described in the 1971 Zoning Ordinance. In 1984 the Zoning Ordinance was rewritten and all Manufacturing Districts became Industrial Districts. This property became part of the I-1, Light industrial District at that time.

Section 20.02(a) of the 1971 Ordinance provides that building material storage yards, contractor's equipment rental or storage yards, feed and fuel yards, trucking terminals when they have direct access to a County or State highway, automobile repair and other manufacturing uses if not a prohibited use listed in Section 21.07, are permitted to have outdoor storage subject to the conditions listed in Section 20.02(a). The following is a list of those conditions:

- Area must be enclosed with a chain link fence of at least 6 foot height;
- The fence must be located at least 25 feet from front property line and located on the side and rear property lines.
- A landscape area 8 foot wide and 8 feet or more in height must be planted outside and adjacent to the fence on the front side of the property and inside of and adjacent to the fence along the side and rear sides of the property.

In addition, Section 20.11(a) requires all combustible materials to be stored at least 20 feet from any property line and that a fire access road be provided.

If you have any questions about this matter, please feel free to contact me.

c: Steve Rumble, Director Community Development  
Barbara McBeth, Deputy Director Community Development  
Charles Boulard, Building Official  
Alan, Amolsch, Code Enforcement Officer

Attachment

of the building fronting the principal street, or, in case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street.

One (1) non-illuminated sign pertaining to the sale, rental, or lease of a building or lot and not exceeding thirty (30) square feet in area for any one (1) building or lot.

19.03. BUILDING HEIGHT. No building, hereafter erected or structurally altered, in any M-1 District, shall exceed twenty-five (25) feet in height or one (1) story, except as provided in Article XXII of this Ordinance.

19.04 YARD REQUIREMENTS. No building or structure, or part thereof, hereafter erected or structurally altered for any use permitted in any M-1 District shall be located or extended nearer than twenty-five (25) feet from any front property line or any side or rear lot line abutting on a street or alley; provided that where other light manufacturing buildings have been previously constructed in the same block located at a distance from the front property line, greater or less than twenty-five (25) feet, as above specified, then such light manufacturing building, hereafter constructed may, with the approval of the Board of Appeals be located at a distance from the front lot line equal to the minimum distance established by other buildings in the block; provided that in case of doubt or dispute as to proper location, the matter shall be decided by the Board of Appeals whose decision shall be final.

Any building constructed in any M-1 District shall be located not nearer than twenty (20) feet from any side or rear lot line that does not abut a street or alley; provided that if all portions of the building within ten (10) feet of the lot line (except a lot line adjacent to a residential district) are enclosed with an unpierced wall of fireproof construction with a parapet wall extending not less than eighteen (18) inches above the adjoining roof construction, said building may be extended or constructed out to the lot line, provided further that no passageway of less than three (3) feet, in width shall be left between the lot line and the building.

19.05 SOURCE OF POWER. Power for any manufacturing process or activity shall be derived only from electrical energy and smokeless fuel.

19.06. MACHINES PERMITTED. In all M-1 Districts any light machine is permitted, except those machines as are prohibited in Section 10.07, when the building construction and machine foundations are such that Sections 19.02 (a) and 19.08 of this article are

fully complied with, and no operation shall cause a displacement exceeding .003 of one (1) inch, as measured at the boundary property line.

19.07. USES PROHIBITED. All uses prohibited in M-2 and M-3 Districts and in addition the following uses: Outside open storage of any kind; the incubation, raising, killing or storage of poultry, junk yards and businesses handling junk, wastes, trash or rubbish, proline, plastic manufacturing, rock or stone crusher, mill or quarry; concrete or asphalt batching plants and concrete products manufacturing; saw mill, planing mill or manufacturing of excelsior or sawdust products; stone and monument works, employing pneumatic hammers; sand blasting or cutting, except where dust is controlled by effective devices; tar or asphalt roofing waterproofing manufacturing.

19.08. MEASURABLE NOISE. In all M-1 Districts the measurable noise emanating from the premises used for activities permitted under this article shall not exceed seventy-five (75) decibels during the normal work periods or between the hours of 6:00 AM and 10 PM and shall not exceed seventy (70) decibels during the sleeping hours or between the hours of 10 PM and 6:00 AM, as measured at the boundary lines. Noises shall be muffled so as not to become objectionable due to intermittance, beat frequency or high frequency.

19.09. GLARE AND RADIO-ACTIVE MATERIALS. Glare from any process which emits harmful ultraviolet rays shall be performed so as not to be seen from any point beyond the outside of the property. Radio active materials shall be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, or as the same are amended from time to time.

19.10. FIRE AND SAFETY HAZARDS. The storage and handling of flammable liquids, liquified petroleum gases and explosives, shall comply with the State Rules and Regulations as established by Public Act No. 207 P.A. of 1941, as amended, or by the Fire Prevention Ordinance of the City of Novi, whichever is more stringent.

19.11. BARRIER WALL OR FENCE. Where a manufacturing district is located adjacent to a residential district, and not separated therefrom by a street and/or where such adjacent yard area, within one hundred feet (100) of the residential district, is used for yard storage of materials or equipment or buildings, a solid masonry wall or chain link fence not less than six (6) feet, in height, shall be constructed on the side or rear lot line and extending from a point on

line with the front line, to the rear lot line and/or along the rear property line.

19.12. OFF-STREET LOADING AND UNLOADING SPACE AND OFF-STREET PARKING REQUIREMENTS. Off-Street loading and unloading and off street parking shall be provided as hereinbefore specified in Sections 3.12 and 3.13 of this Ordinance.

19.13. SITE PLAN AND DEVELOPMENT APPROVAL. Site plan for development approval as provided in Article XXII-A for uses in the nature of any type of manufacturing complex or industrial park, in order to insure a reasonable development essential to public safety, welfare and convenience, with applicable subdivision standards and specifications.

## ARTICLE XX M-2 RESTRICTED MANUFACTURING DISTRICTS

### Section 20.01 (Omitted)

20.02 USES PERMITTED. In M-2 Districts, except as otherwise provided for in this ordinance, all buildings shall be erected and all land shall be used only for one or more of the following specified uses:

(a) For uses to be conducted wholly within a building, or within a building and/or an area enclosed within a chain link fence; the fence shall be not less than six feet (6) high, located not less than twenty-five (25) feet from the front property line; outside of said fence shall be planted an eight (8) foot greenbelt planting strip which shall be not less than (8) feet or more in height, to screen view of storage materials from the street and adjacent properties. On the interior side property line and rear property lines, the fence shall be located on the property line and an eight (8) foot greenbelt planting strip, not less than eight (8) feet in height shall be planted and maintained along the fence inside of the property to screen view of storage materials from adjacent properties.

(1) Building Materials storage yards

(2) Contractor's equipment rental or storage yards

(3) Feed and fuel yards

(4) Trucking terminals and transfer warehouses with outside storage for trucks, trailers, etc., when direct access is available to County or State Highways.

(5) Any use permitted under (b) below requiring outside storage areas.

(b) When conducted wholly within a building, with a landscaped front yard and with the side or rear yard used for loading and unloading and parking.

(1) Any use permitted under Section 20.02 (a) of this Ordinance and

subject to the regulations as contained in this Article.

(2) Any lawful use of buildings not expressly prohibited or provided for shall be a lawful use in all M-2 Districts when such uses shall comply with Section 3.22 and the requirements of this Article.

(c) SIGNS. Signs, pertaining to the use of the premises on which located or to goods sold or services provided or activities conducted therein, shall be part of the building and may be projected not more than eighteen (18) inches beyond the face of the wall or front and/or side property line, and shall be attached to and be parallel to the wall of the building fronting the principal street or, in case of a corner building, on that portion of the street wall within fifty (50) feet of the principal street.

Signs pertaining to premises or use of premises not housed in buildings, such sign may be free standing, but shall not exceed in display surface, an area of seventy (70) square feet, provided that when there is an open front yard, such sign support must set back not less than ten (10) feet from the front lot line and no portion of the sign shall extend beyond the front lot line. Signs larger in area on approval of the Board of Appeals.

Billboards and advertising display signs, not greater than three hundred (300) square feet in area, shall be permitted, but limited to the same yard requirements as buildings and structures in the M-2 Districts.

One (1) non-illuminated sign pertaining to the sale, rental or lease of a building or lot and not exceeding fifty (50) square feet in area for any one (1) building or lot.

20.03. BUILDING HEIGHT. No building, hereafter erected or structurally altered in any M-2 District, shall exceed forty (40) feet in height or three (3) stories in height. Provided, however, such height may be increased one (1) foot for each five (5) feet by which such buildings set back in excess of one hundred (100) feet from the property lines, except as provided in Article XXII of this ordinance.

20.04. YARD REQUIREMENTS. No building or structure or part thereof, hereafter erected or structurally altered for any use permitted in any M-2 District, shall be located or extended nearer than fifty (50) feet from any front property line when adjacent to industry or to a railroad right-of-way. Where an M-2 District is adjacent to a residential district and not separated therefrom by a street, a side yard or a rear yard of not less than fifty (50) feet shall be provided, with a greenbelt planting

strip as required in Section 20.12 of this Ordinance.

20.05. SOURCE OF POWER. Power for any manufacturing process or activity shall be derived only from electrical energy, smokeless fuels, such as gas and oil, smokeless solid fuels containing less than twenty percent (20%) of volatile content on a dry basis, and bituminous coal fired with mechanical equipment.

20.06. MACHINES PERMITTED. In all M-2 Districts any machine is permitted except those machines as are prohibited in Section 20.07 when the building, construction and foundations are such that section 20.08 of this Article are fully complied with, and no operation shall cause a displacement exceeding .003 of one (1) inch, as measured at the boundary property line.

20.07. USES PROHIBITED. All uses prohibited in M-3 Districts shall also be a prohibited use in M-2 Districts. The City Planning Board shall have no jurisdiction to allow any such prohibited use in this district.

20.08. MEASURABLE NOISE. In all M-2 Districts the measurable noise emanating from the premises used for activities permitted under this article shall not exceed eighty (80) decibels during the normal work period or between the hours of 6:00 AM and 10:00 P.M. and shall not exceed seventy (70) decibels during the sleeping hours or between the hours of 10:00 P.M. and 6:00 AM, as measured at the Boundary property lines. Noises shall be muffled so as not to become objectionable due to intermittance, beat frequency or high frequency.

20.09. GLARE AND RADIO-ACTIVE MATERIALS. Glare from any process which emits harmful rays shall be performed so as not to be seen from any point beyond the outside of the property. Radio-active materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, or as the same are amended from time to time.

20.10. FIRE AND SAFETY HAZARDS. The storage and handling of flammable liquids, liquified petroleum gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 P.A. 1941, as amended, or by the Fire Prevention Ordinance of the City of Novi, whichever is the most stringent.

Bulk storage of flammable liquids, may be stored above ground when tanks are located no less than seventy five (75) feet from any property line.

Bulk storage of flammable liquids below ground shall be permitted and the tank shall be located not closer to the property line than the greatest

dimension (diameter, length or height) of the tank.

20.11 STORAGE OF MATERIALS.

(a) The storage of lumber, coal or other combustible materials shall not be less than twenty (20) feet from any interior lot line. A roadway shall be provided, graded and maintained from the street to the rear of the property to permit free access of fire trucks at all times.

(b) Waste materials, incidental to the principal operations shall be kept in neatly stored containers, screened from public view, which shall be removed and emptied periodically and no wastes shall be piled on the open ground.

20.12. LANDSCAPING AND GREENBELT SCREEN. When a front yard of an M-2 District is located across the street from a Residential district, a landscaped front yard must be provided in front of the building. When a rear yard of an M-2 District is located across the street from a residential district, a rear yard equal to the front yard requirement of that street shall be required. A chain link fence shall be located on the building line and a twenty (20) foot greenbelt planting strip, composed of evergreen or deciduous trees and shrubs, growing not less than eight (8) feet in height, shall be planted and maintained along the fence in order to screen the industrial activity from the street and residential properties.

BARRIER WALL OR FENCE. Where a manufacturing district is located adjacent to a residential district, and not separated therefrom by a street and/or where such adjacent yard area, within one hundred (100) feet of that residential district, is used for yard storage of materials or equipment or buildings, a solid masonry wall or chain link fence not less than six (6) feet, in height, shall be constructed on the side or rear lot line and extending from a point on line with the front line, to the rear lot line and/or along the rear property line.

20.13. OFF-STREET LOADING AND UNLOADING AND OFF-STREET PARKING REQUIREMENTS. Off-street loading and unloading and off-street parking shall be provided as hereinbefore specified in Section 3.12 and 3.13 of this Ordinance.

20.14. SITE PLAN AND DEVELOPMENT APPROVAL. Site plan for development approval as provided in Article XXII-A is required for any storage yard, fuel yard, trucking terminal, warehouse or any type of manufacturing complex or industrial park, in order to insure a reasonable development essential to public safety, welfare and convenience

with applicable subdivision standards and specifications.

#### ARTICLE XXI

#### M-3 GENERAL MANUFACTURING DISTRICTS

##### Section 21.01 (Omitted)

21.02 USES PERMITTED. Any lawful use of land or buildings not herein expressly prohibited or provided for shall be a lawful use in all M-3 Districts, when such uses shall comply with Section 3.22 and the following requirements:

(a) SIGNS. A sign, not limited as to location or area, bearing only the name of the person, firm or corporation operating the enterprise or premises, a description of the general character of the enterprise or both.

Billboards and advertising signs not greater than three hundred (300) square feet in area and limited to the same yard requirements as buildings and structures in the M-3 Districts.

One (1) non-illuminated sign pertaining to the sale, rental or lease of a building or lot not exceeding fifty (50) square feet in area for any one (1) building or lot.

21.03. BUILDING HEIGHT. No building hereafter erected or structurally altered in any M-3 District shall exceed (40) feet in height or three (3) stories in height, provided however, such height may be increased one (1) foot for each (5) feet by which such building is set back in excess of one hundred (100) feet from the property lines, except as provided for in Article XXII of this Ordinance.

21.04. YARD REQUIREMENTS. No building or structure or part thereof, hereafter erected or structurally altered for any use permitted in any M-3 District, shall be located or extended nearer than one hundred (100) feet from any front property line or side street lot line or fifty (50) feet from any side or rear property line, provided, however, the side or rear yard requirements shall not apply when they are adjacent to a railroad right-of-way.

21.05. SOURCE OF POWER. Power from any manufacturing process or activity shall be derived only from electrical energy, smokeless fuels, such as gas, oil, smokeless solid fuels containing less than twenty (20%) percent of volatile content on a dry basis, and bituminous coal fired with mechanical equipment.

21.06. MACHINES PERMITTED. In all M-3 Districts all machines are permitted when installed and operated as not to allow a measureable noise hereinafter defined and limited, vibration, odor, fumes, dust, smoke or any other which shall not, in any case, be detectable from districts in which residential occupancy is permitted.

21.07. USES PROHIBITED. In all M-3 Districts no building shall be erected or no land shall be used for any of the following uses:

(a) New dwellings or conversion of existing buildings to additional dwelling units, except for a watchman or caretaker employed on the premises and members of his family.

(b) Schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use.

(c) The use of trailers as dwellings either singly or in mobile home parks or trailer parks.

(d) Motels, mobile home or trailer parks.

(e) Any business use permitted in C.N., C-1, C.T., or C-2 Districts except automobile repair shops, bump shops, undercoating shops and similar automobile repair establishments, unless same is strictly incidental to a principal use permitted under Section 21.02 of this Ordinance.

(f) Any of the following principal uses or any principal use which is of a like character:

Corrosive acid manufacturing; cement, lime, gypsum, or plaster manufacturing; distillation of bone, coal, tar, petroleum, refuse, grain or wood; explosive manufacturing or storage; fertilizer manufacturing; compost or storage of garbage, offal, dead animals, refuse, rancid fats; incineration, glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from animal refuse or offal; junk, scrap and salvage yards; slaughtering of animals, stock yards, petroleum or asphalt refining or manufacturing; smelting or refining of metals from ores; steam and board hammers and forging presses; storage, curing and tanning of raw, green or salted hides or skins; sulphurous, sulphuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacturing.

Provided, however, the Board of Appeals may permit junk, scrap, wrecking yards or salvage yards where the operations are for the conversion of saleable materials, after public hearing, provided such use complies with the following specific standards and the standards referred to below are compiled with:

1. Junk, scrap or salvage yards shall not be located within 1,000 feet of a church, school, park or boundary of any residential district.

2. Junk, scrap or salvage yards shall be completely screened from public view from any public street, highway or freeway and adjoining properties by a building or enclosure

masonry wall not less than eight (8) feet in height.

3. Stock piled materials shall not be piled higher than eight (8) feet and shall not exceed the height of the enclosure wall.

4. No burning or incineration shall be permitted unless said burning is carried out in a completely enclosed incinerator approved the Director of Public Safety.

5. All material shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. Where necessary, this shall be accomplished by enclosures in containers, raising of materials above ground, separation of types of materials, preventing the collection of stagnant water, extermination procedures, or other means.

6. Off-street parking, within the screened in area shall be provided at a ratio of one (1) square foot of parking to four (4) square feet of yard area and no parking shall be allowed outside of the enclosure wall.

Provided further the Board of Appeals may permit in M-3 Districts other above enumerated uses or uses of a like character, if it is found, after public hearing, that proof and evidence has been furnished that new engineering design and practice will permit such operations to comply with the requirements of Section 3.22 and Sections 21.08 and 21.13 inclusive of this Ordinance. Said evidence to be furnished to and recommended for approval by the Municipal Engineer.

21.08. MEASURABLE NOISE. In all M-3 Districts the measurable noise emanating from the premises used for activities permitted under this Article shall not exceed eighty (80) decibels during the normal work period or between the hours of 6:00 A.M. and 10:00 P.M. and shall not exceed seventy (70) decibels during the sleeping hours between 10:00 P.M. and 6:00 A.M., as measured at the boundary property lines. Noises shall be muffled so as not to become objectionable due to the intermittence, beat frequency or high frequency.

21.09. GLARE AND RADIO-ACTIVE MATERIALS. Glare from any process which emits harmful rays shall be performed so as not to be seen from any point beyond the outside of the property. Radio-active materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, or as the same are amended from time to time.

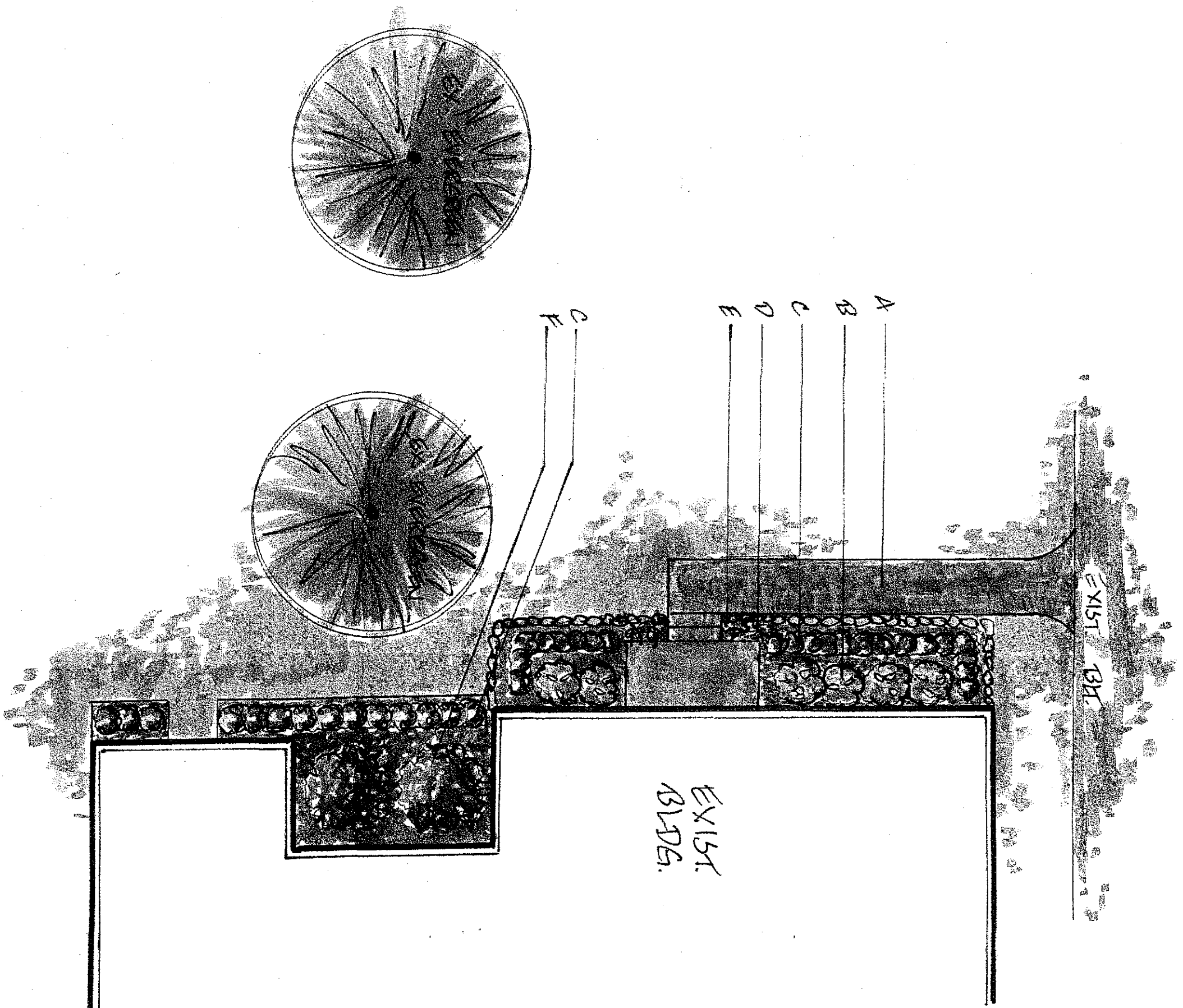
21.10. FIRE AND SAFETY HAZARDS. The storage and handling of flammable liquids, liquified petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public



ZBA08-019 LMS Development LLC

Sealey Rd





- A - 4" x 8" PAVERS - WALK TO BE 4' WIDE
- B - HYDRANGEA 'LIMELIGHT' (6) OR KNOCKOUT ROSES (12)
- C - BOXWOOD 'GREEN VENTURE' (35)
- D - STENLA D'ORO LILY (4) or BLUE FESCUE GRASS (4)
- E - BOULDERS 18"-24"
- F - STRICEBERRY 'AUTUMN BRILLIANCE' (2)