



Ground Lease - Build to Suit

Hard Corner of 14 Mile and Crooks

Two Parcels: 1359 W. 14 Mile Road and 51 S. Crooks Road
Clawson, MI 48017



- Generational Location
- Long Term Ground Lease - Build to Suit
- Ground lease one or both parcels
- Drive thru available on combined parcels
- Incredible demographics
- Retail or Food use
- Up to 5,010 Sq. Ft. can be built on the combined site
- See attached proposed site plans but build what you want
- .56 Combined Acres (105' 14 Mile Frontage X 280' Crooks Rd Frontage)
- Ground lease at \$6,000 per month per site

Presented By:
David Kolar
Kolar Commercial Group
725 S. Adams, Suite 217
Birmingham, MI 48009 (248) 647-7600

The information listed above has been obtained from sources we believe to be reliable, however, we accept no responsibility for its correctness.

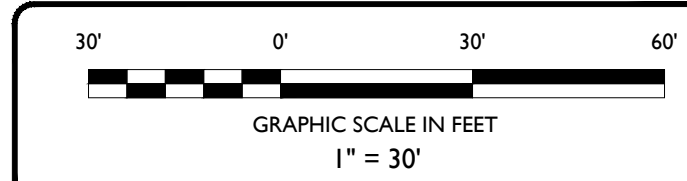
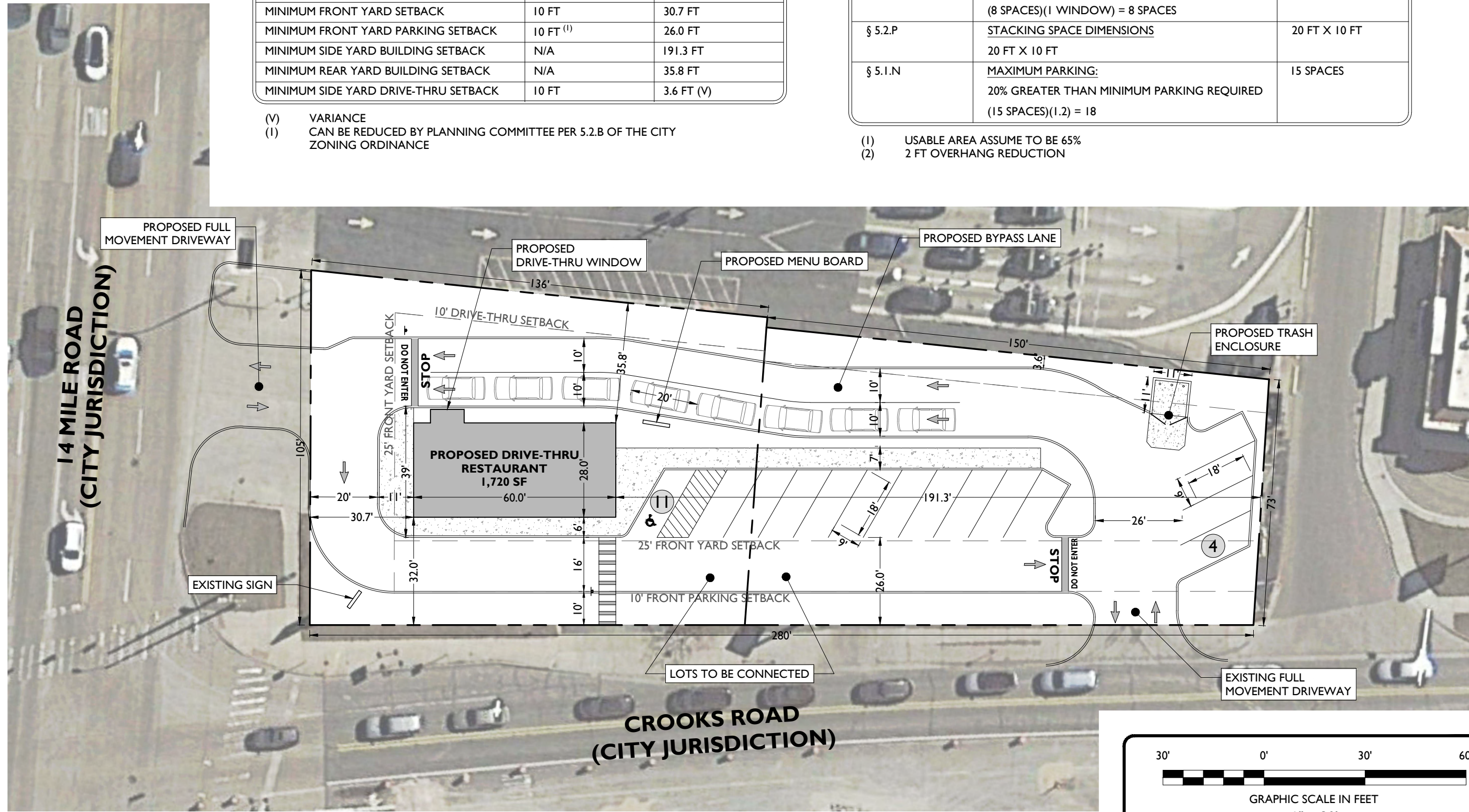


LAND USE AND ZONING		
PARCEL ID: 25-04-101-002 & 25-04-101-013		
WEST GATE ZONE (WG)		
PROPOSED USE		
RESTAURANT WITH DRIVE-THRU	PERMITTED USE	
ZONING REQUIREMENT	REQUIRED	PROPOSED
MINIMUM LOT AREA	N/A	25,186 SF (0.58 AC)
MAXIMUM BUILDING HEIGHT	30 FT (2 STORIES)	N/A
MINIMUM RIGHT OF WAY SETBACK	25 FT	32.0 FT
MINIMUM FRONT YARD SETBACK	10 FT	30.7 FT
MINIMUM FRONT YARD PARKING SETBACK	10 FT ⁽¹⁾	26.0 FT
MINIMUM SIDE YARD BUILDING SETBACK	N/A	191.3 FT
MINIMUM REAR YARD BUILDING SETBACK	N/A	35.8 FT
MINIMUM SIDE YARD DRIVE-THRU SETBACK	10 FT	3.6 FT (V)

(V) VARIANCE
 (1) CAN BE REDUCED BY PLANNING COMMITTEE PER 5.2.B OF THE CITY ZONING ORDINANCE

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 5.1.D	RESTAURANT WITH DRIVE-THRU: 1 SPACE PER 75 SF OF USABLE FLOOR AREA ⁽¹⁾ (1720 SF GFA)(0.65)(1/75 SF) = 15 SPACES	15 SPACES
§ 5.2.B	60° PARKING 9 FT X 20 FT W/ 16 FT AISLE	9 FT X 20 FT W/ 18 FT AISLE ⁽²⁾
§ 5.1.D	DRIVE-THRU STACKING SPACES 8 SPACES PER WINDOW (8 SPACES)(1 WINDOW) = 8 SPACES	8 SPACES
§ 5.2.P	STACKING SPACE DIMENSIONS 20 FT X 10 FT	20 FT X 10 FT
§ 5.1.N	MAXIMUM PARKING: 20% GREATER THAN MINIMUM PARKING REQUIRED (15 SPACES)(1.2) = 18	15 SPACES

(1) USABLE AREA ASSUME TO BE 65%
 (2) 2 FT OVERHANG REDUCTION



V:\DET\2022\DET-220246-David Schirra-1359 West 14 Mile Road, Clawson, MI\CADD\Concepts\2022-06-21_ (H5) Concept A, Clawson.dwg



CONCEPT PLAN
PROPOSED RESTAURANT WITH DRIVE-THRU

DRAFT

NOT APPROVED FOR CONSTRUCTION

DRAWN BY: NAB
 CHECKED BY: KTH
 DATE: 06/24/2022
 SCALE: (H) 1" = 30'

PROJECT ID: DET-220246

TITLE:
CONCEPT A

SHEET:
A-1

PID: 25-04-101-002 & 25-04-101-013
 19 S CROOKS ROAD & 51 S CROOKS ROAD
 CITY OF CLAWSON
 OAKLAND COUNTY, MI

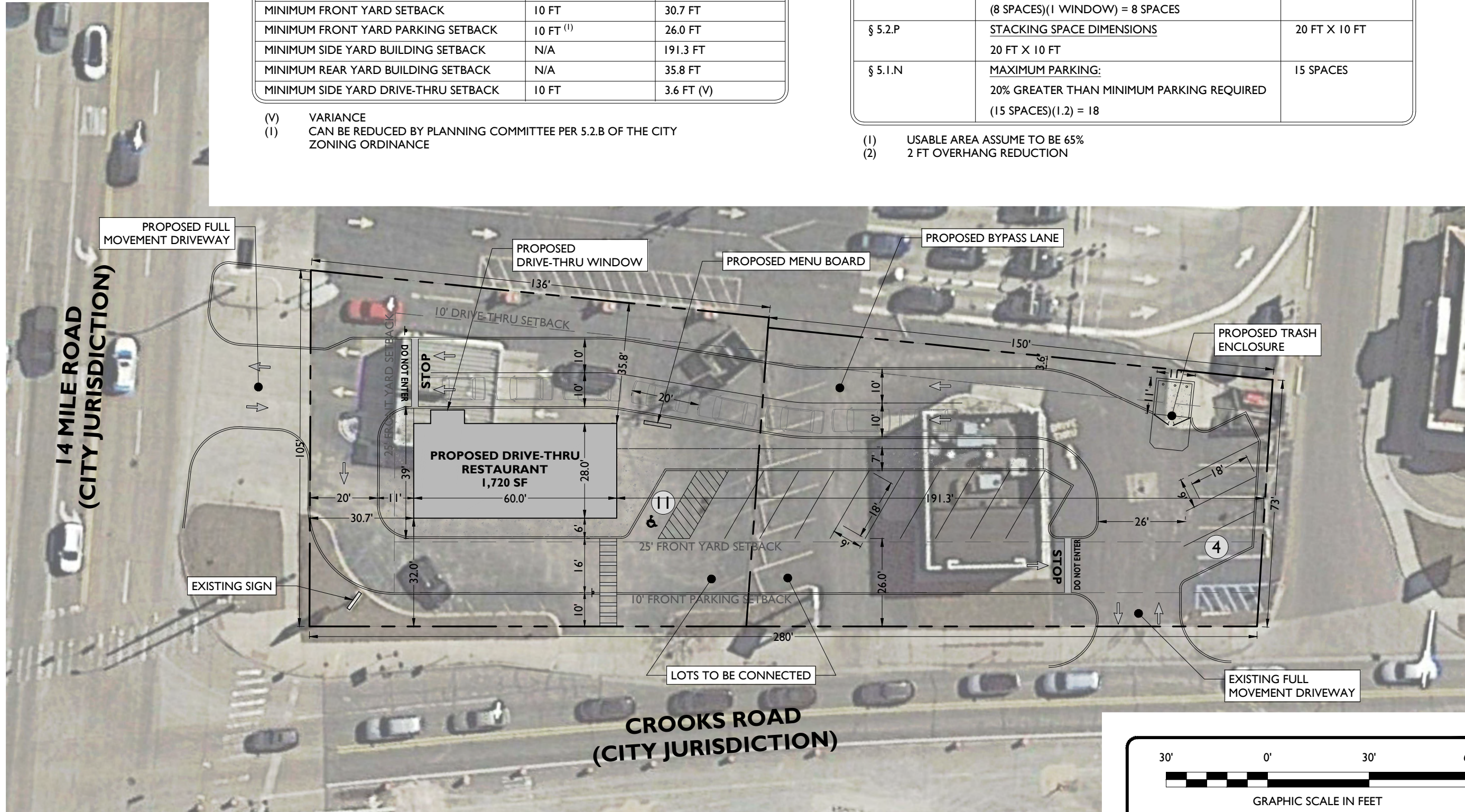


LAND USE AND ZONING		
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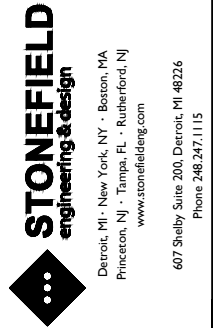
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§ 5.1.N	MAXIMUM PARKING: 20% GREATER THAN MINIMUM PARKING REQUIRED (15 SPACES)(1.2) = 18	15 SPACES

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- (2) 2 FT OVERHANG REDUCTION



V:\DET\2022\DET-220246-David Schirra-1359 West 14 Mile Road, Clawson, MI\CADD\Concepts\2022-06-21_ (H5) Concept A, Clawson.dwg



CONCEPT PLAN

PROPOSED RESTAURANT WITH DRIVE-THRU

PID: 25-04-101-002 & 25-04-101-013
19 S CROOKS ROAD & 51 S CROOKS ROAD
CITY OF CLAWSON
OAKLAND COUNTY, MI

DRAFT

ANTON PRINCIPAL

NOT APPROVED FOR CONSTRUCTION

DRAWN BY: NAB
CHECKED BY: KTH
DATE: 06/24/2022
SCALE: (H) 1" = 30'

PROJECT ID: DET-220246

TITLE:
CONCEPT A (AERIAL)

SHEET:
A-2

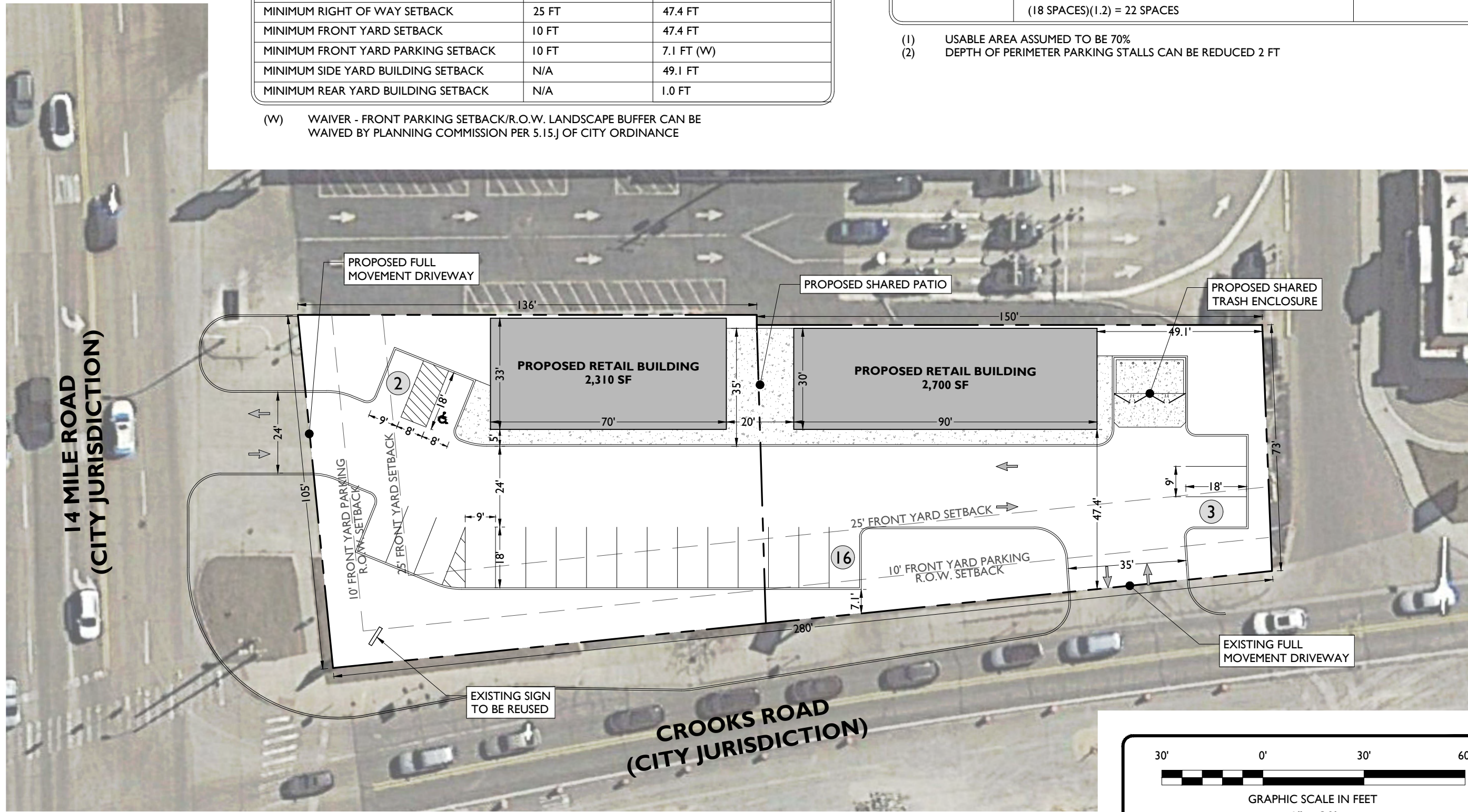


LAND USE AND ZONING		
PARCEL ID: 25-04-101-002 & 25-04-101-013		
WEST GATE ZONE (WG)		
PROPOSED USE		
RETAIL BUILDING	PERMITTED USE	
ZONING REQUIREMENT	REQUIRED	PROPOSED
MINIMUM LOT AREA	N/A	13,035 SF (0.30 AC) - NORTH 12,152 SF (0.28 AC) - SOUTH
MAXIMUM BUILDING HEIGHT	30 FT (2 STORIES)	<30 FT
MINIMUM RIGHT OF WAY SETBACK	25 FT	47.4 FT
MINIMUM FRONT YARD SETBACK	10 FT	47.4 FT
MINIMUM FRONT YARD PARKING SETBACK	10 FT	7.1 FT (W)
MINIMUM SIDE YARD BUILDING SETBACK	N/A	49.1 FT
MINIMUM REAR YARD BUILDING SETBACK	N/A	1.0 FT

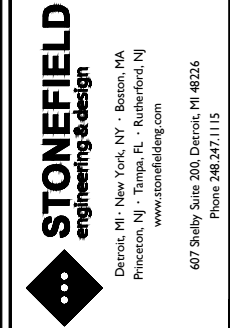
(W) WAIVER - FRONT PARKING SETBACK/R.O.W. LANDSCAPE BUFFER CAN BE WAIVED BY PLANNING COMMISSION PER 5.15.J OF CITY ORDINANCE

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 5.1.D	RETAIL: 1 SPACE PER 200 SF OF USABLE FLOOR AREA ⁽¹⁾ (5,010 SF GFA)(0.70)(1/200 SF) = 18 SPACES	21 SPACES
§ 5.2.B	90° PARKING 9 FT X 20 FT W/ 24 FT AISLE	9 FT X 18 FT W/ 24 FT AISLE ⁽²⁾
§ 5.1.N	MAXIMUM PARKING: 20% GREATER THAN MINIMUM PARKING REQUIRED (18 SPACES)(1.2) = 22 SPACES	21 SPACES

- (1) USABLE AREA ASSUMED TO BE 70%
- (2) DEPTH OF PERIMETER PARKING STALLS CAN BE REDUCED 2 FT



V:\DET\2022\DET-220246-David Schirra-1359 West 14 Mile Road, Clawson, MI\CADD\Concepts\2022\07-05_ (H5) Concept B, Clawson.dwg



CONCEPT PLAN
PROPOSED RETAIL BUILDINGS

DRAFT
MONTON
PRINCIPAL

NOT APPROVED FOR CONSTRUCTION

DRAWN BY: NAB

CHECKED BY: KTH

DATE: 07/07/2022

SCALE: (H) 1" = 30'

PROJECT ID: DET-220246

TITLE:

CONCEPT B

SHEET:

B-1

PID: 25-04-101-002 & 25-04-101-013
19 S CROOKS ROAD & 51 S CROOKS ROAD
CITY OF CLAWSON
OAKLAND COUNTY, MI

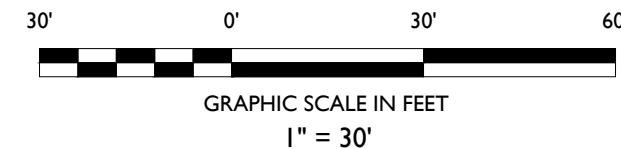
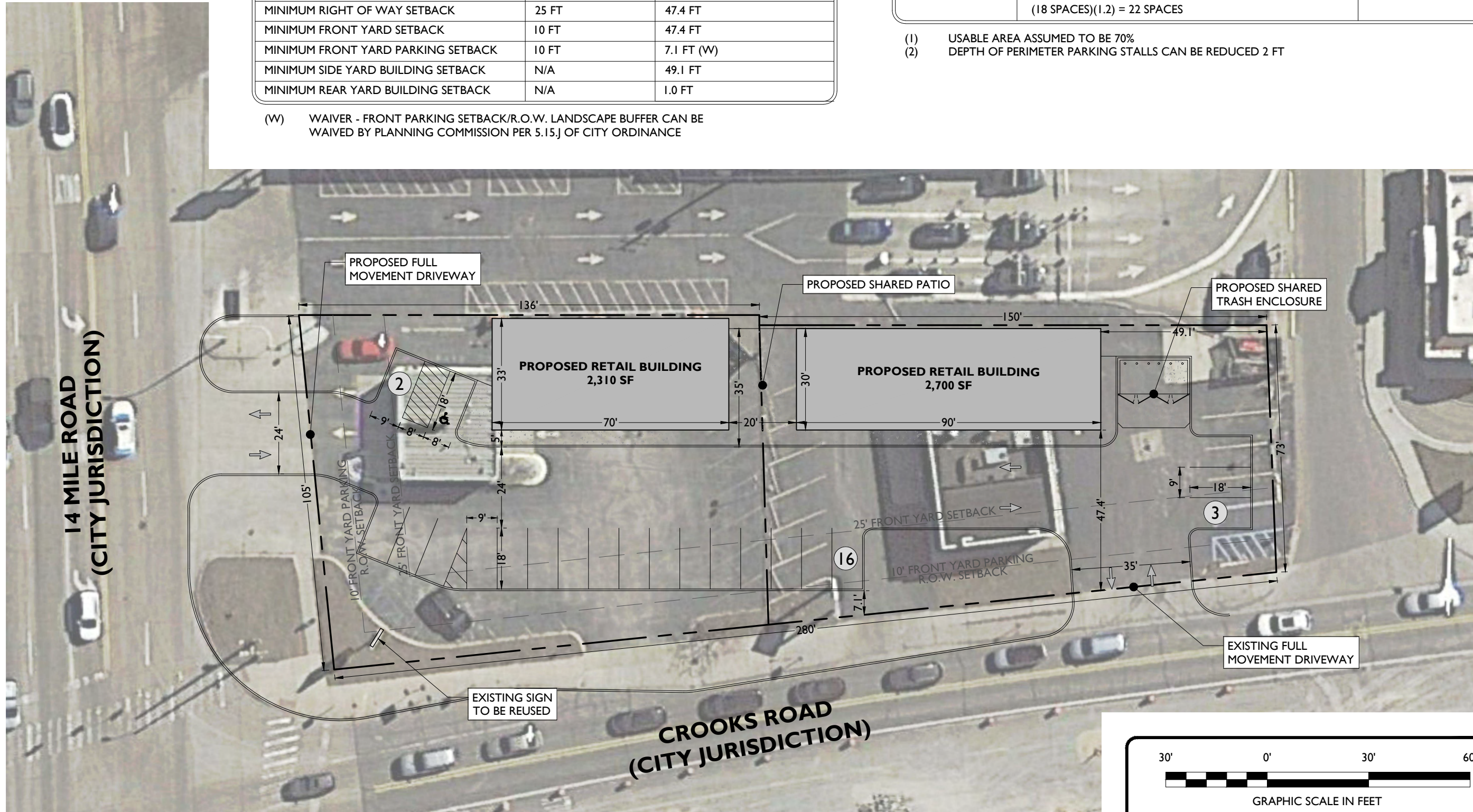


LAND USE AND ZONING		
PARCEL ID: 25-04-101-002 & 25-04-101-013		
WEST GATE ZONE (WG)		
PROPOSED USE		
RETAIL BUILDING	PERMITTED USE	
ZONING REQUIREMENT	REQUIRED	PROPOSED
MINIMUM LOT AREA	N/A	13,035 SF (0.30 AC) - NORTH 12,152 SF (0.28 AC) - SOUTH
MAXIMUM BUILDING HEIGHT	30 FT (2 STORIES)	<30 FT
MINIMUM RIGHT OF WAY SETBACK	25 FT	47.4 FT
MINIMUM FRONT YARD SETBACK	10 FT	47.4 FT
MINIMUM FRONT YARD PARKING SETBACK	10 FT	7.1 FT (W)
MINIMUM SIDE YARD BUILDING SETBACK	N/A	49.1 FT
MINIMUM REAR YARD BUILDING SETBACK	N/A	1.0 FT

(W) WAIVER - FRONT PARKING SETBACK/R.O.W. LANDSCAPE BUFFER CAN BE WAIVED BY PLANNING COMMISSION PER 5.15.J OF CITY ORDINANCE

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 5.1.D	RETAIL: 1 SPACE PER 200 SF OF USABLE FLOOR AREA ⁽¹⁾ (5,010 SF GFA)(0.70)(1/200 SF) = 18 SPACES	21 SPACES
§ 5.2.B	90° PARKING 9 FT X 20 FT W/ 24 FT AISLE	9 FT X 18 FT W/ 24 FT AISLE ⁽²⁾
§ 5.1.N	MAXIMUM PARKING: 20% GREATER THAN MINIMUM PARKING REQUIRED (18 SPACES)(1.2) = 22 SPACES	21 SPACES

- (1) USABLE AREA ASSUMED TO BE 70%
 (2) DEPTH OF PERIMETER PARKING STALLS CAN BE REDUCED 2 FT



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CONCEPT PLAN
PROPOSED RETAIL BUILDINGS

PID: 25-04-101-002 & 25-04-101-013
 19 S CROOKS ROAD & 51 S CROOKS ROAD
 CITY OF CLAWSON
 OAKLAND COUNTY, MI

DRAFT

NOT APPROVED FOR CONSTRUCTION

DRAWN BY: NAB
 CHECKED BY: KTH
 DATE: 07/07/2022
 SCALE: (H) 1" = 30'

PROJECT ID: DET-220246

TITLE:
CONCEPT B (AERIAL)

SHEET:
B-2



LAND USE AND ZONING

PARCEL ID: 25-04-101-002 (NORTH) & 25-04-101-013 (SOUTH)

WEST GATE ZONE (WG)

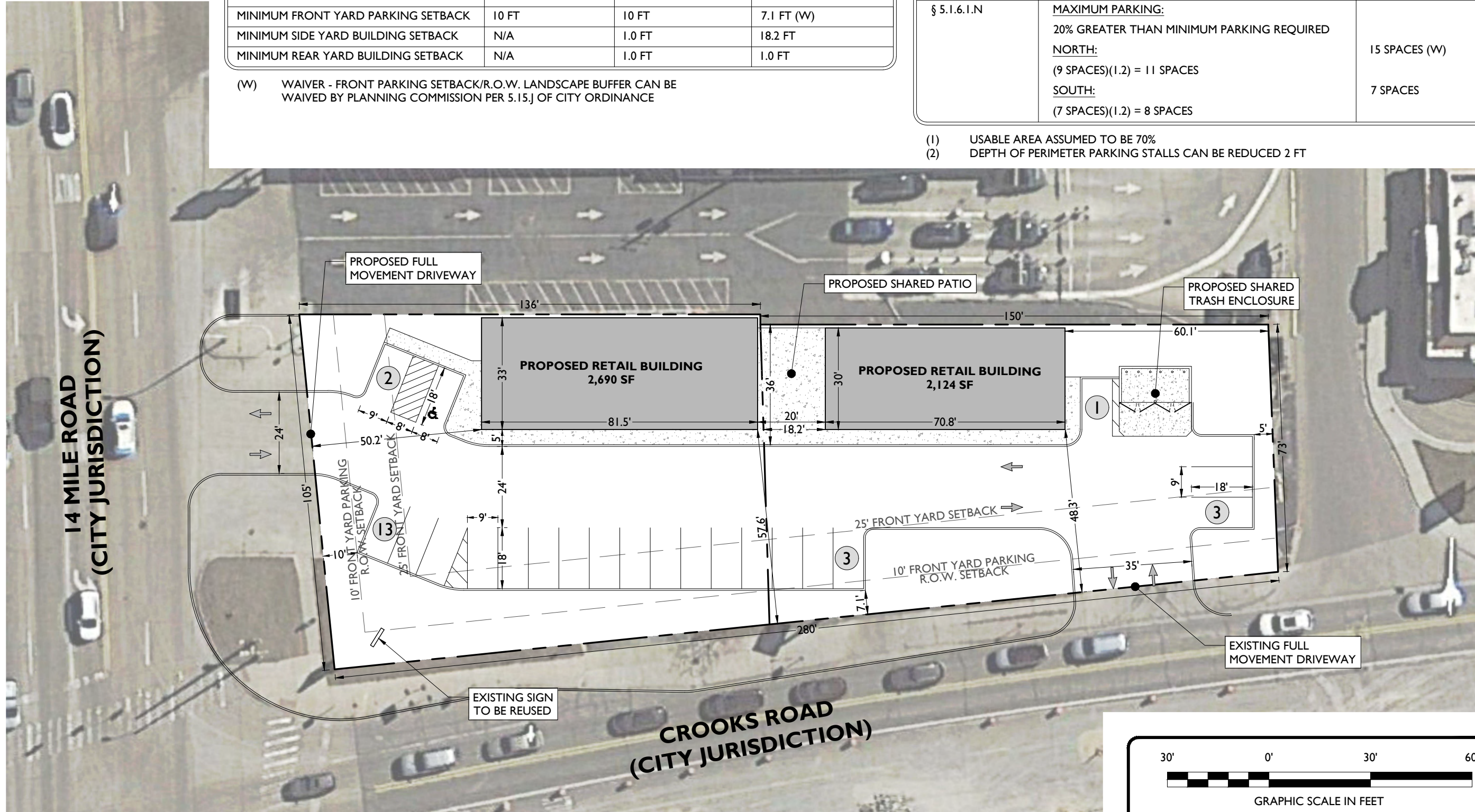
PROPOSED USE		PERMITTED USE	
ZONING REQUIREMENT	REQUIRED	PROPOSED - NORTH	PROPOSED - SOUTH
RETAIL BUILDING			
MINIMUM LOT AREA	N/A	13,035 SF (0.30 AC)	12,152 SF (0.28 AC)
MAXIMUM BUILDING HEIGHT	30 FT (2 STORIES)	<30 FT	<30 FT
MINIMUM RIGHT OF WAY SETBACK	25 FT	50.2 FT	48.3 FT
MINIMUM FRONT YARD SETBACK	10 FT	50.2 FT	48.3 FT
MINIMUM FRONT YARD PARKING SETBACK	10 FT	10 FT	7.1 FT (W)
MINIMUM SIDE YARD BUILDING SETBACK	N/A	1.0 FT	18.2 FT
MINIMUM REAR YARD BUILDING SETBACK	N/A	1.0 FT	1.0 FT

(W) WAIVER - FRONT PARKING SETBACK/R.O.W. LANDSCAPE BUFFER CAN BE WAIVED BY PLANNING COMMISSION PER 5.15.J OF CITY ORDINANCE

OFF-STREET PARKING REQUIREMENTS

CODE SECTION	REQUIRED	PROPOSED
§ 5.1.D	RETAIL (NORTH): 1 SPACE PER 200 SF OF USABLE FLOOR AREA ⁽¹⁾ (2,690 SF GFA)(0.70)(1/200 SF) = 9 SPACES	15 SPACES
	RETAIL (SOUTH): 1 SPACE PER 200 SF OF USABLE FLOOR AREA ⁽¹⁾ (2,124 SF GFA)(0.70)(1/200 SF) = 7 SPACES	7 SPACES
§ 5.2.B	90° PARKING 9 FT X 20 FT W/ 24 FT AISLE	9 FT X 18 FT W/ 24 FT AISLE ⁽²⁾
§ 5.1.6.1.N	MAXIMUM PARKING: 20% GREATER THAN MINIMUM PARKING REQUIRED NORTH: (9 SPACES)(1.2) = 11 SPACES SOUTH: (7 SPACES)(1.2) = 8 SPACES	15 SPACES (W) 7 SPACES

- (1) USABLE AREA ASSUMED TO BE 70%
- (2) DEPTH OF PERIMETER PARKING STALLS CAN BE REDUCED 2 FT



14 MILE ROAD
(CITY JURISDICTION)

CROOKS ROAD
(CITY JURISDICTION)

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Phone 248.247.1115

CONCEPT PLAN
PROPOSED RETAIL BUILDINGS

PID: 25-04-101-002 & 25-04-101-013
19 S CROOKS ROAD & 51 S CROOKS ROAD
CITY OF CLAWSON
OAKLAND COUNTY, MI

DRAFT
MONTON
PRINCIPAL

NOT APPROVED FOR CONSTRUCTION

DRAWN BY: NAB
CHECKED BY: KTH
DATE: 07/20/2022
SCALE: (H) 1" = 30'

PROJECT ID: DET-220246

TITLE:
CONCEPT C

SHEET:
C-1

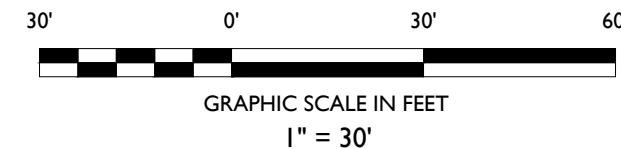
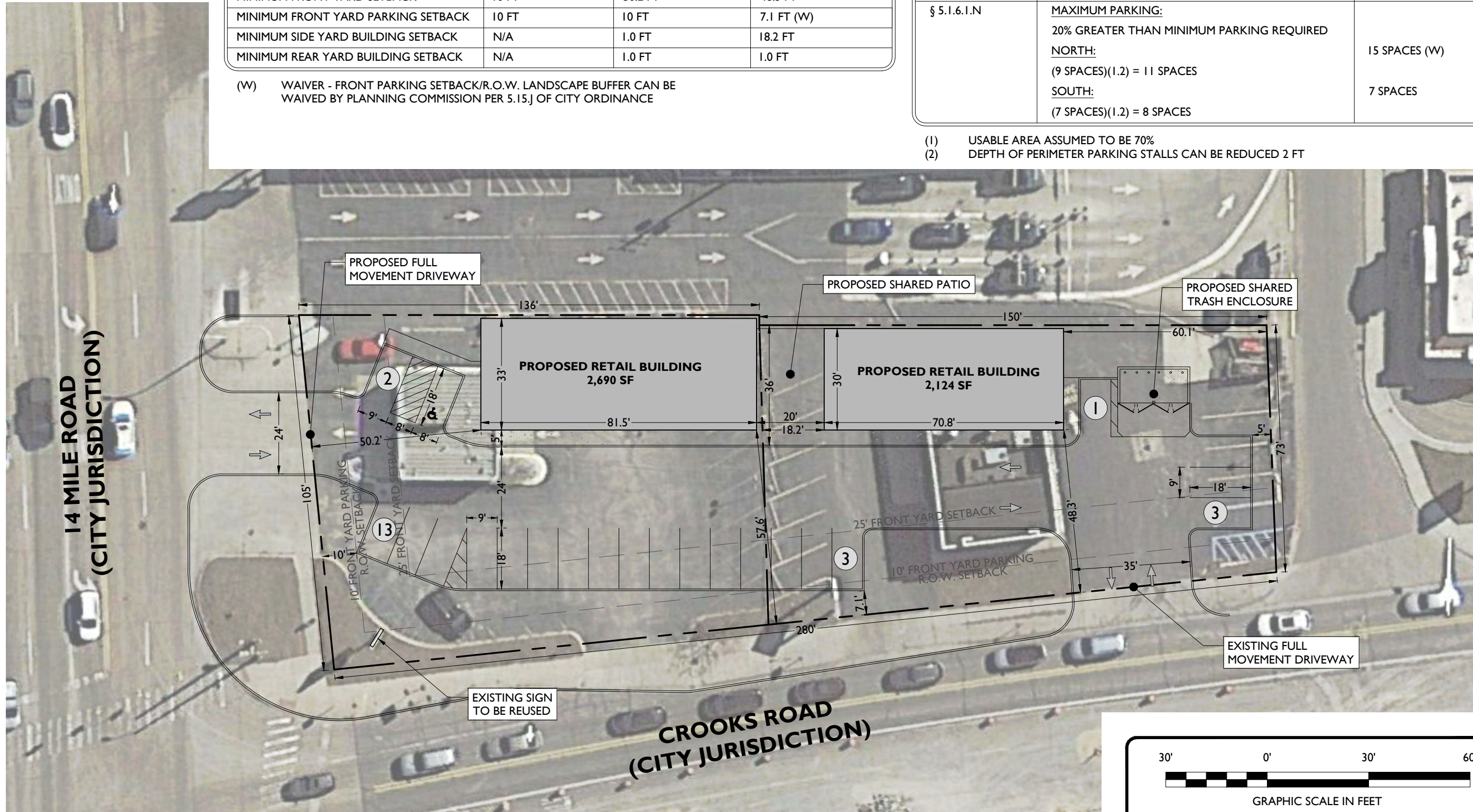


LAND USE AND ZONING			
PARCEL ID: 25-04-101-002 (NORTH) & 25-04-101-013 (SOUTH)			
WEST GATE ZONE (WG)			
PROPOSED USE			
RETAIL BUILDING	PERMITTED USE		
ZONING REQUIREMENT	REQUIRED	PROPOSED - NORTH	PROPOSED - SOUTH
MINIMUM LOT AREA	N/A	13,035 SF (0.30 AC)	12,152 SF (0.28 AC)
MAXIMUM BUILDING HEIGHT	30 FT (2 STORIES)	<30 FT	<30 FT
MINIMUM RIGHT OF WAY SETBACK	25 FT	50.2 FT	48.3 FT
MINIMUM FRONT YARD SETBACK	10 FT	50.2 FT	48.3 FT
MINIMUM FRONT YARD PARKING SETBACK	10 FT	10 FT	7.1 FT (W)
MINIMUM SIDE YARD BUILDING SETBACK	N/A	1.0 FT	18.2 FT
MINIMUM REAR YARD BUILDING SETBACK	N/A	1.0 FT	1.0 FT

(W) WAIVER - FRONT PARKING SETBACK/R.O.W. LANDSCAPE BUFFER CAN BE WAIVED BY PLANNING COMMISSION PER 5.15.J OF CITY ORDINANCE

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CONCEPT PLAN
PROPOSED RETAIL BUILDINGS

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OAKLAND COUNTY, MI

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CONCEPT C (AERIAL)

SHEET:
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V:\DET\2022\DET-220246-David Schirra-1359 West 14 Mile Road, Clawson, MI\CADD\Concepts\2022\07-19_ (H5)\Concept-C Clawson.dwg

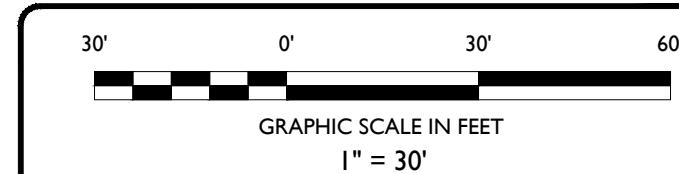
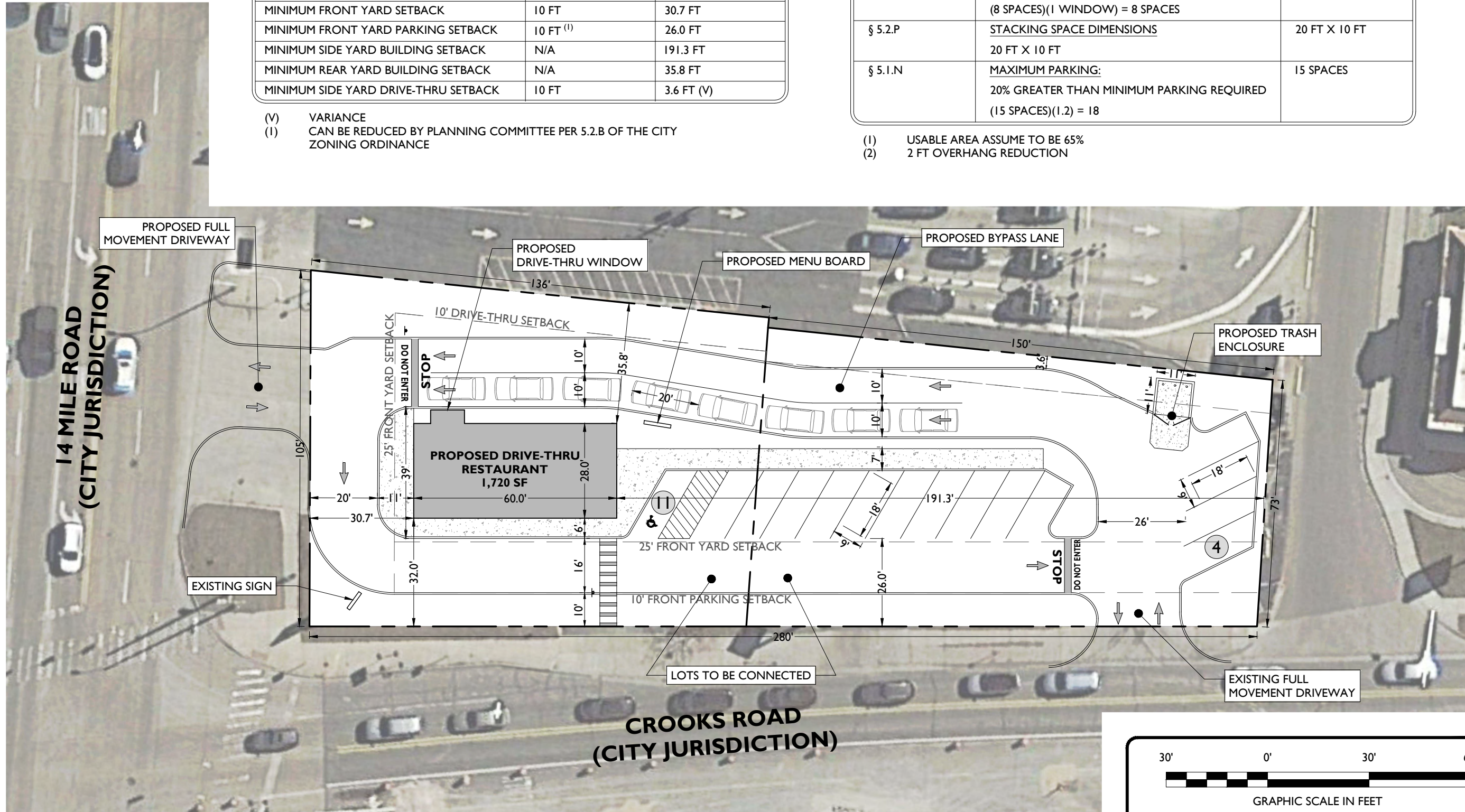


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PROPOSED RESTAURANT WITH DRIVE-THRU

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CITY OF CLAWSON
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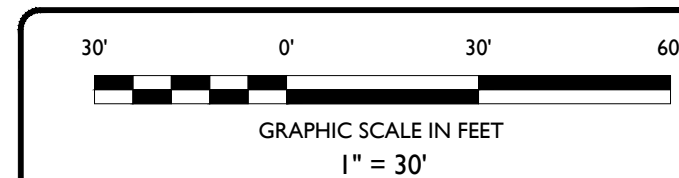
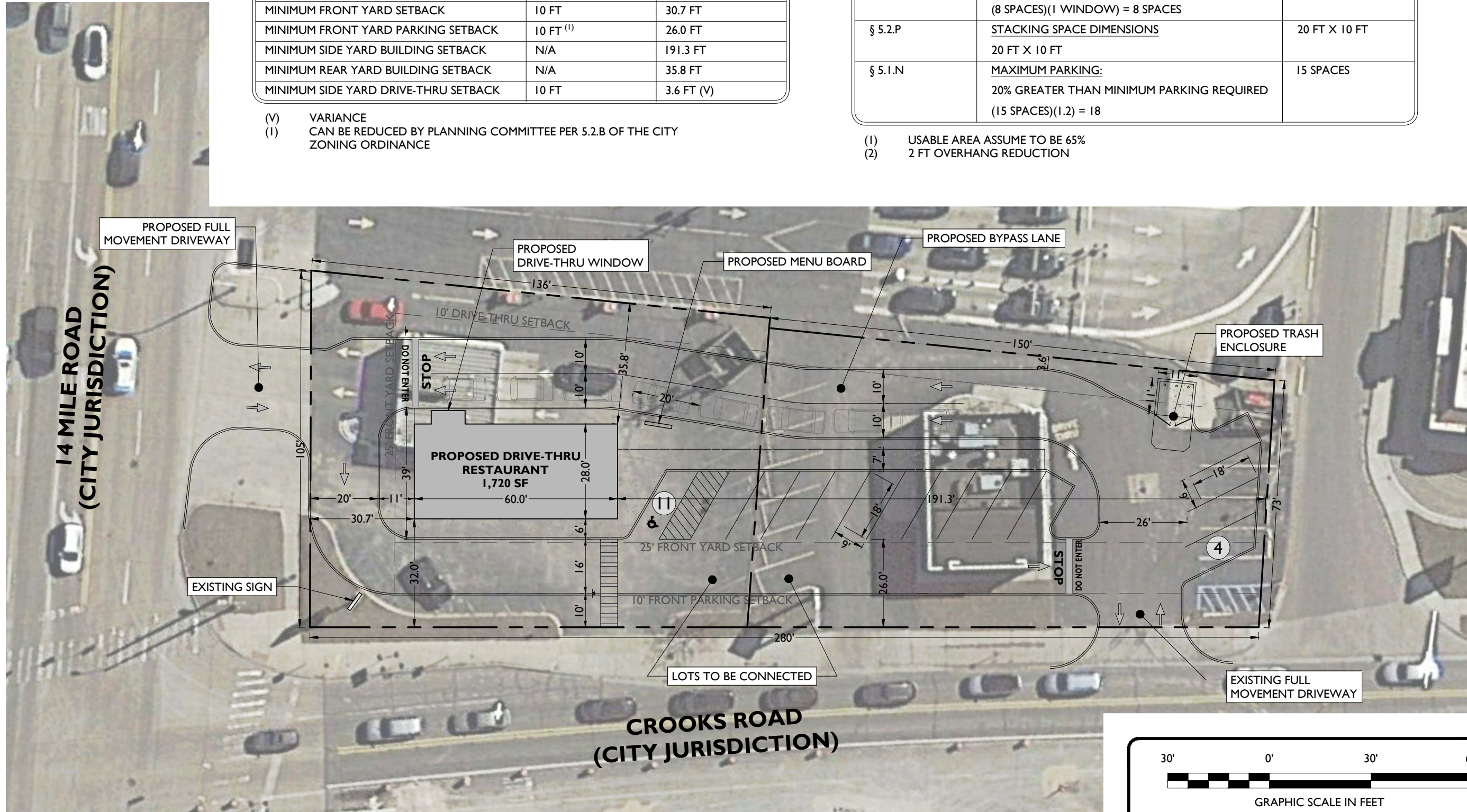


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PROPOSED RESTAURANT WITH DRIVE-THRU

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OAKLAND COUNTY, MI

DRAFT
MONTON
PRINCIPAL

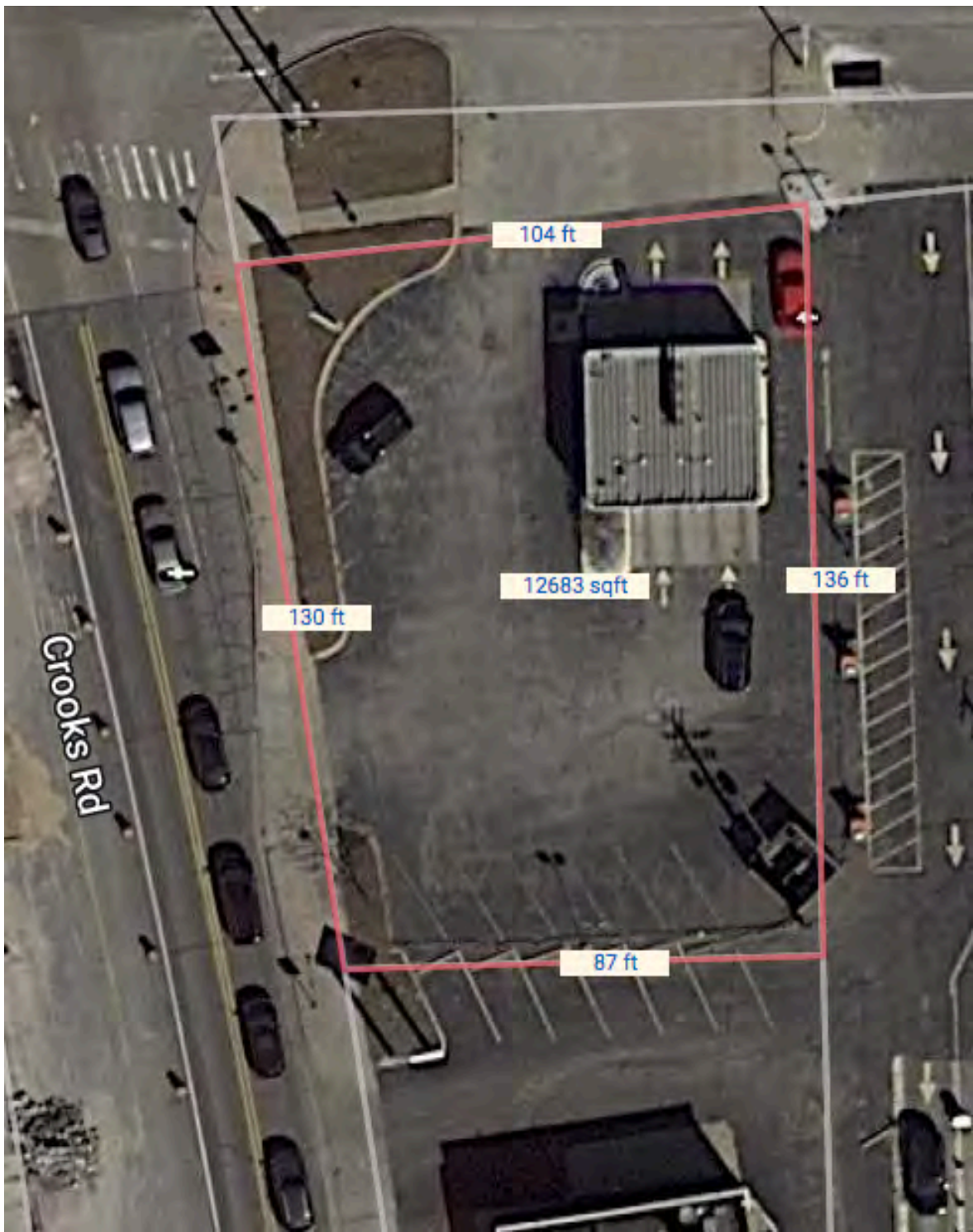
NOT APPROVED FOR CONSTRUCTION

DRAWN BY: NAB
CHECKED BY: KTH
DATE: 06/24/2022
SCALE: (H) 1" = 30'

PROJECT ID: DET-220246

TITLE:
CONCEPT A (AERIAL)

SHEET:
A-2







CLAWSON

MICHIGAN

Troy

Zoning Map

Clawson, Michigan

April 2021

Zoning

- CR Core Residential
- R-1 Single Family Residential
- R-2 Single Family Residential
- RM-1 Multiple Family Residential (Low Rise)
- RM-2 Multiple Family Residential (High Rise)
- O-1 Office Service
- CC City Center
- CMD Central Mixed Use
- B-1 Local Business
- B-2 Central Business
- B-3 General Business
- BRD-1 Business Renewal District
- BRD-2 Business Renewal District
- I-1 Limited Industrial
- WG West Gate
- VP Vehicular Parking District

The lines of this map are representational of the actual City boundary and parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area discrepancies. Consult official City of Clawson records for precise distances, boundaries, and areas.

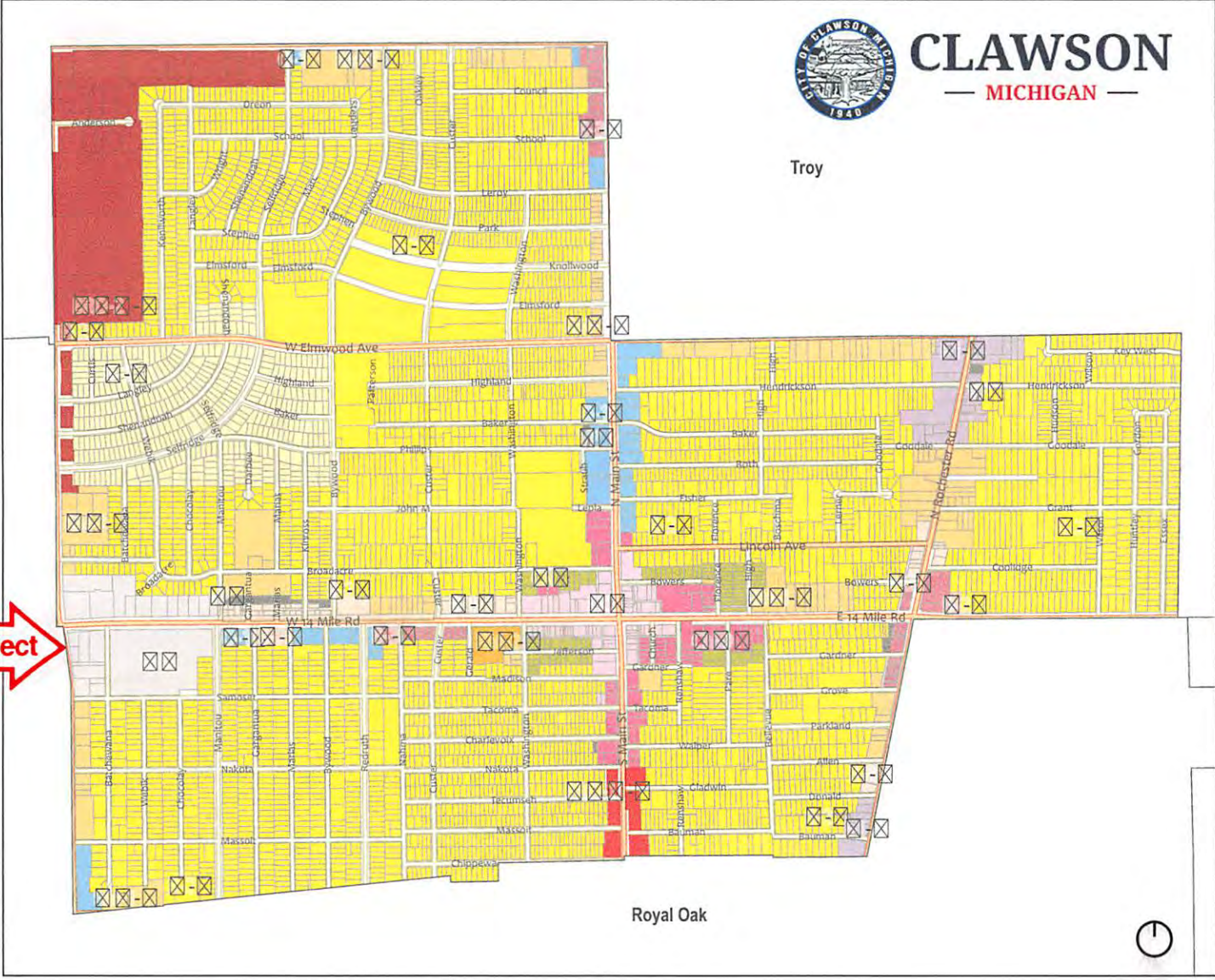
CERTIFICATION

I, Machele Kukuk, Interim City Clerk, City of Clawson, do hereby certify that this is a true copy of the map adopted by the City Council for the City of Clawson, Michigan, on April, 2021, as well as those amendments made as of the revision dates shown.

Machele Kukuk, City Clerk, Clawson, Michigan

Revisions

0 250 500 1,000 Feet



Royal Oak



3.1.0 WG West Gate

5. Development Standards

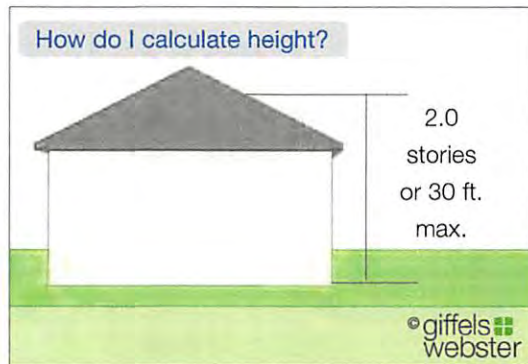
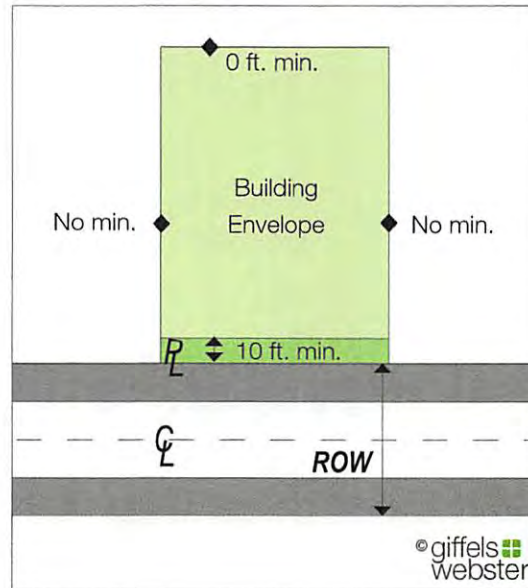
Setbacks



Minimum front yard setback:	10 ft.
Minimum rear yard setback:	0 ft.
Minimum side yard setback:	
Least one:	0 ft.
Total of two:	0 ft.

Maximum Building Height

Maximum building height: 2.0 stories or 30 ft.

See §3.13 for notes to the development standards.



  **User Note:** Click on [Blue](#) for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

6. Additional Requirements

Article 5

- Off-street parking and loading §5.1
- Parking §5.2
- Off-street loading §5.3
- Sidewalks §5.7
- Frontage on a public street §5.8
- Access to sites §5.9
- Corner clearance §5.11
- Landscaping §5.15
- Enclosure of roof appliances or accessories §5.16
- Dumpsters or outdoor trash receptacles §5.17
- Exterior lighting §5.18

Article 6

- Site plan review and approval §6.1
- Special land uses §6.2

3.1.0 WG West Gate

 User Note: Click on [Blue](#) for use-specific standards

2. Permitted Uses

- a. Accessory buildings, structures and uses[□] §5.12
- b. Artisan manufacturing/galleries[□] §4.38
- c. Business support services
- d. Financial institutions §4.13
- e. Personal service establishments[□]
- f. Fitness centers under 5,000 sq ft
- g. Offices, administrative and professional §4.34
- h. Retail §4.9 & §4.10
- i. Retail, outdoor §4.9 & §4.10
- j. Recreation, commercial indoor §4.39
- k. Restaurants, sit down, with or without alcohol[□] §4.6
- l. Restaurants, carryout[□] §4.6
- m. Restaurants, fast food, drive-in, and drive-through[□] §4.7
- n. Restaurants, outdoor cafes or areas[□] §4.8

3. Special Land Uses

- a. Financial institutions with drive-through service or automatic teller service §4.14
- b. Retail with drive-through facilities[□] §4.10
- c. Outdoor retail sales of plant materials, lawn equipment, etc. §4.12
- d. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission.

4. Prohibited Uses

- a. Uses such as pawn shops, sexually oriented businesses and others similar uses as determined by the planning commission shall be expressly prohibited in the West Gate District for the following reasons:
 - i. There are other areas within the city which are appropriately zoned for these type of uses.
 - ii. The West Gate District is envisioned as a family-oriented retail destination and the above type of uses do not contribute towards that vision.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

3.1.0 WG West Gate

(Intentionally Blank)

1. Purpose & Intent

2. Definitions

3. Zoning Districts

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5. Site Standards

6. Development Procedures

7. Administration & Enforcement



Section 5.12.A - I

5.12 Accessory buildings, structures and uses

Accessory buildings, structures and uses, except as otherwise regulated in this article, shall be subject to the following restrictions and controls:

- A. When an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this article applicable to the main building.
- B. No accessory buildings, structures, or uses shall be erected in any minimum side yard setback, nor in any front yard.
- C. An accessory building shall not occupy more than 25 percent of a required rear yard, provided that in any residential district the accessory building shall not exceed the ground floor area of the principal building.
- D. No detached accessory building or structure shall be located closer than ten feet to any building, except that an accessory building may be located no closer than five feet where the interior of the lot has alternative means of emergency vehicle access directly onto a dedicated right-of-way easement. A minimum width of ten feet shall be required for alternative means of emergency access. In no case shall any accessory building be located closer than two feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory structure shall not be closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.
- E. No detached accessory building or structure in R-1 and R-2, RM-1, RM-2, O-1, B-1 and P-1 districts shall exceed 14 feet in height. Accessory structures in all other districts may be constructed equal to the permitted maximum height of structures in such districts, subject to planning commission review and approval.
- F. On corner lots where a rear yard abuts a side yard, accessory buildings and structures on the corner lot shall not project beyond the front yard setback required on the lot to the rear of such corner lot, and shall have a minimum setback from the rear lot line a distance equal to the least side setback required for the lot abutting the corner lot.
- G. On any one single-family residential lot, not more than one private garage, and one storage shed shall be erected.
- H. The use of any accessory building for the overnight housing of persons is prohibited, unless expressly permitted by this article.
- I. Private home swimming pools shall be subject to the following regulations:
 1. **Location.** The pool shall be located in the rear yard only and shall be located not less than 25 feet from any front lot line.
 2. **Distance from adjoining property.** There shall be a minimum distance of not less than five feet from any other adjoining property line and the outside of the pool wall.
 3. **Fencing.** The pool shall be fenced and controlled, as provided by ordinance.
 4. **Inspection.** The city building department shall have the right, at any reasonable hour, to inspect any swimming pool for the purpose of determining that all provisions of this section and all ordinances are complied with. Before any swimming pool shall be used, a final inspection and approval must be received from the building department.



- 5. **Nuisance.** Any such outdoor swimming pool installed, operated or maintained in violation of provisions of this section shall constitute a nuisance, and the city may, in addition to the penalties set forth in [Article 7 - Administrative & Enforcement](#) and [Section 6.2 Special land uses](#), maintain any proper action for the abatement of such nuisance.
- J. Off-street parking which is accessory to a permitted use or a use permitted after special land use approval shall be permitted in each district, subject to the provisions of [Section 5.1 Off-street parking and loading](#). Nonaccessory off-street parking shall be permitted only in districts where it is listed as a permitted use or use permitted after special land use approval.
- K. No accessory structure or use shall be constructed or erected on a lot unless there is a principal building, structure, or use being legally constructed or already erected on the same zoning lot.
- L. When a garage is attached to a principal structure, the minimum required combined setback of the side yards shall be ten feet.

5.13 Fence, wall and privacy fence regulations in the R-1 and R-2 districts

Fences, walls and privacy screens are permitted in the R-1 and R-2 districts, subject to the following:

- A. **Permits.** The erection, construction or alteration of any fence, wall or privacy screen shall meet the requirements of all municipal codes and shall require a building permit. In order to obtain a permit, the applicant shall file with the building department a complete signed and dated fence application containing a plan with all the following information:
 - 1. Proposed location of fence
 - 2. Type of fence
 - 3. Fence materials and colors
 - 4. An elevation showing the design, including fence height and depth of footings
- B. **Placement and height.** The following placement standards shall apply to all residential fences and walls:
 - 1. Fences and walls shall not be placed in a front yard, except as otherwise permitted by this ordinance.
 - 2. A privacy fence up to six feet high may be erected in the rear yard of any residential property.
 - 3. On an interior lot, fences and walls shall not extend further toward the front lot line than the front building line. Privacy fences in interior side yards may have a height of up to six feet.
 - 4. Chain link fences may not exceed a height of four feet and shall not extend toward the front of the lot farther than the front building line.
 - 5. On corner lots where the rear yard abuts another rear yard, privacy fences in the exterior side yard may have a maximum height of six feet, and shall be constructed a minimum of six inches from the edge of the public sidewalk.
 - 6. Where the exterior side yard of a corner lot shares a common street line with a front yard in the same block, a privacy fence in the exterior side yard may have a maximum height of six feet, and shall be constructed a minimum of six inches from the edge of the public sidewalk. The exterior side yard fence shall not extend toward the front of the lot farther than the front setback line.

Section 4.42 - 4.44

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures7. Administration &
Enforcement**4.40 Automobile or car wash establishments**

In the general business district (B-3), automobile or car wash establishments may be permitted after special land use approval, provided that:

- A. All washing activities shall be carried out within a building. Vacuuming activities shall be permitted in the rear yard only, provided that such activities are located at least 50 feet from adjacent residentially zoned or used property.
- B. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- C. Sufficient space shall be provided for drying of the vehicle undercarriage during subfreezing weather prior to exiting onto the public thoroughfare.
- D. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.

4.41 Automobile filling stations and automobile service stations

In the general business district (B-3), automobile filling stations and automobile service stations, but not automobile repair garages may be permitted following special land use approval, provided that:

- A. The minimum lot area shall be 15,000 square feet for automobile filling stations and 12,000 square feet for automobile service stations. Gasoline service stations with repair facilities shall provide access to such repair facilities from the rear yard only. All such facilities shall not be located within 500 feet of places of public assembly.
- B. The curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection, measured from the road right-of-way, or from any residentially zoned districts. Drives shall be no less than 20 feet wide, nor wider than 30 feet at the right-of-way line. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage along any street.
- C. The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or plant-mixed bituminous material. Curbs of at least six inches in height shall be installed around the perimeter of all surfaced areas.
- D. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line.
- E. The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two days.



Section 4.18 - 4.20

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures7. Administration &
Enforcement

4.15 Motels and motel courts

Motels and motel courts may be permitted in the general business district (B-3) following special land use approval and provided that:

- A. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- B. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
- C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of 250 square feet.
- D. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

4.16 Parking structures

In the City Center district, parking structures may be permitted subject to the following requirements:

- A. The garage may be self-contained or combined with a building which fronts on a perimeter public street.
- B. Access to the garage shall be from a rear or side alley.
- C. Garages shall be no less than two stories.

4.17 Places of worship

Places of worship may be permitted in the R-1 and R-2 districts provided that:

- A. The lot shall maintain frontage on a major thoroughfare for not less than the minimum lot width required in the underlying zoning district.
- B. Buildings of greater than the maximum height permitted in the [District Summary Table](#) may be permitted by the planning commission, provided that the front, rear and side yards are increased above the minimum required yards by one foot for each foot of building that exceeds the maximum height permitted.
- C. All ingress and egress from such site shall be directly onto a major thoroughfare, as provided in [Section 5.9 Access to sites](#).
- D. Off-street parking shall be prohibited in the front yard setback area and within ten feet of the rear or side property lines. In case any off-street parking abuts a lot in any residential district, a wall or a greenbelt shall be provided per [Section 5.14 Obscuring walls](#) and [Section 5.15 Landscaping, greenbelts and planting materials](#).
- E. The lot shall have adequate land area to accommodate the building, setbacks, parking, greenbelts, landscaping and other required site improvements, to minimize negative impacts on affected residential uses.



4.18 Not-for-profit public, parochial and private schools offering courses in general education

Not-for-profit public, parochial and private schools offering courses in general education may be permitted in the R-1 and R-2 districts following special land use approval, provided that:

- A. All ingress and egress from such site shall be directly onto a major thoroughfare, as provided in [Section 5.9 Access to sites](#).
- B. Buildings of greater than the maximum height permitted in the [District Summary Table](#) may be permitted, provided that front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height permitted.
- C. Off-street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per [Section 5.14 Obscuring walls](#) and [Section 5.15 Landscaping, greenbelts and planting materials](#).

4.19 Public or private colleges or universities and other such institutions of higher learning, offering courses in general, technical or religious education

In the RM-1 district, these uses may be permitted following special land use approval, provided that:

- A. Buildings of greater than the maximum height permitted in the [District Summary Table](#) may be permitted, provided that the front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height permitted.
- B. All ingress and egress from such site shall be directly onto a major thoroughfare, and as provided in [Section 5.9 Access to sites](#).
- C. Off-street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per [Section 5.14 Obscuring walls](#) and [Section 5.15 Landscaping, greenbelts and planting materials](#).

4.20 Municipal, county, regional, and state service buildings and uses

Municipal, county, regional and state service buildings and uses may be permitted in the R-1 and R-2 districts following special land use approval, provided that:

- A. Operating requirements necessitate that the facility be located within the district in order to serve the immediate vicinity.
- B. Public buildings and utility uses shall not include any outdoor storage of materials or vehicles.
- C. The architecture and construction materials shall be in character with the surrounding residential area.

Section 4.38 - 4.39

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures7. Administration &
Enforcement**4.35 Blueprinting, photostating, photography, printing, and office research district special assembly uses**

In the office research district (O-2), these uses may be permitted following special land use approval, provided that:

- A. The planning commission shall determine that the proposed use will not be injurious or have any adverse affects on the adjacent uses, and to this end may make suitable restrictions and safeguards as may be deemed necessary to protect the interest of public health, safety and welfare.
- B. There shall be no manufacturing, compounding, fabrication, treatment or processing of any such article or any permanent part.
- C. All materials used or goods produced on the premises shall be stored within a totally enclosed building.

4.36 Offices and showrooms of a plumber, electrician, building contractor, upholster, caterer, decorator or similar trade

In the local business district (B-1), these uses may be permitted following special land use approval, provided that:

- A. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
- B. The ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.
- C. There shall be no outside storage of materials or goods of any kind.

4.37 Offices of manufactures agents, sales representatives and others requiring display area and limited warehousing

These uses may be permitted in the BRD-2 district after special land use approval, subject to the following standards:

- 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.



4.9 Retail or service businesses

- A. In the RM-2 and O-1 districts, business uses of a retail or service nature are permitted after special land use approval provided that:
 1. Such business uses are clearly incidental and accessory to the main use.
 2. The business use is totally obscured from any exterior view.
 3. The business uses shall not exceed 25 percent of the floor area at grade level and/or 50 percent of a subgrade level, and shall be prohibited on all floors above the first floor (or grade level).
- B. In the City Center district, the temporary outdoor display of goods is permitted as an accessory use to a retail business, subject to the following:
 1. Temporary outdoor display may be placed within the adjacent public right-of-way, along the front lot line or in the front yard, up to a depth of three feet provided the display area is not greater than 40 percent of the frontage of the building multiplied by three feet, up to 100 square feet. A minimum clear area of four feet shall be maintained along all pedestrian walks (five feet where mandated by ADA requirements).
 2. All outdoor display, including all merchandise, display units, and similar material, shall be limited to the regular operating hours of the business and shall be brought indoors each day during non-business hours.
 3. Outdoor display shall be located in a designated area immediately abutting the associated building(s).
 4. The outdoor display of merchandise shall not exceed a maximum height of eight feet.

4.10 Retail stores, including, but not limited to, drug stores, dry cleaners, etc., with drive-through facilities

Retail stores may be permitted in the West Gate District subject to the following standards:

- A. Drive-through windows/pickup stations shall not be located within 50 feet of a residentially zoned district.
- B. Screening shall be provided in the form of a landscape greenbelt with a minimum width of ten feet along a residentially zoned district.
- C. Adequate lighting shall be provided for the drive-through area and shall be shielded from adjacent properties.

Section 4.13 - 4.14

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures7. Administration &
Enforcement**4.11 Retail uses, characteristic to serving industrial park needs such as restaurants and such other places serving food or beverages**

In the general industrial district (I-2), these uses are permitted, provided that:

- A. Such retail uses are clearly incidental and accessory to the main use.
- B. The retail use is totally obscured from any exterior view.
- C. The retail uses shall not exceed 25 percent of the floor area at grade level and/or 50 percent of a subgrade level, and shall be prohibited on all floors above the first floors (or grade level).

4.12 Outdoor retail sales of plant materials, lawn equipment, etc.

- A. Outdoor retail sales of plant materials not grown on the site, lawn furniture, playground equipment, and home garden supplies may be permitted in the general business district (B-3) following special land use approval, provided that:
 1. Plant storage and display areas shall comply with the minimum setback requirements.
 2. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
- B. Outdoor retail sales of plant materials, lawn equipment, etc., may be permitted in the West Gate District subject to the following standards:
 1. All outdoor sales area must be enclosed by a decorative aluminum, wrought iron or wood fence with a maximum height not to exceed 36 inches.
 2. Outdoor sales area are subject to setback standards listed in [Section 3.13 Development standards for the BRD-1, BRD-2, and WG districts](#) below.
 3. The outdoor sales area shall be laid out to allow for adequate access around the displays.
 4. The storage of soil, fertilizer, mulch and other similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
 5. Adequate lighting shall be for the outdoor sales area and shall be shielded from adjacent properties. Yard areas facing a public right-of-way shall be provided with decorative and/or ornamental lighting only.



Section 4.42 - 4.44

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures7. Administration &
Enforcement**4.40 Automobile or car wash establishments**

In the general business district (B-3), automobile or car wash establishments may be permitted after special land use approval, provided that:

- A. All washing activities shall be carried out within a building. Vacuuming activities shall be permitted in the rear yard only, provided that such activities are located at least 50 feet from adjacent residentially zoned or used property.
- B. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- C. Sufficient space shall be provided for drying of the vehicle undercarriage during subfreezing weather prior to exiting onto the public thoroughfare.
- D. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.

4.41 Automobile filling stations and automobile service stations

In the general business district (B-3), automobile filling stations and automobile service stations, but not automobile repair garages may be permitted following special land use approval, provided that:

- A. The minimum lot area shall be 15,000 square feet for automobile filling stations and 12,000 square feet for automobile service stations. Gasoline service stations with repair facilities shall provide access to such repair facilities from the rear yard only. All such facilities shall not be located within 500 feet of places of public assembly.
- B. The curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection, measured from the road right-of-way, or from any residentially zoned districts. Drives shall be no less than 20 feet wide, nor wider than 30 feet at the right-of-way line. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage along any street.
- C. The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or plant-mixed bituminous material. Curbs of at least six inches in height shall be installed around the perimeter of all surfaced areas.
- D. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line.
- E. The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two days.



Section 4.5.D - 4.6.C

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures7. Administration &
Enforcement

5. The lot coverage for all buildings shall not exceed 35 percent of total combined lot area for each residence.
 6. The front yard setback for the principal residence shall be 45 feet from the nearest point of the building to the closest line of the access road to the site.
- D. **Road, water runoff, infrastructure improvements.** The developer must show in the site plan all roadways, common areas, sidewalks to be constructed in the proposed development. All detail for storm water and waste disposal must be detailed. Requirements for such improvements must comply with City of Clawson requirements. A maintenance plan must also be submitted for the repair and replacement of such items with the acknowledgement that in the event the City of Clawson should be required to maintain or upgrade such improvements, the city has the right to assess each parcel the expense of such repairs, maintenance or upgrades and to assess the cost as a lien against each parcel.
- E. **Application fees.** An application fee to be paid to the City of Clawson for plans filed under this section of the land development code will be established in an amount by resolution of the city council which can be modified from time to time. The basis for the fee to be paid by each applicant will be on the estimated administrative, consultant and clerical time extended in reviewing the application.

4.6 Restaurants, carry-out or sit down, with or without alcohol

In the City Center district, restaurants may be permitted subject to the following conditions:

- A. Outdoor dining is a permitted accessory use on a ground floor or upper floor deck, subject to the following conditions:
 1. Outdoor dining shall not be located in a required setback area except for an area up to 15 [feet] wide and adjacent to a principal structure.
 2. The outdoor dining area shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, decorative metal fencing or architectural feature.
 3. The outdoor dining area shall not be located within ten feet of any properties used or zoned for residential purposes. The area shall be screened from view from all residential properties by an obscuring wall or greenbelt, per the conditions of [Section 3.11.C Off-street parking](#).
 4. The outdoor dining area shall be kept clean and void of litter at all times.
 5. All vending machines shall be located within a completely enclosed building.
 6. No additional signage is permitted within the outdoor dining area.
 7. Outdoor dining areas may be located in the public right-of-way, subject to approval by building director.
- B. Amplification of live music shall only be permitted within a completely enclosed building.
- C. Rooftop restaurants are principally permitted subject to the following conditions:
 1. The hours of the rooftop seating area shall not create a nuisance to the adjoining uses.
 2. For any establishment desiring to serve alcoholic liquor there must be advanced approval for outdoor sales from the Michigan Liquor Control Commission and the city.
 3. There must be sufficient insurance to cover or indemnify the city.



4. The applicant, in receiving approval for a rooftop café or eating area, must acknowledge that such use can be immediately revoked for the violation of any of the conditions of that use; a violation of any applicable provision of this section; a violation of any provision of a plan of operation under section 6-65; or an unauthorized modification of use from that originally described in the application and approval of the planning commission. The applicant shall execute a plan of operation incorporating relevant provisions.
5. All such operations shall not commence prior to April 15 of any given year and shall cease by November 15 of that same year.
6. No signage shall be permitted within the outdoor café or eating area, including umbrella signs, banners, etc. The only permitted signage shall be in association with the interior use and shall be consistent with the requirements of section 36-9.00.
7. Rooftop seating areas comprised of fully removable furniture and decor, with or without the sale of alcoholic liquor, are permitted in the CC district, subject to review by the city planner and final approval by the director of building and planning, subject to the conditions herein and the following additional condition: Temporary coverings are permitted provided they are removed at the end of each season.

4.7 Restaurants, fast-food and others with drive-up/drive-in uses

- A. In the West Gate District, restaurants and fast food establishments with drive-in or drive-through facilities may be permitted subject to the following standards:
 1. Any building on the site shall be located a minimum of 25 feet from an adjacent right-of-way line or residential property line.
 2. Public access to the site shall be located at least 60 feet from any intersection of two public streets.
 3. Drive-through windows and ordering stations shall not be located within 75 feet of a residentially zoned district.
 4. Screening shall be provided in the form of a landscape greenbelt with a minimum width of ten feet along a residentially zoned district.
 5. Adequate lighting shall be provided for the drive-through area and shall be shielded from adjacent properties.
 6. Planning commission shall have the discretion to require additional site improvements to mitigate any likely negative impacts from the drive-through on adjacent residential properties.
- B. Fast food, drive-in, and drive-through restaurants may be permitted in the general business district (B-3) after special land use approval, subject to the following conditions:
 1. The main and accessory buildings shall be set back a minimum of 40 feet from any adjacent right-of-way line or residential property line.
 2. Public access to the site shall be located at least 60 feet from any intersection of any two streets.
 3. Drive-through windows or other facilities and waiting lanes shall not be located within 100 feet of a residentially zoned district.

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- C. Drive-up/drive-in uses such as fast food restaurants may be permitted in the BRD-1 district after special land use approval, subject to the following standards:
1. No more than 20 vehicles shall be served at any one time.
 2. Vehicles shall be served at designated parking spots.
 3. Service shall be provided at a drive-up station only and not via a drive-through window.
 4. Order station speakers shall be subject to noise levels in section 36-14.
 5. Photometric plans shall be required for outdoor illumination on the site.
 6. Planning commission may impose additional conditions to safeguard the interest of the adjoining residential properties.

4.8 Outdoor cafes or eating areas

- A. In the neighborhood business district (B-2), outdoor cafes or eating areas where patrons are served while seated in the open air are permitted with special land use approval and subject to the following conditions:
1. The outdoor eating area shall not exceed 15 percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area.
 2. The outdoor eating area shall be located no closer than 15 feet from any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
 3. The outdoor eating area shall not be located within 50 feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring wall or greenbelt, in compliance with [Section 5.14 Obscuring walls](#) and [Section 5.15 Landscaping, greenbelts and planting materials](#).
 4. The outdoor eating area shall be kept clean and void of litter at all times.
 5. All vending machines shall be located within a completely enclosed building.
- B. In the West Gate district (WG), outdoor cafes must be located on private property. Such cafés and seating areas are not permitted to be located on public property or sidewalk areas.



Section 4.5.D - 4.6.C

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5. The lot coverage for all buildings shall not exceed 35 percent of total combined lot area for each residence.
 6. The front yard setback for the principal residence shall be 45 feet from the nearest point of the building to the closest line of the access road to the site.
- D. **Road, water runoff, infrastructure improvements.** The developer must show in the site plan all roadways, common areas, sidewalks to be constructed in the proposed development. All detail for storm water and waste disposal must be detailed. Requirements for such improvements must comply with City of Clawson requirements. A maintenance plan must also be submitted for the repair and replacement of such items with the acknowledgement that in the event the City of Clawson should be required to maintain or upgrade such improvements, the city has the right to assess each parcel the expense of such repairs, maintenance or upgrades and to assess the cost as a lien against each parcel.
- E. **Application fees.** An application fee to be paid to the City of Clawson for plans filed under this section of the land development code will be established in an amount by resolution of the city council which can be modified from time to time. The basis for the fee to be paid by each applicant will be on the estimated administrative, consultant and clerical time extended in reviewing the application.

4.6 Restaurants, carry-out or sit down, with or without alcohol

In the City Center district, restaurants may be permitted subject to the following conditions:

- A. Outdoor dining is a permitted accessory use on a ground floor or upper floor deck, subject to the following conditions:
 1. Outdoor dining shall not be located in a required setback area except for an area up to 15 [feet] wide and adjacent to a principal structure.
 2. The outdoor dining area shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, decorative metal fencing or architectural feature.
 3. The outdoor dining area shall not be located within ten feet of any properties used or zoned for residential purposes. The area shall be screened from view from all residential properties by an obscuring wall or greenbelt, per the conditions of [Section 3.11.C Off-street parking](#).
 4. The outdoor dining area shall be kept clean and void of litter at all times.
 5. All vending machines shall be located within a completely enclosed building.
 6. No additional signage is permitted within the outdoor dining area.
 7. Outdoor dining areas may be located in the public right-of-way, subject to approval by building director.
- B. Amplification of live music shall only be permitted within a completely enclosed building.
- C. Rooftop restaurants are principally permitted subject to the following conditions:
 1. The hours of the rooftop seating area shall not create a nuisance to the adjoining uses.
 2. For any establishment desiring to serve alcoholic liquor there must be advanced approval for outdoor sales from the Michigan Liquor Control Commission and the city.
 3. There must be sufficient insurance to cover or indemnify the city.



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4.15 Motels and motel courts

Motels and motel courts may be permitted in the general business district (B-3) following special land use approval and provided that:

- A. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- B. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
- C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of 250 square feet.
- D. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

4.16 Parking structures

In the City Center district, parking structures may be permitted subject to the following requirements:

- A. The garage may be self-contained or combined with a building which fronts on a perimeter public street.
- B. Access to the garage shall be from a rear or side alley.
- C. Garages shall be no less than two stories.

4.17 Places of worship

Places of worship may be permitted in the R-1 and R-2 districts provided that:

- A. The lot shall maintain frontage on a major thoroughfare for not less than the minimum lot width required in the underlying zoning district.
- B. Buildings of greater than the maximum height permitted in the [District Summary Table](#) may be permitted by the planning commission, provided that the front, rear and side yards are increased above the minimum required yards by one foot for each foot of building that exceeds the maximum height permitted.
- C. All ingress and egress from such site shall be directly onto a major thoroughfare, as provided in [Section 5.9 Access to sites](#).
- D. Off-street parking shall be prohibited in the front yard setback area and within ten feet of the rear or side property lines. In case any off-street parking abuts a lot in any residential district, a wall or a greenbelt shall be provided per [Section 5.14 Obscuring walls](#) and [Section 5.15 Landscaping, greenbelts and planting materials](#).
- E. The lot shall have adequate land area to accommodate the building, setbacks, parking, greenbelts, landscaping and other required site improvements, to minimize negative impacts on affected residential uses.



Section 4.13 - 4.14

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4.11 Retail uses, characteristic to serving industrial park needs such as restaurants and such other places serving food or beverages

In the general industrial district (I-2), these uses are permitted, provided that:

- A. Such retail uses are clearly incidental and accessory to the main use.
- B. The retail use is totally obscured from any exterior view.
- C. The retail uses shall not exceed 25 percent of the floor area at grade level and/or 50 percent of a subgrade level, and shall be prohibited on all floors above the first floors (or grade level).

4.12 Outdoor retail sales of plant materials, lawn equipment, etc.

- A. Outdoor retail sales of plant materials not grown on the site, lawn furniture, playground equipment, and home garden supplies may be permitted in the general business district (B-3) following special land use approval, provided that:
 1. Plant storage and display areas shall comply with the minimum setback requirements.
 2. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
- B. Outdoor retail sales of plant materials, lawn equipment, etc., may be permitted in the West Gate District subject to the following standards:
 1. All outdoor sales area must be enclosed by a decorative aluminum, wrought iron or wood fence with a maximum height not to exceed 36 inches.
 2. Outdoor sales area are subject to setback standards listed in [Section 3.13 Development standards for the BRD-1, BRD-2, and WG districts](#) below.
 3. The outdoor sales area shall be laid out to allow for adequate access around the displays.
 4. The storage of soil, fertilizer, mulch and other similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
 5. Adequate lighting shall be for the outdoor sales area and shall be shielded from adjacent properties. Yard areas facing a public right-of-way shall be provided with decorative and/or ornamental lighting only.



5.4 Michigan Uniform Traffic Code (UTC)

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, as amended (MCL 24.201, et seq.) and made effective October 30, 2002, is hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean the City of Clawson.

5.5 Paving of alleys

All sites with frontage on an unimproved public alley shall be required to pave their frontage at the time of application for reoccupancy of a building, a change of use or other onsite improvements which require the submission of a site plan

5.6 Easements

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent structure or large tree on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.

5.7 Sidewalks

For all developments requiring site plan approval, either a new public sidewalk or the reconstruction of existing sidewalks shall be required to be constructed to city standards along the perimeter of the lot which abuts any street. New or reconstructed sidewalks shall be aligned with existing or proposed sidewalks.

5.8 Frontage on a public street

No lot shall be used for any purpose permitted by this article unless such lot abuts a public street, unless otherwise provided for in this article.

Section 5.9 - 5.10

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Enforcement**5.9 Access to sites**

- A. **Required access to major thoroughfare.** All uses requiring ingress and egress directly to a major thoroughfare, as defined in [Section 2.2 Definitions](#) and making reference to this section, may provide access driveways to other than a major thoroughfare, only where such access is provided to a street where the property directly across the street from such driveway, and all property abutting such street between the driveway and the major thoroughfare is zoned for multiple-family use or any nonresidential uses or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future.
- B. **Access to paved, public streets.** All buildings and uses located in any district shall be provided access from a paved public street.
- C. **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 areas 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.
- D. **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 allowed 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.

5.10 Residential entranceway structures

In all residential districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in [Section 5.11 Corner clearance](#). Such entranceway structures shall comply to all codes of the city and shall be approved by the building department, which shall issue a permit for such structure.



Section 6.2.A - D

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6.2 Special land uses

The planning commission shall have the following specific powers and duties concerning special land use approvals:

- A. **Statement of intent.** The procedures and standards in this section are intended to provide a consistent and uniform method for review of proposed plans for uses permitted after special land use approval. In hearing and deciding upon special land use approvals, the planning commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the city into districts, or corridors within such areas the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special land uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.
- B. **Application.** The application for special land use review shall be made on the forms and according to the guidelines provided by the city administration and its consultants. Each application shall be accompanied by the following:
 1. The section of the zoning ordinance under which the special land use is sought.
 2. A detailed site plan which shall include all the information required by [Section 6.1 Site plan review and approval](#).
 3. A description of the proposed use of the property.
 4. Other information which the planning commission may reasonably deem necessary for adequate review or is otherwise set forth in this section.
- C. **Applicant.** The application shall be submitted by the landowner seeking special land use approval, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings, or consideration of the proposal may be tabled due to the absence.
- D. **Notice of public hearing.** Upon receipt of a complete application, site plan, and attachments, the planning commission shall schedule a public hearing on the request. No less than 15 days prior to the date of the public hearing, a notice of the hearing shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall contain the following:
 1. A description of the nature of the request for a use permitted after special land use approval under the specific section of this article.



2. A legal description or address and/or an approximate sketch of the property which is the subject of the request.
 3. A statement of when and where the public hearing will be held to consider the request.
 4. A statement as to when and where comments will be received concerning the request.
- E. **Planning commission determination.** Following the public hearing, the planning commission shall review the application for the special land use proposal, together with the public hearing findings and reports and recommendations of the appropriate departments and consultants. The planning commission shall deny, approve, or approve with conditions requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to approval. Performance guarantees may be required by the planning commission, in accordance with [Section 7.14 Performance guarantees](#), to ensure compliance with special land use approval conditions.
- F. **Standards for granting special use approval.**
1. Approval of a special land use proposal for uses identified in each district classification shall be based on the determination that the proposed use will comply with all requirements of this article, including site plan review criteria set forth in [Section 6.1 Site plan review and approval](#) and applicable site development standards for the specific use. In addition, the following standards shall be met:
 - a. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
 - b. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents and businesses; and landowners immediately adjacent; or the city as a whole.
 - c. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
 - d. The planning commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
 - e. The proposed special land use shall be designed, constructed, operated and maintained to ensure long-term compatibility with surrounding land uses. In doing so, consideration shall be given to the following:
 - I. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - II. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - III. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
 - IV. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

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- V. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified house considered appropriate to ensure minimal impact on surrounding uses.
 - f. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In doing so, consideration shall be given to the following:
 - I. Proximity and access to major thoroughfares.
 - II. Estimated traffic generated by the proposed use.
 - III. Proximity and relation to intersections.
 - IV. Location of and access to off-street parking.
 - V. Required vehicular turning movements.
 - VI. Provision for pedestrian traffic.
 - g. The proposed special land use shall be consistent with existing and future requirements for public services and facilities affected by the proposed use.
 - h. The proposed special land use shall be compatible and in accordance with the general principles and future land use configuration of the city's master plan and shall promote the intent and purpose of the zoning ordinance.
 - i. The location of the proposed special land use shall not result in a small residential area being substantially surrounded by nonresidential development, nor shall the location of the proposed special land use result in a small nonresidential area being substantially surrounded by incompatible uses.
 - j. The proposed use shall be compatible with the natural environment and developed to conserve natural resources and energy.
2. In some instances, the administration may determine a particular proposed use not specified may not be a use consistent with the overall planning philosophy and considerations set forth in the master plan or zoning ordinance that substantiate or enhance the type of residential and commercial growth contemplated for this community. As to those uses, the following standards may, when appropriate, apply including the site plan criteria set forth in [Section 6.1 Site plan review and approval](#) of the zoning ordinance. Notwithstanding the applicability of the following standards, to the initial application, the planning commission as to any particular use may add conditions to preserve the public health, safety and welfare:
- a. The submission of a detailed plan of operation/business plan that is sufficiently detailed to the satisfaction of the city attorney or administration.
 - b. The proposed use must not be within 1,500 feet of a religious institution or building, a school, a nursery, or public library, another similar use or a single or multiple residential property unless there is a finding that such condition has no realistic or applicable basis to the particular use under consideration.



- c. The proposed use is compatible with the surrounding properties or meets the current zoning regulations of the district or corridor in which it is proposed.
- d. The proposed use is located in a structure that is in substantial compliance with current zoning and building regulations. If the proposed use is to be located in a building which is not compliant with the current zoning regulations, the building shall be modified to meet the ordinance standards to the extent feasible and shall be required to comply with all building regulations.
- e. The proposed use is not likely to create a nuisance or disturbance to surrounding properties and also will not likely create a greater police presence.
- f. Where applicable the applicant has outlined a verification procedure which will be in place and will uniformly apply to all patrons/customers.
- g. Where applicable, a security system is in place to monitor customer activity both inside and outside the business premises.
- h. No employee, owner investor in the business has been convicted of a felony in the past seven years nor convicted of a misdemeanor involving moral turpitude, fraud, embezzlement, or the providing of false information.
- i. Where applicable, the inventory or stock is sufficiently secured from intrusion by outsiders.

Depending upon the specifics or applicability of the request, additional conditions or requirements may be imposed by the planning commission.

- G. Recording of planning commission action. Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the planning commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.
- H. Effective duration of special land use approval. Special land use approvals shall be granted to an individual applying for approval. Change in ownership or tenancy of the use will necessitate a review of the proposal by the administration and consultants and if deemed necessary, forwarded to the planning commission for re-review.
- I. Amendments to special land uses. When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special land use approval.

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