

**VILLAGE OF GROSSE POINTE SHORES,
A MICHIGAN CITY**

ORDINANCE NO. 252

AMENDMENTS TO ZONING ORDINANCE

An ordinance to amend Article II of the City Zoning Ordinance, Ordinance 200, as amended, as codified in Chapter 40 of the City Code of Ordinances, so as to create new zoning districts covering lots along Vernier Road, Colonial Road, and various other streets containing lots smaller than the 12,000 square foot minimum prescribed in the current ordinance; to create a Philanthropic District; to provide additional flexibility for certain side yard setback and building height requirements; and to repeal inconsistent ordinances.

VILLAGE OF GROSSE POINTE SHORES, A MICHIGAN CITY, ORDAINS:

I. Article II of Chapter 40 of the Code of Ordinances of Village of Grosse Pointe Shores, A Michigan City, is amended to provide as follows:

Division 1. Generally.

Sec. 40-41. Classes of use districts.

A. For the purpose of regulating and restricting the location of uses, regulating and limiting the height and bulk of buildings, and regulating and determining the density of population and the area of yards, courts and other open spaces surrounding erected buildings, the city is hereby divided into the following classes of use districts:

- (1) R-12 Residence District.
- (2) R-10 Residence District.
- (3) Vernier Residence District.
- (4) Colonial Residence District.
- (5) Residence Lakefront District.
- (6) Philanthropic District.
- (7) Park/Club District.

B. In addition, a Residence Planned District has been created, which is an overlay zone as referred to in division 7 of this article.

Sec. 40-42. Zoning use district map.

The boundaries of the use districts are shown on the 2010 zoning use district map which accompanies this chapter and is certified as such and is hereby declared to be a part of this chapter. The use district designations which accompany the zoning use district map and all other legends on such map are hereby declared to be a part of this chapter.

Division 2. R-12 Residence District.

Sec. 40-51. Permitted uses.

In the R-12 Residence District, no building, structure or land shall be used, and no building or structure shall be erected or altered, which is arranged, intended or designed to be used for a purpose other than one or more of the following purposes:

- (1) One-family dwellings.
- (2) Gardens.
- (3) Municipal buildings owned, occupied or controlled by the City.
- (4) Accessory uses customarily incident to any of the permitted uses as set forth in subsections (1)--(3) of this section, as regulated by section 40-231.
- (5) Other uses required to be permitted by law.

Sec. 40-52. Area, height and placement requirements.

Area, height and placement requirements in the R-12 Residence district shall be as follows:

- (1) *Minimum lot area:* 12,000 square feet.
- (2) *Minimum lot width:* 100 feet.
- (3) *Maximum Height:* Thirty feet (not to exceed two stories) on all buildable lots of 120 feet or less in lot width. Thirty-three feet on all buildable lots in excess of 120 feet in lot width, provided that the lot contains at least 12,000 square feet, and provided further that the portion of the roof above 30 feet (measured horizontally as viewed from the street or in the case of a corner lot as viewed from the streets), cannot exceed 30 percent of the width of the structure (measured at the level of the second story), as viewed from the street.

- a. The regulations in this subsection (3) are deemed maximum height limitations and the total height of structures shall also be subject to section 40-173, pertaining to illustrative neighborhood design standards, which may mandate a lower height consistent with the appropriate design guidelines. Further, no new building shall be constructed, nor shall an addition or other modification to an existing building be constructed, which results in the maximum height of such building being greater than the average height of neighboring buildings plus 25 percent of that "average height", subject to the maximum heights set forth in this subsection 40-62(3). This average height provision shall not apply to houses on the east or west side of Lake Shore Road. For the purpose of this section, the term "average height of buildings" means:
 - 1. With respect to a building not on a corner lot, the average height of the buildings on either side of the building being constructed or modified.
 - 2. With respect to a building on a corner lot, the average of the height of the two buildings on the same side of the street on which the front facade of the building being constructed or modified is located which are nearest to such building being constructed or modified. If the side of the street on which such front facade of building being constructed or modified does not have two other buildings, the average height of neighboring buildings shall be defined as the average of the height of the two buildings nearest to the building being constructed or modified, regardless of the street or side of street such buildings are located upon.
- b. Architectural embellishments, such as but not limited to decorative railings/fences, statuary, artwork, decorative balustrades, weather vanes, finials, etc., shall be prohibited above the maximum permitted height of the structure as defined by subsection (3) of this section unless such is approved by the Planning Commission as an integral part of the overall architecture of the facade.
- c. When the height limitations in subsection (3) of this section result in an unusual situation where the application of the standards set forth in subsection (3) of this section would create an architectural incongruity because of peculiar circumstances of the lot in question and the neighboring lots and structures thereon, the Planning Commission and City Council may consider approval of a special land use to create architectural compatibility. In reviewing whether to grant a special land use approval for an increase in the total maximum height permissible, the Planning Commission and City Council shall take into account the following:
 - 1. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.

2. Proximity of those portions of the building exceeding the height requirements to adjacent property lines and residential structures.
 3. The percentage of building or roofline above the permitted height.
 4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
 5. The overall proposed building height measured from the final approved grade of the lot compared to the overall height of adjacent residences measured in the same manner on the adjoining lots.
- (4) *Maximum lot coverage:* 25 percent.
- (5) *Minimum total floor area:* 2,100 square feet.
- (6) *Minimum front yard:*
- a. Lots abutting the westerly side of Lake Shore Road, south of Vernier Road, shall have a minimum setback of 145 feet.
 - b. Lots abutting the westerly side of Lake Shore Road, north of Vernier Road, shall have a minimum setback of 85 feet.
 - c. On all other lots in the residence districts the minimum setback shall be 30 feet.
 - d. The intent of this section is to create a uniform streetscape along all roadways within the City, to create an environment where individual views and privacy are maintained between residences, and to minimize the impacts of building massing. Therefore, notwithstanding the requirements pertaining to minimum front yard set forth in subsections (6)a, (6)b, and (6)c of this section, no building or accessory building shall be set back from the roadway further than the average of the closest two most immediate principal buildings. With respect to corner lots and double frontage lots, additional setback requirements shall be as set forth in subsections 40-256(b)--(d). No presently existing building or accessory building intruding into the above described front yard setback shall be considered nonconforming, and all such building shall enjoy the rights conferred by this chapter as a legal structure.
- (7) *Minimum side yards:* Ten percent of the lot width on one side and 15 percent of lot width on the other side; provided, however, that no side yard shall be less width than six feet in width, nor shall the combination of two side yards be less than 16 feet in width.

If the above noted requirements cannot be met, the Planning Commission and City Council may reduce the required setback through special land use approval.

In reviewing whether to recommend or grant a special land use approval for a reduction in side yard setback, the Planning Commission and Council shall take into account the following:

- a. Ability to reconfigure the building layout or addition to allow for appropriate construction, expansions, or alterations without the granting of special land use approval.
- b. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
- c. Proximity of adjacent residences, their windows and other openings, outdoor spaces, and the setback from the mutual property line.
- d. Architectural character and building massing of the adjacent residence as well as the proposed residence.
- e. Building materials, proposed landscaping materials, and other hardscapes proposed along the property line.

(8) *Minimum rear yard:*

- a. One-story buildings: 25 feet.
- b. More than one-story buildings: 30 feet.

- (9) On all lots of 100 feet of width or greater, the amount of impervious surface permitted in the front yard area shall be limited to a maximum of 30 percent of the front yard area measured from one side of the lot to the other and from the front facade of the residence to the front lot line. On lots of less than 100 feet in width, the amount of impervious surface areas shall be a maximum of 35 percent of the front yard area as measured from the side lot lines and the front facade of the residence to the front lot line.

Division 3. R-10 Residence District.

Section 40-61. Permitted Uses.

In the R-10 Residence District, no building, structure or land area shall be used, and no building or structure shall be erected or altered, which is arranged, intended or designed to be used for a purpose other than one or more of the following purposes:

- (1) One Family Dwellings.
- (2) Gardens.
- (3) Municipal Buildings owned, occupied or controlled by the City.

- (4) Accessory uses customarily incidental to any of the permitted uses as set forth in subsections (1) – (3) of this section, as regulated in Section 40-231.
- (5) Other uses required to be permitted by law.

Section 40-62. Areas, Height and Placement Requirements.

Area, height and placement requirements in the R-10 Residence District shall be as follows:

- (1) *Minimum Lot Area:* 10,000 square feet.
- (2) *Minimum Lot Width:* 80 feet.
- (3) *Maximum Height:* Thirty feet (not to exceed two stories).
 - a. The regulations in this subsection (3) are deemed maximum height limitations and the total height of structures shall also be subject to section 40-173, pertaining to illustrative neighborhood design standards, which may mandate a lower height consistent with the appropriate design guidelines. Further, no new building shall be constructed, nor shall an addition or other modification to an existing building be constructed, which results in the maximum height of such building being greater than the average height of neighboring buildings plus 25 percent of that "average height", subject to the maximum heights set forth in this subsection. For the purpose of this section, the term "average height of buildings" means:
 - 1. With respect to a building not on a corner lot, the average height of the buildings on either side of the building being constructed or modified.
 - 2. With respect to a building on a corner lot, the average of the height of the two buildings on the same side of the street on which the front facade of the building being constructed or modified is located which are nearest to such building being constructed or modified. If the side of the street on which such front facade of building being constructed or modified does not have two other buildings, the average height of neighboring buildings shall be defined as the average of the height of the two buildings nearest to the building being constructed or modified, regardless of the street or side of street such buildings are located upon.
 - b. Architectural embellishments, such as but not limited to decorative railings/fences, statuary, artwork, decorative balustrades, weather vanes, finials, etc., shall be prohibited above the maximum permitted height of the structure as defined by subsection (3) of this section unless such is approved

by the Planning Commission as an integral part of the overall architecture of the facade.

- c. When the height limitations in subsection (3) of this section result in an unusual situation where the application of the standards set forth in subsection (3) of this section would create an architectural incongruity because of peculiar circumstances of the lot in question and the neighboring lots and structures thereon, the Planning Commission and City Council may consider approval of a special land use to create architectural compatibility. In reviewing whether to grant a special land use approval for an increase in the total maximum height permissible, the Planning Commission and City Council shall take into account the following:
 1. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
 2. Proximity of those portions of the building exceeding the height requirements to adjacent property lines and residential structures.
 3. The percentage of building or roofline above the permitted height.
 4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
 5. The overall proposed building height measured from the final approved grade of the lot compared to the overall height of adjacent residences measured in the same manner on the adjoining lots.
- d. Regardless of the requirements set forth above, all residences within the District shall be permitted to construct a residence up to a height of twenty two (22') feet.

(4) *Maximum Lot Coverage:* 25 percent.

(5) *Minimum Total Floor Area (all floors):* 2,100 square feet.

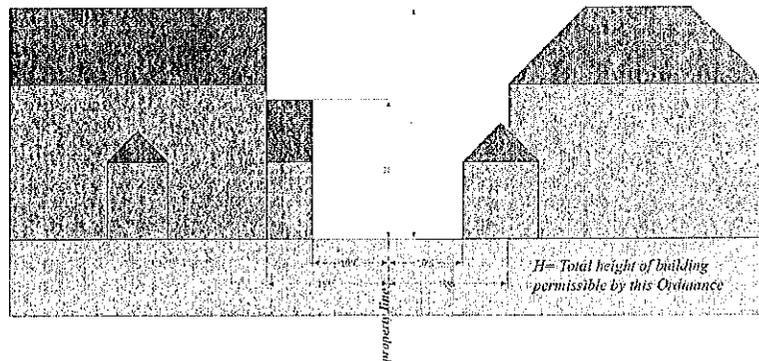
(6) *Minimum Front Yard:*

- a. On all lots in the R-10 Residence District the minimum setback shall be 30 feet.
- b. The intent of this section is to create a uniform streetscape along all roadways within the City, to create an environment where individual views and privacy are maintained between residences, and to minimize the impacts of building massing. Therefore, notwithstanding the requirements pertaining to minimum front yard set forth in subsection (6)a of this section, no building or accessory

building shall be set back from the roadway further than the average of the closest two most immediate principal buildings. With respect to corner lots and double frontage lots, additional setback requirements shall be as set forth in subsections 40-256(b)--(d). No presently existing building or accessory building intruding into the above described front yard setback shall be considered nonconforming, and all such building shall enjoy the rights conferred by this chapter as a legal structure.

(7) *Side Yard Setback:*

- a. That portion of the structure one story or less (no more than eighteen (18) feet) in height shall be set back a minimum of ten (10) percent of the total lot width from the abutting property line.
- b. That portion of the structure over one story (over eighteen (18) feet) in height shall be set back a minimum of fifteen (15) percent of the total lot width from the abutting property line.
- b. A minimum of one side yard shall be equal to at least fifteen (15) percent of the total lot width, regardless of height.



- d. Any existing structure which does not meet this requirement at the time of adoption of this Ordinance, shall not be considered a nonconforming structure. However, any addition to such structure shall meet the requirements above.
- e. If the above noted requirements cannot be met, the Planning Commission and City Council may reduce the required setback through special land use approval. In reviewing whether to recommend or grant a special land use approval for a reduction in side yard setback, the Planning Commission and Council shall take into account the following:
 - 1. Ability to reconfigure the building layout or addition to allow for appropriate construction, expansions, or alterations without the granting of special land use approval.

2. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
3. Proximity of adjacent residences, their windows and other openings, outdoor spaces, and the setback from the mutual property line.
4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
5. Building materials, proposed landscaping materials, and other hardscapes proposed along the property line.

(8) *Minimum Rear Yards:*

One-story buildings: 25 feet

More than one story buildings: 30 feet.

- (9) The amount of impervious surface area within the front yard shall be a maximum of 35 percent, as measured from the side lot lines and the front facade of the residence to the front lot line.

Division 4. Vernier Residence District.

Section 40-71. Permitted Uses.

In the Vernier Residence District, no building, structure or land area shall be used, and no building or structure shall be erected or altered, which is arranged, intended or designed to be used for a purpose other than one or more of the following purposes. This District shall only be applied to those properties fronting Vernier Road.

- (1) One Family Dwellings.
- (2) Gardens.
- (3) Municipal Buildings owned, occupied or controlled by the City.
- (4) Accessory uses customarily incidental to any of the permitted uses as set forth in subsections (1) – (3) of this section, as regulated in Section 40-231.
- (5) Other uses required to be permitted by law.

Section 40-72. Areas, Height and Placement Requirements.

Area, height and placement requirements in the Vernier Residence District are set forth below. It is recognized that a number of properties along Vernier Road do not comply with

the following standards. It is the intent of this District to recognize those lots existing at the time of adoption of this Ordinance which do not conform to the minimum lot area and lot width of this section as being conforming lots provided the remainder of the standards can be met.

- (1) *Minimum Lot Area:* 7,000 square feet.
- (2) *Minimum Lot Width:* 50 feet.
- (3) *Maximum Height:* Thirty feet (not to exceed two stories).
 - a. The regulations in this subsection (3) are deemed maximum height limitations and the total height of structures shall also be subject to section 40-173, pertaining to illustrative neighborhood design standards, which may mandate a lower height consistent with the appropriate design guidelines. Further, no new building shall be constructed, nor shall an addition or other modification to an existing building be constructed, which results in the maximum height of such building being greater than the average height of neighboring buildings plus 25 percent of that "average height", subject to the maximum heights set forth in this subsection. For the purpose of this section, the term "average height of buildings" means:
 1. With respect to a building not on a corner lot, the average height of the buildings on either side of the building being constructed or modified.
 2. With respect to a building on a corner lot, the average of the height of the two buildings on the same side of the street on which the front facade of the building being constructed or modified is located which are nearest to such building being constructed or modified. If the side of the street on which such front facade of building being constructed or modified does not have two other buildings, the average height of neighboring buildings shall be defined as the average of the height of the two buildings nearest to the building being constructed or modified, regardless of the street or side of street such buildings are located upon.
 - b. Architectural embellishments, such as but not limited to decorative railings/fences, statuary, artwork, decorative balustrades, weather vanes, finials, etc., shall be prohibited above the maximum permitted height of the structure as defined by subsection (3) of this section unless such is approved by the Planning Commission as an integral part of the overall architecture of the facade.
 - c. When the height limitations in subsection (3) of this section result in an unusual situation where the application of the standards set forth in subsection (3) of this section would create an architectural incongruity because of peculiar circumstances of the lot in question and the neighboring lots and structures thereon, the Planning Commission and City Council may

consider approval of a special land use to create architectural compatibility. In reviewing whether to grant a special land use approval for an increase in the total maximum height permissible, the Planning Commission and City Council shall take into account the following:

1. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
 2. Proximity of those portions of the building exceeding the height requirements to adjacent property lines and residential structures.
 3. The percentage of building or roofline above the permitted height.
 4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
 5. The overall proposed building height measured from the final approved grade of the lot compared to the overall height of adjacent residences measured in the same manner on the adjoining lots.
- d. Regardless of the requirements set forth above, all residences within the District shall be permitted to construct a residence up to a height of twenty two (22') feet.

(4) *Maximum Lot Coverage:* 25 percent.

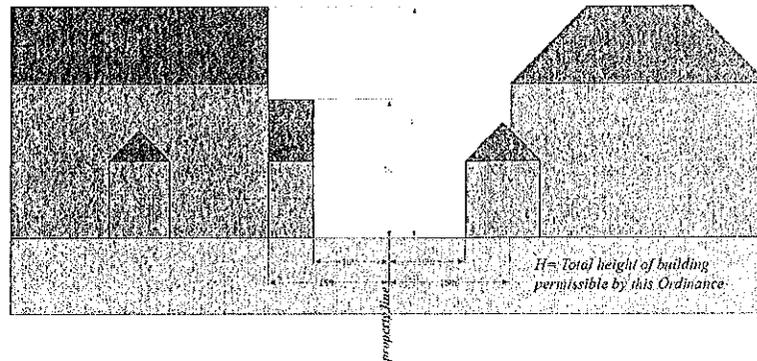
(5) *Minimum Total Floor Area (all floors):* 2,100 square feet.

(6) *Minimum Front Yard:*

- a. On all lots in the Vernier Residence District the minimum setback shall be 30 feet.
- c. The intent of this section is to create a uniform streetscape along all roadways within the City, to create an environment where individual views and privacy are maintained between residences, and to minimize the impacts of building massing. Therefore, notwithstanding the requirements pertaining to minimum front yard set forth in subsection (6)a of this section, no building or accessory building shall be set back from the roadway further than the average of the closest two most immediate principal buildings. With respect to corner lots and double frontage lots, additional setback requirements shall be as set forth in subsections 40-256(b)--(d). No presently existing building or accessory building intruding into the above described front yard setback shall be considered nonconforming, and any such building shall enjoy the rights conferred by this chapter as a legal structure.

(7) *Side Yard Setback:*

- a. That portion of any new structure one story or less (no more than eighteen (18) feet) in height shall be set back a minimum of ten (10) percent of the total lot width from the abutting property line.
- b. That portion of any new structure over one story (over eighteen (18) feet) in height shall be set back a minimum of fifteen (15) percent of the lot width from the abutting property line.
- c. A minimum of one side yard shall be equal to at least fifteen (15) percent of the lot width, regardless of height.



- d. Any existing structure which does not meet this requirement at the time of adoption of this Ordinance, shall not be considered a nonconforming structure. However, any addition to such structure shall meet the requirements above.
- e. If the above noted requirements cannot be met, the Planning Commission and City Council may reduce the required setback through special land use approval. In reviewing whether to grant or recommend a special land use approval for a reduction in side yard setback, the Planning Commission and Council shall take into account the following:
 1. Ability to reconfigure the building layout or addition to allow for appropriate construction, expansions, or alterations without the granting of special land use approval.
 2. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
 3. Proximity of adjacent residences, their windows and other openings, outdoor spaces, and the setback from the mutual property line.

4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
5. Building materials, proposed landscaping materials, and other hardscapes proposed along the property line.

(8) *Minimum Rear Yards:*

One-story buildings: 25 feet

More than one story buildings: 30 feet.

- (9) The amount of impervious surface area within the front yard shall be a maximum of 35 percent as measured from the side lot lines and the front facade of the residence to the front lot line.

Division 5. Colonial Residence District.

Section 40-81. Permitted Uses.

In the Colonial Residence District, no building, structure or land area shall be used, and no building or structure shall be erected or altered, which is arranged, intended or designed to be used for a purpose other than one or more of the following purposes. This District shall only apply to those properties along Colonial Road.

- (1) One Family Dwellings
- (2) Gardens
- (3) Municipal Buildings owned, occupied or controlled by the City.
- (4) Accessory uses customarily incidental to any of the permitted uses as set forth in subsections (1) – (3) of this section, as regulated in Section 40-231.
- (5) Other uses required to be permitted by law.

Section 40-82. Areas, Height and Placement Requirements.

Area, height and placement requirements in the Colonial Residence District shall be as follows:

- (1) *Minimum Lot Area:* 9,000 square feet.
- (2) *Minimum Lot Width:* 100 feet.
- (3) *Maximum Height:* Thirty feet (not to exceed two stories).

- a. The regulations in this subsection (3) are deemed maximum height limitations and the total height of structures shall also be subject to section 40-173, pertaining to illustrative neighborhood design standards, which may mandate a lower height consistent with the appropriate design guidelines. Further, no new building shall be constructed, nor shall an addition or other modification to an existing building be constructed, which results in the maximum height of such building being greater than the average height of neighboring buildings plus 25 percent of that "average height," subject to the maximum heights set forth in this subsection. For the purpose of this section, the term "average height of buildings" means:
 1. With respect to a building not on a corner lot, the average height of the buildings on either side of the building being constructed or modified.
 2. With respect to a building on a corner lot, the average of the height of the two buildings on the same side of the street on which the front facade of the building being constructed or modified is located which are nearest to such building being constructed or modified. If the side of the street on which such front facade of building being constructed or modified does not have two other buildings, the average height of neighboring buildings shall be defined as the average of the height of the two buildings nearest to the building being constructed or modified, regardless of the street or side of street such buildings are located upon.
- b. Architectural embellishments, such as but not limited to decorative railings/fences, statuary, artwork, decorative balustrades, weather vanes, finials, etc., shall be prohibited above the maximum permitted height of the structure as defined by subsection (3) of this section unless such is approved by the Planning Commission as an integral part of the overall architecture of the facade.
- c. When the height limitations in subsection (3) of this section result in an unusual situation where the application of the standards set forth in subsection (3) of this section would create an architectural incongruity because of peculiar circumstances of the lot in question and the neighboring lots and structures thereon, the Planning Commission and City Council may consider approval of a special land use to create architectural compatibility. In reviewing whether to grant a special land use approval for an increase in the total maximum height permissible, the Planning Commission and City Council shall take into account the following:
 1. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
 2. Proximity of those portions of the building exceeding the height requirements to adjacent property lines and residential structures.

3. The percentage of building or roofline above the permitted height.
 4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
 5. The overall proposed building height measured from the final approved grade of the lot compared to the overall height of adjacent residences measured in the same manner on the adjoining lots.
- d. Regardless of the requirements set forth above, all residences within the District shall be permitted to construct a residence up to a height of twenty two (22') feet.

(4) *Maximum Lot Coverage:* 25 percent.

(5) *Minimum Total Floor Area (all floors):* 2,100 square feet.

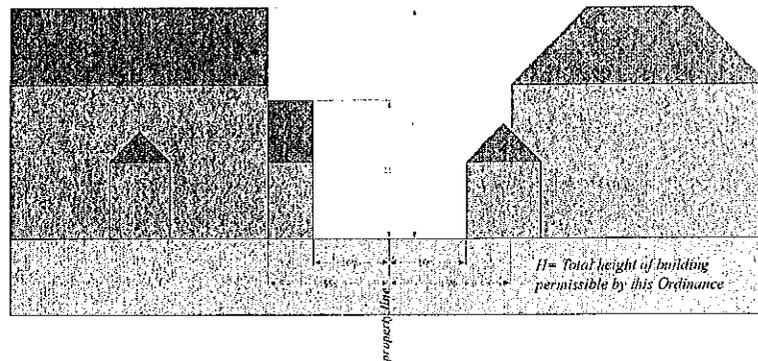
(6) *Minimum Front Yard:*

- a. On all lots in the Colonial Residence District the minimum setback shall be 25 feet.
- b. The intent of this section is to create a uniform streetscape along all roadways within the City, to create an environment where individual views and privacy are maintained between residences, and to minimize the impacts of building massing. Therefore, notwithstanding the requirements pertaining to minimum front yard set forth in subsection (6)a of this section, no building or accessory building shall be set back from the roadway further than the average of the closest two most immediate principal buildings. With respect to corner lots and double frontage lots, additional setback requirements shall be as set forth in subsections 40-256(b)--(d). No presently existing building or accessory building intruding into the above described front yard setback shall be considered nonconforming, and all such building shall enjoy the rights conferred by this chapter as a legal structure.

(7) *Side Yard Setback:*

- a. That portion of the structure one story or less (no more than eighteen (18) feet) in height shall be set back a minimum of ten (10) percent of the total lot width from the abutting property line.
- b. That portion of the structure over one story (over eighteen (18) feet) in height shall be set back a minimum of fifteen (15) percent of the total lot width from the abutting property line.

- c. A minimum of one side yard shall be equal to at least fifteen (15) percent of the total lot width, regardless of height.



- d. Any existing structure which does not meet this requirement at the time of adoption of this Ordinance, shall not be considered a nonconforming structure. However, any addition to such structure shall meet the requirements above.
- e. If the above noted requirements cannot be met, the Planning Commission and City Council may reduce the required setback through special land use approval. In reviewing whether to recommend or grant a special land use approval for a reduction in side yard setback, the Planning Commission and Council shall take into account the following:
1. Ability to reconfigure the building layout or addition to allow for appropriate construction, expansions, or alterations without the granting of special land use approval.
 2. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
 3. Proximity of adjacent residences, their windows and other openings, outdoor spaces, and the setback from the mutual property line.
 4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
 5. Building materials, proposed landscaping materials, and other hardscapes proposed along the property line.

(8) *Minimum Rear Yards:*

One-story buildings: 25 feet

More than one story buildings: 30 feet.

- (9) The amount of impervious surface area within the front yard shall be a maximum of 35 percent, as measured from the side lot lines and the front facade of the residence to the front lot line.

Division 6. Residence Lakefront District.

Sec. 40-91. Permitted uses.

In the Residence Lakefront District, no building or land shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for a purpose other than one or more of the following purposes:

- (1) One-family dwellings.
- (2) Gardens.
- (3) Municipal buildings owned, occupied or controlled by the City.
- (4) Accessory uses customarily incident to any of the permitted uses as set forth in subsections (1)--(3) of this section, as regulated by section 40-231.
- (5) Other uses required to be permitted by law.

Sec. 40-92. Special land use.

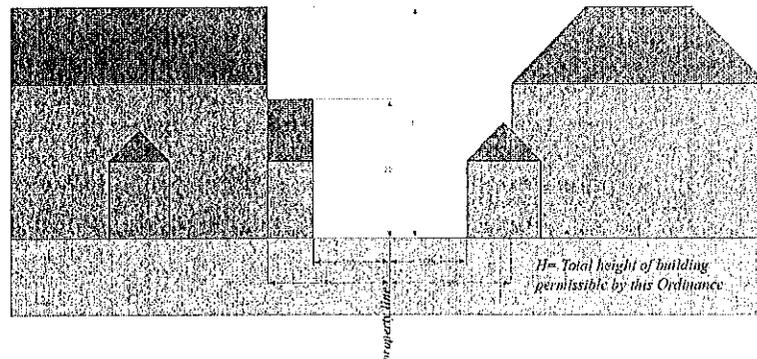
Private nonprofit institutions of a philanthropic nature, except such institutions whose chief activity is a service customarily carried out as a business, may be permitted as a special land use in the Residence Lakefront District, upon approval of the City Council, only after proper notice has been given as required by state law, and after review and recommendation has been received from the Planning Commission, subject to the standards and requirements of section 40-423.

Sec. 40-93. Area, height and placement requirements.

Area, height and placement requirements in the Residence Lakefront District shall be as follows:

- (1) *Minimum lot area:* 20,000 square feet.
- (2) *Minimum lot width:* 100 feet.
- (3) *Maximum height:*
 - a. Thirty feet (not to exceed two stories) on lots with widths of less than 120 feet.

- b. Thirty-five feet (not to exceed 2 1/2 stories) on lots with widths of 120 feet or more, but less than 150 feet.
- c. On lots with widths of 150 feet or more, the Planning Commission may permit a maximum height of 40 feet, provided that there shall be at least eight additional feet above 150 feet in lot width at the front building line for each one foot of increase in height above 35 feet.
- d. When the height limitations in subsection (3) of this section result in an unusual situation where the application of the standards set forth in subsection (3) of this section would create an architectural incongruity because of peculiar circumstances of the lot in question and the neighboring lots and structures thereon, the Planning Commission and City Council may consider approval of a special land use to create architectural compatibility. In reviewing whether to grant a special land use approval for an increase in the total maximum height permissible, the Planning Commission and City Council shall take into account the following:
 1. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
 2. Proximity of those portions of the building exceeding the height requirements to adjacent property lines and residential structures.
 3. The percentage of building or roofline above the permitted height.
 4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
5. The overall proposed building height measured from the final approved grade of the lot compared to the overall height of adjacent residences measured in the same manner on the adjoining lots.



(4) *Maximum lot coverage: 25 percent.*

- (5) *Minimum total floor area:* 2,100 square feet, excluding any second or third floor areas.
- (6) *Minimum front yard:* 145-foot minimum setback from the front property line.
- (7) *Minimum side yards:* Ten percent of the lot width on one side and 15 percent of the lot width on the other side; provided, however, that no side yard shall have a width less than six feet, nor shall the combination of two side yards be less than 16 feet.
 - a. If the above noted requirements cannot be met, the Planning Commission and City Council may reduce the required setback through special land use approval. In reviewing whether to recommend or grant a special land use approval for a reduction in side yard setback, the Planning Commission and Council shall take into account the following:
 - 1. Ability to reconfigure the building layout or addition to allow for appropriate construction, expansions, or alterations without the granting of special land use approval.
 - 2. Whether the request is the least impactful to the subject property and those which surround it while accommodating appropriate expansion or alteration of the residence.
 - 3. Proximity of adjacent residences, their windows and other openings, outdoor spaces, and the setback from the mutual property line.
 - 4. Architectural character and building massing of the adjacent residence as well as the proposed residence.
 - 5. Building materials, proposed landscaping materials, and other hardscapes proposed along the property line.
- (8) *Minimum rear or lakefront yards:* The zoning use district map indicates the required lake shore setback line. The minimum lake front yard shall be measured so that no principal structure shall be closer to the shoreline than:
 - a. Its present location;
 - b. The average of the closest of two out of three of the most immediate neighboring principal buildings; or
 - c. The lake shore setback line as shown on the zoning use district map.

No existing principal building intruding into the described yard setback shall be considered nonconforming, and all such buildings shall enjoy the rights conferred by this chapter as a legal structure. The minimum setbacks for rear yards not abutting the water shall be the same as in the residence district.

- (9) On all lots of 100 feet of width or greater, the amount of impervious surface permitted in the front yard area shall be limited to a maximum of 30 percent of the front yard area measured from one side of the lot to the other and from the front facade of the residence to the front lot line. On lots of less than 100 feet in width, the amount of impervious surface areas shall be a maximum of 35 percent of the front yard area as measured from the side lot lines and the front facade of the residence to the front lot line.

Sec. 40-84. Lots with restricted use.

Lots abutting the easterly side of Lake Shore Road, south of Vernier Road, shall never be used for any other purpose than as a sloping embankment to the shore of Lake St. Clair, as presently used.

Division 7. Residence Planned District.

Sections 40-111 through 40-115 of the Ordinance Code, inclusive, are unchanged.

Division 8. Philanthropic District.

Sec. 40-121. Intent.

The intent of this division is to allow for specialized philanthropic type facilities which are nonresidential in nature and which will likely service not only the City and the immediate Grosse Pointe area but a larger, more regional area. Recognizing that these nonresidential uses may cause substantial impact to adjoining residences and the community as a whole, special attention must be given to the size and placement of buildings, structures and parking areas as well as the screening and buffering of these sites. It is further the intent of this Ordinance to limit the number of properties in which this type of activity may occur.

Sec. 40-122. Permitted Uses.

The following uses have been deemed appropriate and do not require additional review or approval by the City:

- (1) Building and Premises Tours.
- (2) Public and Private Gatherings and Events (no overnight).
- (3) Public and Private Meetings. Seminars, Retreats, and Educational Activities (no overnight).
- (4) Office and Administrative Facilities.
- (5) Maintenance, Storage, and Repair Facilities (for grounds equipment).
- (6) Existing Residential Facilities.

- (7) Existing Banquet Facilities.
- (8) Existing Retail or Commercial Activities such as gift shops, restaurant and beverage sales and other incidental sales.
- (9) Existing Parking Areas and Facilities.

Sec. 40-123. Special Land Uses.

The following uses have been deemed appropriate only after special land use approval as regulated by Section 40-423 of this Ordinance:

- (1) The construction of any new building.
- (2) The enlargement of any existing building onsite which increases usable floor area or offers the potential for additional uses or intensity of uses.
- (3) Additional Lodging Facilities or rooms for persons staying on the grounds.
- (4) Any Retail Commercial Activities (excluding any existing retail uses).
- (5) Any new or expansion of existing hard surface parking areas.
- (6) Any other uses deemed similar or compatible with the above noted permitted uses.

Sec. 40-124 Areas, Height and Placement Requirements

Area, height and placement requirements in the Philanthropic District shall be as follows:

- (1) *Minimum Lot Area:* 10 acres or 435,600 square feet.
- (2) *Minimum Lot Width:* 500 feet.
- (3) *Maximum Height:* On the east side of Lakeshore, the maximum height shall not exceed forty feet and/or three stories. On the west side of Lakeshore, the maximum height shall not exceed thirty feet and/or two stories.

The existing structures shall not be deemed nonconforming based on height.

- (4) *Maximum Lot Coverage:* 25 Percent
- (5) *Minimum Front Yard:* 145 feet.

The existing structures shall not be deemed nonconforming based on front yard location.

(6) *Minimum Side Yards:* 30 feet

The existing structures shall not be deemed nonconforming based on side yard location. Further, depending on the type of use proposed, the City may require additional setbacks to lessen impacts generated by such uses.

(7) *Minimum Rear Yard:* 30 feet or as shown on the Zoning Use District Map by the lake shore setback line, whichever is greater. Further, depending on the type of use proposed, the City may require additional setbacks to lessen impacts generated by such uses.

Sec. 40-125. Screening Requirements.

The Planning Commission shall review the necessity for landscape screening between the proposed building(s) and/or use(s) and any adjoining non-like use district or abutting public thoroughfare depending on the type of building/use proposed, the proximity to the non-like district or public thoroughfare as well as the presence of existing landscape and hardscape.

Sec. 40-126. Parking Standards.

One parking space shall be provided for each six (6) persons permitted within the maximum occupancy of the principal building, as determined by the fire marshal. For large scale or outdoor events, adequate parking shall also be provided either onsite or offsite. If provided offsite, the applicant shall provide a plan for transferring of patrons to and from the event and parking areas. This plan shall be reviewed by the Department of Public Safety as necessary. The parking area for large scale and/or outdoor events may be allowed to be grass as deemed appropriate by the City.

Sec. 40- 127. Reconstruction of Existing Buildings or Structures.

Notwithstanding the requirements of section 40-362 of this Ordinance, the reconstruction or repair of buildings or structures existing at the time of passage of this Ordinance from which this section is derived or thereafter constructed with approval as required by this chapter shall be permissible upon a determination by the Planning Commission that the location, size, scale and architectural character of the reconstructed or repaired building or structure is comparable to that which previously existed.

Sec. 40-128. Waiver or Modification of Requirements.

In approving a special land use within the Philanthropic District under section 40-423 of this Code, the City Council may waive or modify any of the above area, height, coverage and placement requirements or parking standards, if it determines that such waiver or modification is consistent with the architectural character of the proposed construction and the overall use of the site upon which such proposed construction is located, and will not unduly and adversely impact adjoining properties.

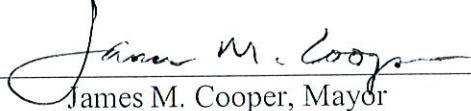
Division 9. Park/Club District.

Sections 40-141 through 40-147 of the Ordinance Code, inclusive, are unchanged.

II. Miscellaneous Provisions

- A. Severability. If a word, clause, sentence, paragraph or part of this ordinance shall be found invalid or unconstitutional by any court of competent jurisdiction, it shall not affect the remainder of this ordinance and such remainder shall remain in full force and effect.
- B. Inconsistent Ordinances Repealed. All ordinances or parts of ordinances in conflict, or inconsistent with this ordinance are hereby repealed.
- C. Effective Date; Publication. This ordinance shall take effect immediately upon publication of this ordinance, or a synopsis thereof, in a newspaper circulated in Village of Grosse Pointe Shores, A Michigan City, which publication shall be within 16 days after passage.

Passed: October 19, 2010


James M. Cooper, Mayor


Brian P. Vick, City Clerk

VILLAGE OF
GROSSE POINTE SHORES
A Michigan City

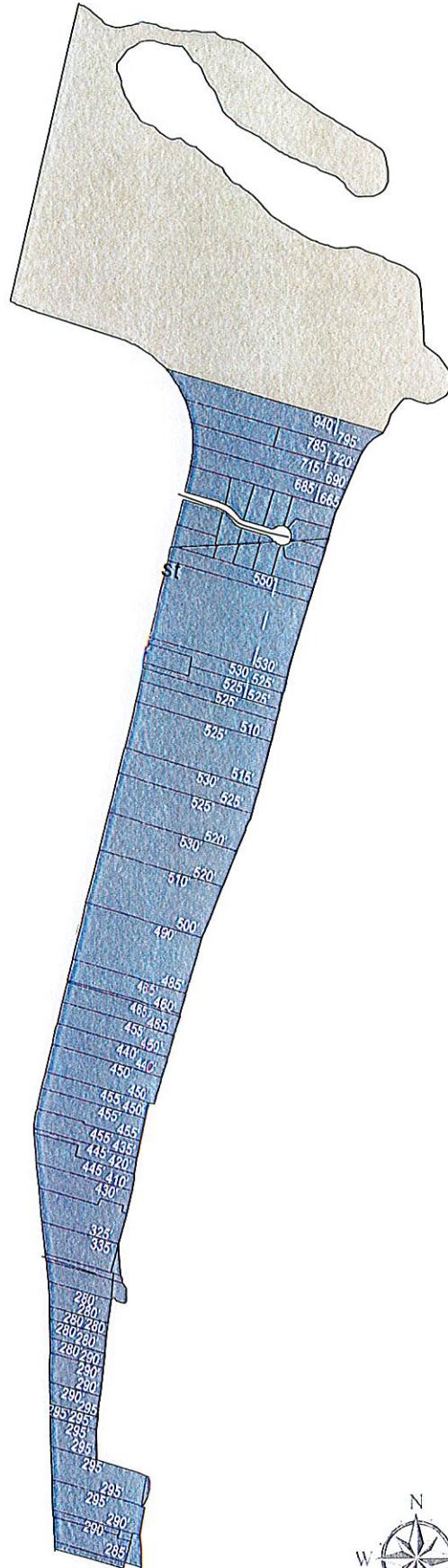
ZONING MAP

Approved By:
Village of Grosse Pointe Shores,
A Michigan City
Planning Commission

Adopted By:
Village of Grosse Pointe Shores, A Michigan City
City Council

Adoption Date:
Draft July 22, 2010

ATTACHMENT A
WATERFRONT SETBACK



Community Planning & Management, PC.
Professional Planning Consultants

