

**CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN**

ZONING ORDINANCE



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**City of Otsego
Zoning Ordinance
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CHAPTER 2 DEFINITIONS AND INTERPRETATIONS

SECTION 2.1 INTENT AND PURPOSE

The purpose of this Chapter is to establish rules for interpreting the text of this Ordinance, to define certain words and terms, and to provide for the interpretation of this Ordinance by adoption of a technical dictionary. Certain words and terms which may not appear in this Chapter, but which have special application may be defined in other Chapters to which they apply.

SECTION 2.2 USE OF WORDS AND TERMS

- A. If the meaning of this Ordinance is unclear in a particular circumstance, then the Zoning Board of Appeals shall interpret the provision to carry out the intent of the Ordinance.
- B. Words and phrases shall be interpreted and understood according to the common preferred use of the language. Technical words and phrases that have acquired a peculiar and appropriate meaning in the law shall be interpreted and understood according to their peculiar and appropriate meaning.
- C. Words used in the present tense shall include the future tense, words used in the singular shall include the plural, and words in the plural shall include the singular, unless the context clearly indicates or stipulates the contrary.
- D. The words "person", "proprietor", "property owner" and "operator" shall include any individual(s) and any recognized form of legal entity.
- E. The words "property", "lot", "parcel", "real estate", "premises", "plot" and "land" shall be interpreted to mean real property as delineated and described by legal documents and instruments.
- F. The word "road" shall also mean "highway", "street", "alley", "drive", "cul-de-sac", "lane", or other right-of-way.
- G. The word "building" shall include the word "structure."
- H. The words "used" or "occupied" when applied to any land or building shall be construed to include the words "intended", "arranged" or "designed to be used or occupied."
- I. The words "shall" and "required" are always interpreted as mandatory and never as permissive or discretionary.

- J. The word "may" shall be interpreted as permissive or discretionary.
- K. Unless the context clearly indicates the contrary, the words noted below shall be interpreted as follows.
1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 3. "Either..or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- L. References to the masculine gender shall include, extend and apply to females as well as males.
- M. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the City or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
- N. Unless otherwise indicated, where the term "Section" is used, it shall mean a Section of this Ordinance.

SECTION 2.3 DEFINITIONS "A"

Accessory Building: A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

Accessory Use: A use of land or of a building or portion of a building which is customarily and naturally incidental, subordinate, and devoted exclusively to the principal use of the land or building and normally located on the same lot with the principal use.

Addition: A structural change added to the existing structure after the completion of the existing structure which extends or increases the floor area, or height of a building or structure.

Adult Care Facilities: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, as amended, and governed by rules pursuant to the Act as promulgated by the State Department of Labor and Economic Growth. The facilities shall be defined as follows:

- A. Adult Caring Institution:** A state licensed adult residential facility which provides care and supervision on a twenty-four (24) hour basis for the treatment of mental health, alcohol, substance abuse or other long-term illness or rehabilitation program. The terms institutions for mentally handicapped, drug or alcohol patients, correctional institutions, or mental health facilities shall mean the same, with regard to persons eighteen (18) years of age or older.
- B. Adult Day Care Facility:** An unlicensed facility which provides care for elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day.
- C. Adult Foster Care Facility:** A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally or physically disabled who require supervision on an ongoing basis but do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- D. Adult Foster Care Family Home:** An Adult Foster Care Facility conducted in a private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- E. Adult Foster Care Small Group Home:** An Adult Foster Care Facility conducted in a private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. The licensee is not required to live in the home.
- F. Adult Foster Care Large Group Home:** An Adult Foster Care Facility conducted in a private home with the approved capacity for thirteen (13) to twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. The licensee is not required to live in the home.
- G. Congregate Facility:** An Adult Foster Care Facility conducted in a private home with the approved capacity for more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. The licensee is not required to live in the home.

Alteration: Any modification, remodeling, change or rearrangement in the structural or supporting members such as bearing walls, columns, or girders or any change which may be referred to in other places in this Ordinance as "altered" or "reconstructed".

Architectural Features: Architectural features of a building shall include, but not be limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Assisted Living: Housing facilities designed and generally limited to residents over the age of 55, who because of physical or other limitations need special care and other services and where 24 hour personal care and congregate meals are provided. Facilities contain congregate kitchens, dining and living areas and separate sleeping rooms for residents. Operation of assisted living facilities provide special support services such as, assistance with personal care and daily living needs, transportation and limited medical care.

Assisted Living Facility: An unlicensed residential facility providing housing, two (2) or more group meals a day for compensation, incidental nursing or medical services and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping.

SECTION 2.4 DEFINITIONS "B"

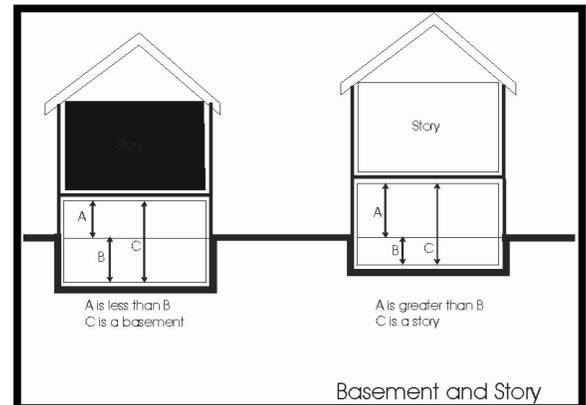
Basement or Cellar: That portion of a building which is partly below and partly above grade, and having at least one-half ($\frac{1}{2}$) its height below grade.

Bed and Breakfast: A use within a detached single family dwelling in which transient guests are provided sleeping rooms, breakfast and access to bathing and lavatory facilities for payment.

Boarding, Lodging or Rooming House: A dwelling primarily used for the purpose of providing long term lodging or both meals and lodging for payment. The use is distinguished from a hotel, motel, bed and breakfast, or a state licensed residential facility or other similar uses such as a nursing home.

Buildable Area: The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

Building: An independent structure, either temporary or permanent, having a roof supported by columns, or any other support used for the enclosures of persons, animals, or chattels, or



carrying on business activities or other uses. When any portion of a building is completely separated from every other part of the building by division of walls from the ground up, and without openings, each portion of the building shall be deemed a separate building.

Building Height: See Height, Building.

Building, Main: A building in which is conducted the principal use of the lot on which it is situated.

Building Official: The officer or other designated authority charged with the administration and enforcement of the City Building Code, or a duly authorized representative.

Building Permit: A permit granted upon compliance with the State Construction Code, and this Ordinance and with the requirements of all other applicable codes and Ordinances then in effect in the City.

SECTION 2.5 DEFINITIONS "C"

Caliper: A measurement of the thickness of a tree trunk. The diameter of the trunk is differentiated from thickness through the term caliper.

Carport: See Garage.

Change of Use: Any difference in the use of a building, structure or parcel of land, or portion thereof which is different in intensity or character or which is listed, defined, and/or otherwise identified as different from the previous use in the way it is classified in this Ordinance.

Child Care Facility: A facility having as its principal function the receiving of minor children for care, maintenance, training, and supervision notwithstanding that educational instruction may be given. Child care facilities are licensed and regulated under the State of Michigan Act 116 of 1973, as amended, and include the following:

- A. Child Care Center (or Day Care Center): A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day and for not less than two (2) consecutive weeks and where the parents or guardians are not immediately available to the child. It does not include the following:
 1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not-to-exceed four (4) weeks during a

- twelve (12) month period.
2. A religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not-to-exceed four (4) weeks during a twelve (12) month period.
- B. Foster Care Family Home: A child care facility conducted in a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or who are not placed in the household pursuant to the adoption code, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- C. Foster Care Group Home: A child care facility conducted in a private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, are provided care for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. Family Child Day Care Home: A child care facility conducted in a private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- E. Group Child Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to the adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- F. Child Caring Institution: A child care facility which is organized for the purpose of receiving children for care, maintenance and supervision usually on a twenty-four (24) hour basis to more than six (6) children in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of un-married mothers and institutions for orphaned, mentally, emotionally or developmentally challenged or disturbed children.

City: The City of Otsego.

Clinic: A building or group of buildings where human patients are admitted for examination and treatment by a professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight. This term is synonymous with the term "medical office."

Club: A not-for-profit organization of persons for specific purposes or the promotion of enterprises such as agriculture, sports, arts, science, literature, social, politics, or the like.

Commercial Use: An activity carried out as a use of property for financial gain including but not limited to retail sales, repair service, business offices, food service, entertainment, and brokerages, related to purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) month period.

Condominium Act: Act No. 59 of the Public Acts of Michigan of 1978, of the State of Michigan, as amended or any replacement legislation.

Condominium Project or Site Condominium Project: A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.

Condominium Unit: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreation, use as a time share unit or any other type of use.

Construction: The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, and grading of a lot.

Convalescent Home: A long-term recuperative care facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for the aged, the infirm or persons recovering from illness. An unlicensed extended care facility or chronic care facility providing twenty-four (24) hour nursing care shall mean the same.

Convenience Store: A retail food establishment of less than ten thousand (10,000) square feet GFA which may supply groceries, fruits, vegetables, dairy products, baked goods, snacks, general interest newspapers, general interest magazines, alcoholic beverages, confections, or similar commodities for consumption off the premises. Although this use may be combined with an Automobile Fuel Station, it shall be treated as a separate use to the fuel station for the purposes of any use approvals, parking, signs, and other similar requirements. Convenience stores with drive-in facilities shall be treated as a drive-in facility rather than a convenience

store.

Cul-De-Sac: A street having one (1) terminus open for vehicular or pedestrian access and the other terminated by a vehicular turnaround.

SECTION 2.6 DEFINITIONS "D"

Day Care Center: See Child Care Facilities.

Demolition: The purposeful razing or destruction, or disassembly of a building or structure.

Density: The number of dwelling units that may be erected on a described lot or parcel, expressed in dwelling units per acre.

Density, Gross: The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. Gross density is calculated using all land as well as rights-of-way of streets; the result being the number of dwelling units per gross acre of land.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets and utilities, private road easements, and floodplains/floodways.

Dependent Care Housing Facilities: Facilities designed for seniors and others requiring a wide range of health and support services, including personal nursing care, including nursing homes, extended care facilities, hospice and convalescent homes.

District, Nonresidential: The PO, C-1, CBD, GI, MPUD and IPUD Districts. (amended 1/06)

District, Residential: The R-A, R-B, R-C, OSP PUD, MPUD and MHP Districts. (amended 1/06)

District, Zoning: An area of land containing uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

Disturbed Land: A parcel of land which is graded, filled, excavated or mined or stripped of its natural vegetative cover or grass for a purpose other than agriculture land use.

Drive-in Window Establishment: An establishment that furnishes the patron with a product

or services to be utilized or consumed outside the building from a drive-up window or other similar arrangement. Drive-in window establishments' retail and/or service character are dependent on providing a driveway approach and/or parking space for motor vehicles so as to serve patrons while in or momentarily away from their motor vehicles.

Driveway: A private path of travel over which a vehicle may be driven which provides access from a parcel of land to a public or private road.

Dwelling, Unit: A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provision relative to dwellings.

- A. Bi-Level Dwelling Unit: A dwelling consisting of two (2) stories, one (1) of which may be a basement having a vertical distance from the grade to the ceiling of four (4) feet or more.
- B. Split Level or Tri-Level Dwelling Unit: A dwelling consisting of more than two (2) levels of living space of which any two (2) shall be at or seventy-five percent (75%) above the grade.

Dwelling, Multiple: A building or portion of a building, used or designated for use as a residence for more than two (2) families living independently of each other. This definition does not include manufactured homes, single family detached dwellings or two-family dwellings.

Dwelling, Single Family Detached: A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

Dwelling, Two Family: A building used or constructed for two (2) dwelling units. It may also be termed a duplex.

SECTION 2.7 DEFINITIONS "E"

Essential Public Services: The erection, construction, alteration or maintenance by public utilities or City departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication supply or disposal systems shall be considered essential public services. This includes, but is not limited to, mains, drains, sewers, pipes, conduits, wires, cables, electrical switching stations and substations, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by the

public utility or municipal departments or commissions. Buildings shall not be considered as essential public services except for those that are primarily enclosures or shelters for the above essential service equipment. Wireless communication towers for Commercial Wireless Telecommunication Services are not essential public services.

Excavation: Removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay or other mineral or organic substance, other than vegetation, from water or land, whether exposed or submerged.

Existing Use: The use of a parcel of land or a structure at the time of the enactment of this Ordinance.

SECTION 2.8 DEFINITIONS "F"

Family:

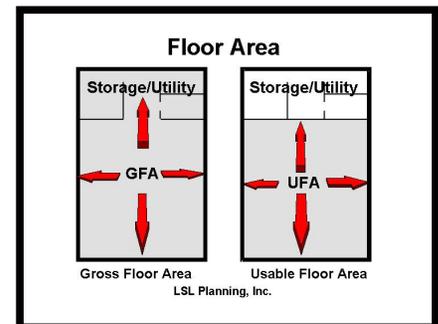
- A. A domestic family which is one (1) or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of the individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling; or
- B. The functional equivalent of the domestic family, including persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must operate as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Fence: Any permanent structure, including a wall, partition, or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit. For the purposes of this Ordinance, a natural vegetative barrier or a combination of natural and artificial materials may be considered a fence when constructed or planted to act in the capacity similar to a fence.

Flood Plain: The area adjoining a river, stream, water course, or lake subject to a one hundred (100) year recurrence-interval flood as delineated by the Flood Boundary and Floodway map prepared by the Federal Insurance Administration of the Federal Emergency Management Agency and on file with the City or the Michigan Department of Environmental Quality.

Floor Area: The sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the centerline of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

- A. Floor Area, Gross (GFA): The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/ storage rooms, thickness of walls, columns, or other features.
- B. Floor Area, Usable (UFA): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers.
1. Floor area used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of UFA.
 2. Measurement of UFA shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.



Frontage: The total length of the front lot line(s) being the horizontal distance between the side lot lines, as measured at the front lot line. This is distinguished from the lot width which is measured at the required setback line between the side lot lines.

SECTION 2.9 DEFINITIONS "G"

Garage, Carport, Private: A building used primarily for the storage of automobiles for the use of the occupants of a lot on which the building is located.

Garage, Public: A building, open to the public, land owners, tenants, and for specified others used primarily for the storage and care of automobiles.

GFA: See Floor Area, Gross.

Grade: The average elevation of the finished surface of ground after the development, filling, or excavation of a parcel of land.

Greenbelt or Buffer Strip: A strip of land in which trees and other natural vegetative cover are planted and maintained as approved by the City.

Ground Cover: Grasses or other plants grown to keep soil from being blown or washed away.

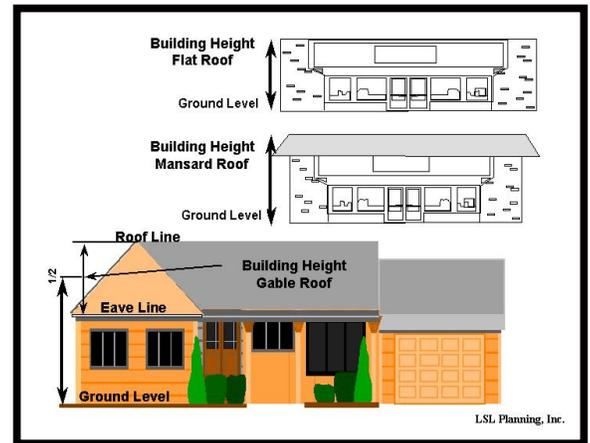
Group Day Care Center: See Child Care Facilities.

SECTION 2.10 DEFINITIONS "H"

Height: The vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure, or as otherwise provided in this Ordinance.

Height, Building: The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the top of a mansard roof; and to the mean height level between eaves and ridges of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

Home Occupation: An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation. A home occupation may also be known commonly as cottage industry, home based business, home marketing network, or home interactive distribution or marketing, but shall not be construed to include foster care or day care, or bed and breakfast establishments. See Section 3.8.



Hotel: A building occupied or used as a temporary abiding place by individuals or groups of individuals, with or without meals.

Housing For The Elderly: An unlicensed multiple family residential development for elderly persons needing little or no personal assistance, which provides independent living dwelling units for the exclusive use of the occupants, whether or not group meals or other convenience services for the elderly are provided. The term "Senior Housing" shall mean the same.

Habitable Floor Area: The floor area exclusive of garages, porches, utility areas, basements or portions thereof not meeting building code requirements for ingress and egress and attics or portions thereof with clear headroom of less than seven (7) feet. (10/2020)

SECTION 2.11 DEFINITIONS "I"

Industry: The manufacturing, compounding, processing, packaging, treating or assembly of products and materials in a manner which complies with all requirements of Chapter 12 or

Chapter 13A, as applicable. (amended 1/06)

Institutional Use: Public, quasi-public uses such as, but not limited to, schools, municipal offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks, civic centers, hospitals, and similar uses.

SECTION 2.12 DEFINITIONS "J"

Junk: Any vehicles, machinery, appliances, products or merchandise with parts missing, scrap metals or materials that are damaged or deteriorated, vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured, or inoperable vehicles.

Junk Yard: The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts of automobiles or other vehicles for profit.

SECTION 2.13 DEFINITIONS "K"

Kennel, commercial: Any lot or premises on which more than four (4) domesticated household pets (but not including wild, vicious or exotic animals) six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets, subject to the regulation set forth herein regulating private and commercial kennels.

SECTION 2.14 DEFINITIONS "L"

Land Use: A description of how land is occupied or utilized.

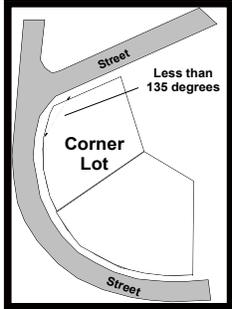
Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A parcel of land, or contiguous parcels of land under one (1) ownership described within fixed boundaries, of sufficient size and configuration to meet the site development requirements of this Ordinance and having frontage on an improved public street, or an approved private street.

- A. The word "lot" shall include plot or parcel.
- B. A lot need not be a "lot of record."
- C. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or

use.

Lot Area: The total area within the described lot lines of a parcel of land, excluding road right-of-way.



Lot, Corner: A parcel of land abutting upon two (2) or more streets at their intersection, or upon parts of the same street forming an interior angle of less than one-hundred thirty-five (135) degrees.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line, or in the case of an acreage lot, from the front right-of-way line to the rear property line.

Lot, Interior: A lot other than a corner lot. This includes through lots.

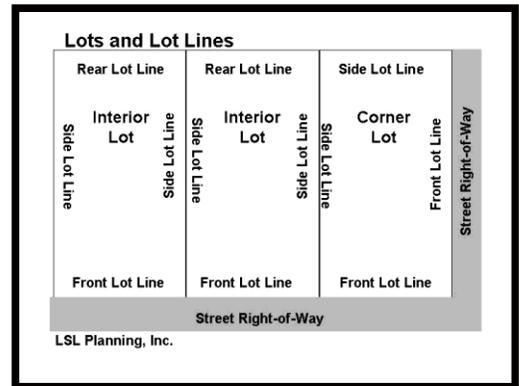
Lot Line: The boundaries of a lot which divide one (1) lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

A. **Front Lot Line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from the street right-of-way. In the case of a corner or through lot, the front lot lines shall be the lines separating the lot from the street rights-of-way.

B. **Rear Lot Line:** Ordinarily, that lot line opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

C. **Side Lot Line:** Any lot line not a front or rear lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been recorded as required by law.



Lot, Through or Double Frontage: An interior lot having frontage on two (2) more or less parallel streets, as distinguished from a corner lot.

Lot Width: The horizontal distance between the side lot lines, as measured at the required front yard setback line.

SECTION 2.15 DEFINITIONS "M" (Updated 10/2010)

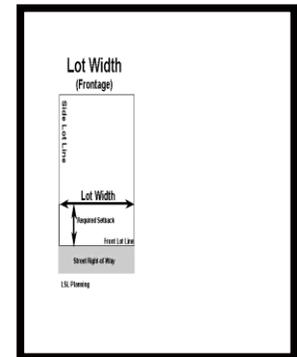
Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Manufactured Home: A structure transportable in one (1) or more sections and which is built on a permanent frame and designed to be used as a dwelling, with or without permanent foundation, when connected to required utilities and including plumbing, heating and electrical stems contained in the structure.

Manufactured Home Development or Manufactured Home Park: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Marihuana, also known as Medical Marihuana, also known as Marijuana, also known as Cannabis: That term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 *et seq.*, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marihuana Collective or Cooperative: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.* (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "collective" or "cooperative" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.* or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marijuana collective or cooperative" shall not include the



following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City.

Marihuana Dispensary or Dispensary: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.* (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.* or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marihuana dispensary" shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City.

Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.*

Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium plan for the project.

Master Plan: The Master Plan of the City which is intended to guide the physical development of all portions of the City. The Plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with the Municipal Planning Act, Michigan Public Act 285 of 1931, as amended. Also referred to as the Land Use Plan.

Motor Home: A motorized vehicular unit primarily designed as a temporary dwelling in connection with travel and/or recreational use. This term does not include manufactured homes.

SECTION 2.16 DEFINITIONS "N"

Non-conforming Building: A building or portion thereof lawfully existing at the effective date

of this Ordinance or amendments thereto, which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

Non-conforming Lot: A parcel with area or dimension lawfully existing at the effective date of this Ordinance or amendments thereto with less than the minimum lot requirements for the Zoning District in which it is located. This includes, but is not limited to minimum area, dimension or access requirements.

Non-conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof that does not conform to the use allowed in the Zoning District in which it is located.

Nonresidential District: The C-1, CBD, PO, GI IPUD and MPUD Zoning Districts. (amended 1/06)

Nursery: A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers, or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade.

Nursing Home: A dependent housing facility licensed as a "nursing home" by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A "nursing home" shall include an extended care facility, hospice and convalescent home. Residents generally require 24-hour care and monitoring to meet their health and security needs.

SECTION 2.17 DEFINITIONS "O"

Occupy: The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

Office: A room, studio, suite or building occupied and for office uses only.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Open Air Business: Includes uses operated on a permanent basis for profit substantially in

the open air including but not limited to (this term does not include temporary uses):

- A. Bicycle, utility truck or trailer, motor vehicle, boat, or home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

SECTION 2.18 DEFINITIONS "P"

Parking Space: An off-street space exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having unobstructed access to a street or alley.

Personal Service Establishments: Businesses conducting services for customers on the premises, such as barber and beauty shops, dry cleaning pick-up facilities, gymnasiums, reducing salons, aerobic dance studios, beauty shops, photographic studios, and similar uses.

Planned Unit Development: The use of a parcel of land which is planned and developed as a single entity containing the various uses, structures, open spaces, and other elements and which is designated and developed under one (1) owner or organized group.

Planning Commission: The City of Otsego Planning Commission created under the Municipal Planning Act, Act 285 of the Public Acts of 1931, as amended.

Portable Storage Container: A storage container placed on a zoning lot for the purpose of project-based temporary storage of household goods, materials, and furniture; the nature of the project generally being construction, renovation, or relocation of an occupant. (6/18)

Principal Use: The primary or predominant purpose to which a building or parcel of land is devoted, as distinguished from an Accessory Use.

SECTION 2.19 DEFINITIONS "Q"

(Reserved for Future Use)

SECTION 2.20 DEFINITIONS "R"

Recreational Equipment and Vehicles: Portable structures, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and the trailers and other devices as shall be primarily intended for the transporting of all the structures, machines, or devices.

- A. Motorcycles, bicycles, minibikes and vehicles such as jeeps, four-wheel drives and pickup trucks with attached cabs that do not exceed the roofline of the vehicle are specifically excluded from the provisions of this definition.
- B. This does not include a temporary building, structure or use, permitted to exist during periods of construction of the main building, structure or use. Various types of recreational equipment and vehicles include:
 - 1. Travel trailer: A portable vehicle on a towing chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. As an industry, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
 - 2. Pickup camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. As an industry this type of recreational vehicle is classified as a non-motorized recreational vehicle.
 - 3. Motor home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities. As an industry, this type of recreational vehicle is classified as either a Class A or Class C recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarter. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van.
 - 4. Van/camper: A motorized recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans that may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra headroom. As an industry this type of recreational vehicle is classified as a Class B recreational vehicle.
 - 5. Folding tent trailer: A folding structure, mounted on wheels for towing and designed for travel and vacation use.

6. Boats and boat trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
7. Other recreational equipment: Includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Rehabilitation: The upgrading of an existing building or part thereof which is in a dilapidated or substandard condition.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Residential District: The R-A, R-B, R-C, OSP PUD, MPUD and MHP Zoning Districts. (amended 1/06)

Restaurant, Drive-Through: A business establishment or use so developed that it provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

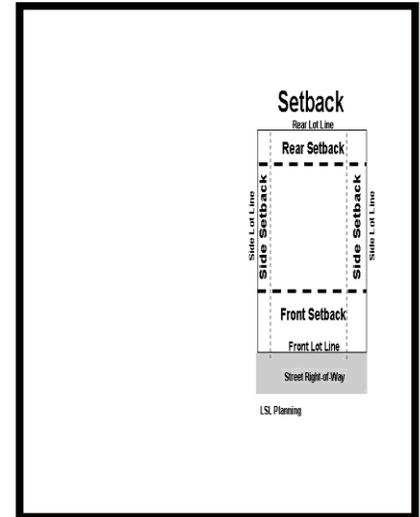
Right-of-Way: A public or private strip of land acquired or utilized by reservation, dedication, gift, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.

SECTION 2.21 DEFINITIONS "S"

Senior Housing: An unlicensed residential development for elderly persons needing little or no personal assistance, which provides independent living dwelling units for the exclusive use of the occupants, whether or not group meals or other convenience services for the elderly are provided. The development may consist of attached or detached single-family, two-family or multiple family dwellings designed for and generally limited to housing of persons over 55 years of age who maintain a degree of physical independence.

Setback: The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, on a lot or parcel required by this Ordinance for the District in which it is located.

- A. Setback, Front: The minimum required horizontal distance measured from the front lot line on a lot or parcel required by this Ordinance for the District in which it is located.
- B. Setback, Rear: The minimum required horizontal distance measured from the rear lot line on a lot or parcel required by this Ordinance for the District in which it is located.
- C. Setback, Side: The minimum required horizontal distance measured from the side lot lines on a lot or parcel required by this Ordinance for the District in which it is located.



Sexually Oriented Business: As defined by Section 1451 of the Code of Ordinances of the City of Otsego.

Sign: Any object, device, display or structure, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Specific definitions for different sign types regulated by this Ordinance are contained in Chapter 18.

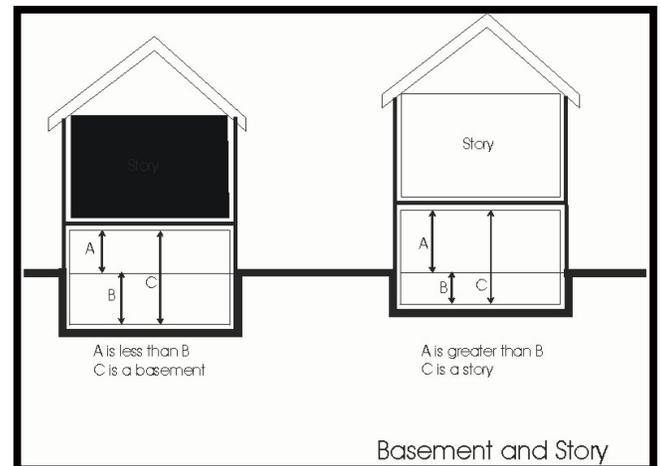
Site Condominium Development: A development of condominium units on an unplatted tract of land, in which each individual lot conforms to the requirements of the Zoning District in which it is established.

Site Plan Review and Approval: The submission of plans for review and approval, as required by this Ordinance. See Chapter 14.

Special Land Use Permit: A permit for a use that would not be appropriate generally or without restriction throughout a zoning district; but which, if controlled as to the number, area, location or relation to the city, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met. See Chapter 15.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- A. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath the mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty four (24) feet or more.
- B. A basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured and the finished surface of the floor above the basement is more than six (6) feet above grade plane, or, if it is used for business purposes.



Story, Half: The part of a building between a pitched roof and the uppermost full story having a floor area which does not exceed one-half (1/2) the floor area of the full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet.

State Licensed Residential Facility: A residential care family or group facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions:

- A. A Family Facility includes a state licensed residential facility providing resident services

to six (6) or fewer persons.

- B. A Group Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

Street, Private: A privately owned and maintained thoroughfare including any rights-of-way and traveled surfaces which afford vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two (2) or more existing parcels and/or main buildings.

Street, Public: A public thoroughfare including any rights-of-way and traveled surfaces which afford vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, court, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

Structure: A combination of materials whether fixed or portable, anything constructed, erected, or artificially built-up which requires a location on or below the surface of land or water, including a part or parts thereof and all equipment within the structure.

Subdivision: Subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Act 288 of 1967 of the Public Acts of Michigan, as amended. "Subdivide" or "subdivision" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, the requirements of the City of Otsego Land Division Ordinance, and this Ordinance.

Subdivision Plat: A map or chart depicting the subdivision of land as regulated by the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

Swimming or Bathing Pool: A nonporous container designed to hold water having a depth of greater than twenty-four (24) inches and having a surface area of greater than two hundred fifty (250) square feet, or a pool permanently equipped with a water recirculating system or constructed of structural materials, excepting retention or detention ponds.

SECTION 2.22 DEFINITIONS "T"

Temporary Building and Use: A structure used during periods of construction of the main building.

SECTION 2.23 DEFINITIONS "U"

Use: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

UFA, Useable Floor Area: See Floor Area, Useable.

SECTION 2.24 DEFINITIONS "V"

Variance: Permission given by the Zoning Board of Appeals to a property owner to depart from the literal requirements of this Ordinance which may occur when compliance with this Ordinance would create a practical difficulty or unnecessary hardship on the property owner.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Repair, Major: Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; or overall painting and vehicle rust-proofing.

Vehicle Repair, Minor: Any activity involving minor repair and maintenance of passenger vehicles and light trucks, vans, or trailers, including, but not limited to vehicle detailing, oil change establishments, audio or cellular installation, steam cleaning, and auto glass installation and repair.

Vehicle Fuel Station: A building, accessory structures (e.g. - canopy), and lot designed or used for the retail sale of fuel, lubricants, and other similar products for automobiles (including trucks, boats, etc.). This definition does not include automobile repair as defined in this Section.

Vehicle Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Veterinary Hospital or Clinic: Any business or activity involving the permanent or temporary keeping or treatment of animals.

SECTION 2.25 DEFINITIONS "W"

Wall: The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms.

Wireless Communication Towers: A structure of lattice or monopole framework to which an antenna may be attached for the transmission and /or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication services (PCS), or similar services.

Wireless Communication Antenna: The device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar transmissions.

Wireless Telecommunication Services, Commercial: Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

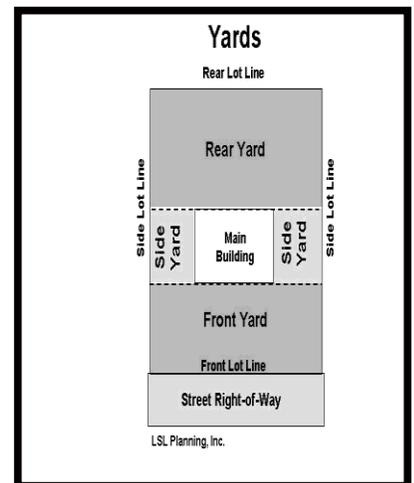
SECTION 2.26 DEFINITIONS "X"

(Reserved for Future Use)

SECTION 2.27 DEFINITIONS "Y"

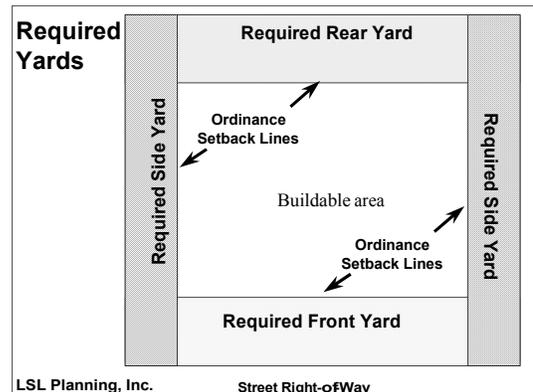
Yard: A yard is an open space on the same land with a building or group of buildings, which open space lies between the main building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. A Front Yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. A Rear Yard is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.



- C. A Side Yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

Yard, Required: A required yard is an open space on a lot prescribed by the requirements of the Zoning District in which it is located.



SECTION 2.28 DEFINITIONS "Z"

Zoning; Zoning District: The dividing of the City into districts of a number and shape considered best suited to carry out the purposes of the Zoning Act and this Ordinance, and the creation of uniform regulations throughout each individual district.

Zoning Act: The Michigan Zoning Enabling Act, Act No. 110 of the Public Acts of Michigan of 2006. (amended 9/06)

Zoning Administrator: The person or persons designated by the City to enforce the provisions of this Ordinance.

Zoning Board of Appeals: The City of Otsego Zoning Board of Appeals (ZBA), appointed by the City Commission and authorized as a body to interpret this Ordinance, hear appeals from administrative decisions, grant variances, and perform other required duties in accordance with the provisions of this Ordinance.

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.1 APPLICATION OF REGULATIONS

- A. The regulations in this Ordinance apply throughout the city and within each district. They shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.
- B. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified in this Ordinance for the district in which it is located and for the use to be made of them in accordance with the procedures of this Ordinance.
- C. No building or other structure shall hereafter be altered:
 - 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District;
 - 2. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
- D. No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- E. Building Permits: In accordance with other city codes, ordinances and regulations duly adopted by the City Commission, and in accordance with this Ordinance, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued. With respect to this Ordinance, eligibility for a building permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all major improvements to existing structures. A building permit is required for detached accessory buildings and structures, as provided herein.
- F. Certificates of Occupancy: No new main building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a certificate of occupancy is issued. Each dwelling unit and main building shall be equipped with adequate water-carried sewage disposal facilities to comply with the City of Otsego water and sanitary regulations, as amended, (Chapter 78, Articles 2 and 3 of the City Codes) in effect at the time of the erection of the dwelling or main building. Where public utilities exist within two hundred (200) feet at the property line, the owner or developer shall be required to hook up with that system.

- G. Essential Public Services: Except as may otherwise be noted in this Ordinance, the erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; because the erection, construction, alteration or maintenance is exempt from the application of this Ordinance.
- H. Where a use is defined or listed as a permitted use or a special land use in a given zoning district, such use shall not be permitted in any zoning district where it is not listed. This is true even if such use might be similar to a listed permitted use.

SECTION 3.2 ACCESS TO STREETS

Every main building or structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

SECTION 3.3 MAIN BUILDING OR PRINCIPAL USE

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple family dwellings, contained within a single, integrated complex as demonstrated by sharing parking, signs, access, and other similar features which together form a unified function and appearance.

SECTION 3.4 ACCESSORY BUILDINGS AND USES

- A. General Requirements
1. Accessory buildings and structures that are customarily incidental and subordinate to an existing main building, structure or use permitted within the applicable district, located on the same lot and not otherwise regulated by this Ordinance, shall be permitted subject to the regulations of this Section.
 2. Attached accessory buildings and structures shall be made structurally a part of the main building and shall conform to the requirements of the district in which the building or structure is located.
 3. Detached accessory buildings and structures shall be no closer than ten (10) feet from the main building or structure.
 4. No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected within three (3) feet of any other building or any property line.
 5. Construction: Detached accessory buildings shall have solid exterior walls clad in wood, stone, brick, metal/aluminum or cementitious or vinyl siding. The roofs

shall be flat or pitched and shall be metal or shingled (flat roofs may be of a rubber membrane). The building shall be affixed to a permanent foundation or piers.

6. Architecture: The architectural character shall be similar to, or compatible with, the principal structure, incorporating similar elements such as roof type, color, building materials, or architecture style.
7. Structures providing shade and shelter for humans, such as patio coverings, gazebos, pergolas, or similar structures, are not required to have walls. However, these structures shall not be used for storage or to shelter vehicles or equipment.

B. Detached Accessory Buildings and Structures - Residential Districts or Uses

1. Except as may otherwise be provided in this Ordinance, detached accessory buildings and structures shall be located only in the rear yard and located no closer than three (3) feet from any lot line, as measured from the main wall of the building.
2. One (1) detached accessory building shall be permitted for a Residential District or use not exceeding the following area and height:
 - a. For lots of ten-thousand (10,000) square feet in area or less: seven hundred and twenty (720) square feet and not exceeding sixteen (16) feet in height to its highest point.
 - b. For lots greater than ten-thousand (10,000) square feet in area, up to one (1) acre: nine hundred and sixty (960) square feet and not exceeding eighteen (18) feet in height to its highest point.
 - c. For lots greater than one (1) acre: one thousand five hundred (1,500) square feet and not exceeding twenty (20) feet in height to its highest point.
3. One (1) additional detached storage shed shall be permitted for a Residential District or use not to exceed one hundred and twenty (120) square feet in area. A swimming pool and cover structure shall also be permitted on a lot, subject to the requirements of Section 3.12 and any other applicable Ordinance.

C. Detached Accessory Buildings - Nonresidential Districts or Uses

1. No more than two (2) detached accessory buildings shall be permitted on any lot.
2. The total area of all detached accessory buildings shall not exceed twenty-five percent (25%) of the floor area of the main building(s).
3. Detached accessory buildings shall meet all setback requirements for main buildings for the district in which it is located, as measured from the main wall

- of the building, except that in no case shall be closer than ten (10) feet from any lot line.
4. No detached accessory building shall be located nearer than ten (10) feet to any main building.
 5. No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.
- D. Attached Accessory Buildings Permitted – Residential Districts or Uses (October 2020)
1. Attached Accessory Buildings (Private Garage) - Subject to the following limitations, one garage attached to a principal residential dwelling is permitted on any single family residential lot.
 - a. Attached Accessory Building (Private Garage) must meet all setbacks with the attached residential main building.
 - b. The maximum size of an attached accessory building (private garage) shall be limited to 832 square feet for the first 1,300 square feet of habitable floor area contained in the residence. In addition, for each whole increment of five (5) square feet that the floor area of the dwelling exceeds 1,300 square feet, the floor area of the attached or detached garage may be increased by one (1) square foot.

SECTION 3.5 HEIGHT EXCEPTIONS

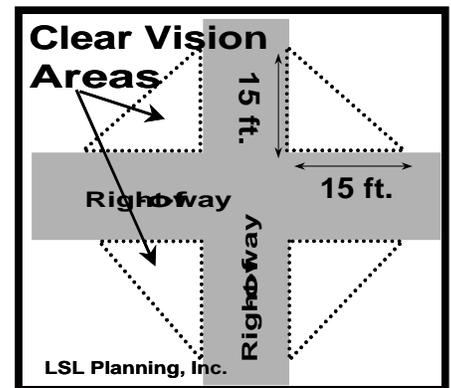
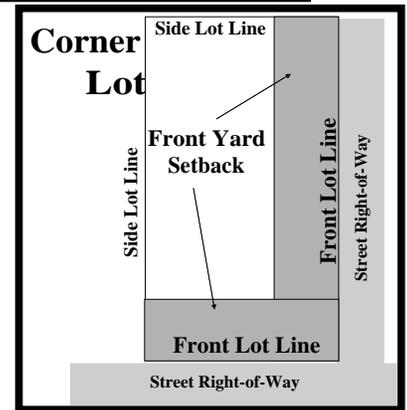
The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 3.6 LOTS AND LOT MEASUREMENTS

- A. All newly created lots shall have buildable area and meet the minimum lot size requirements of this Ordinance. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.

B. Corner Lots

1. On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The two (2) remaining yards shall each be side yards.
2. Required front yard setbacks shall be measured from both front lot lines.
3. For a corner lot with three (3) front lot lines, the remaining lot line shall be a rear lot line.
4. The minimum lot width of a corner lot shall be determined at the shorter of the two (2) front lot lines.
5. No solid fence, wall or planting screen greater than thirty (30) inches in height as measured from grade, shall be located within a triangular section of land formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines fifteen (15) feet from the point of intersection of the right-of-way lines.

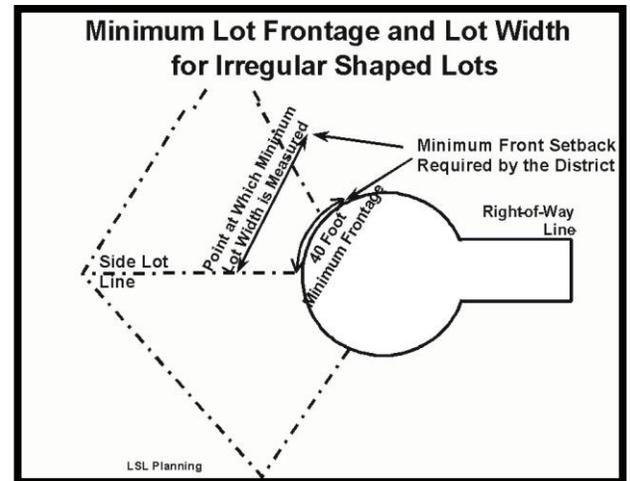


C. Average Setbacks

1. The required front setback for a lot shall be the average of the front setbacks of existing main buildings within two hundred (200) foot distance of the lot where the front yard setbacks for existing main buildings are non-conforming and are:
 - a. less than the required front yard setback for the zoning district;
 - b. entirely or partially within two hundred (200) feet of the side lot lines of the subject parcel;
 - c. on the same side of the street and either side of the subject parcel; and
 - d. are in the same Zoning District as the subject parcel.
2. The permitted front setback reduction shall only be permitted if there are two (2) or more lots occupied by main buildings within the two hundred (200) foot distance.
3. In no case shall the required front setback resulting from the application of this subsection be less than fifteen (15) feet.

D. Cul-de-Sac Lots

1. A cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
2. The minimum lot width for a lot on a cul-de-sac shall be measured at a line drawn between the two (2) points located at the intersection of a line extending along the side lot lines equal to the distance of the required front setback.
3. A lot on a cul-de-sac shall have not less than forty (40) feet of lot frontage as measured along the front lot line.

**SECTION 3.7 PROJECTIONS INTO YARDS**

- A. Architectural elements attached to and necessary to the integrity of the building, or the health or safety of the occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be permitted to encroach upon the minimum setback requirements of this Ordinance, provided the projection into a required front or rear yard area is no closer than ten (10) feet from a street right-of-way line or rear lot line. No encroachment shall be permitted into the side setback of the lot.
- B. Terraces, patios, porches, and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided they are:
 1. attached to the main building;
 2. not covered with a roof;
 3. elevated no more than thirty (30) inches above the average surrounding final grade;
 4. not fully enclosed by walls or fences over five and one-half (5½) feet in height;
 5. located no closer than ten (10) feet from a street right-of-way line or rear lot line; and
 6. do not encroach into the side setback of the lot.
- C. Terraces, patios, porches, and decks that are enclosed (covered with a roof), not including steps leading to these structures, shall be attached to and considered part of the main building and comply with all regulations applicable to main buildings.
- D. Those structures covered in paragraphs A and B above shall not be considered nonconforming, and therefore, shall be permitted to be rebuilt even if destroyed by an act of God or by the owner/occupant of the structure.

SECTION 3.8 HOME OCCUPATIONS

- A. Home occupations shall be approved by the Zoning Administrator, who shall issue a certificate of occupancy which shall specify the home occupation as to use, size, and the specific measures by which compliance with this Section will be maintained and provided the requirements of the Residential District are met.
- B. Only members of the family residing in the home shall be engaged in connection with the home occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation. No part of the home occupation shall be conducted in any accessory building.
- D. There shall be no change in the outside appearance of the building that would indicate the presence of a home occupation or depart from the residential character of the dwelling, and have any visible evidence of the conduct of the home occupation;
- E. There shall be no sale of products or services except as are produced on the premises or those products which may be directly related to and incidental to the home occupation. There shall be no outdoor, on-site storage of materials, equipment, or accessory items and/or display of materials, goods or supplies used in the conduct of the home occupation.
- F. The home occupation will not create traffic congestion, parking shortages, or otherwise adversely affect the pedestrian or vehicular circulation of the area. Any parking for vehicles associated with the home occupation shall be provided off the street. The following factors shall be considered by the Zoning Administrator to determine whether the traffic effects on a neighborhood may be excessive:
1. Whether the subject parcel is located at the entrance or the interior of a residential development where increased traffic volumes may be otherwise anticipated.
 2. Whether the nature of the proposed home occupation requires scheduled appointments or whether traffic volumes may be higher at certain times of the day.
 3. Whether traffic volumes may vary on a seasonal basis.
 4. Whether the home occupation could be conducted in a manner that reduces traffic generated in the area.
- G. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses
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off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.

- H. No more than two customers, clients, students or patients shall be on the premises in which a home occupation is located at any one time.
- I. Visits by customers, clients, students or patients to a dwelling unit in which a home occupation is located shall be limited to between the hours of 7:00 am to 8:00 pm, local time.
- J. All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.
- K. A registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the "General Rules"), the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq* (the "Act"), and the requirements of this section, shall be allowed as a home occupation. Nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from prosecution for growing, sale, consumption, use, distribution or possession of marihuana not in strict compliance with the Act and the General Rules. Also, since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. The Act does not protect users, caregivers or the owners of properties on which medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:
1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 2. A registered primary caregiver must be located outside of a 1,000-foot radius from any school or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7410, to insure community compliance with federal "Drug-Free School Zone" requirements.
 3. Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel.
 4. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
 5. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the City Building Official and the City Police

Department.

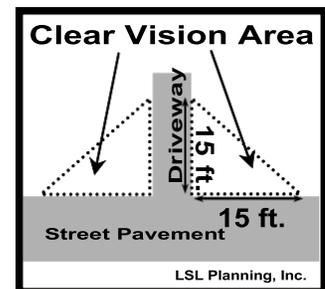
6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.
7. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 pm to 7:00 am, local time, shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
8. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, or where the storage of any chemicals such as herbicides, pesticides and fertilizers occurs, shall be subject to inspection and approval by the City Fire Department to ensure compliance with applicable provisions of the fire code.

SECTION 3.9 FENCES, WALLS, AND LANDSCAPE BUFFERS

A. Fences

1. Residential Districts

- a. Only decorative or ornamental fences not exceeding forty-two (42) inches in height may be permitted in required front yards. A fence of this height shall be permitted from the front building line of a residence to within eighteen (18) inches of the sidewalk.
- b. Decorative or ornamental fences may include wrought iron, split rail, picket, board on board, cyclone, planting screen, privacy fence, or masonry wall.
- c. No solid fence, wall or planting screen greater than thirty (30) inches in height as measured from grade, shall be located within a triangular section of land formed by two (2) fifteen (15) foot perpendicular lines intersecting at the driveway and street pavement point and a connecting line.
- d. A fence or wall shall not exceed six (6) feet in height on rear or side property lines or in rear or side yards.
- e. Fences, with the exception of cyclone/chair link fences and fences constructed of vinyl or other maintenance free materials, shall be placed twenty-four (24) inches within the property boundaries for maintenance purposes. A cyclone, chain link, vinyl, or other maintenance free fence may be placed directly on the property line.



2. No electrically charged fences are permitted.
3. Barbed wire:
 - a. Fences with barbed wire are prohibited in all Residential Districts.
 - b. Barbed wire strands may be used to enclose storage areas or other similar activities in General Industrial and Commercial Districts or uses, provided that a fence with barbed wire shall not be located adjacent a Residential District lot line or residential use.
 - c. The strands shall be restricted to the upper most portion of the fence and shall not extend lower than a height of six (6) feet from the nearest ground level.
4. All fences erected by individual property owners must be located on his/her property.
5. All fences shall be maintained in a good condition so that they do not result in an unreasonable hazard to persons who might come near them. Failure to maintain the fence shall be considered a violation of this Ordinance.
6. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises.
7. Fences constructed on the side yard of a corner lot shall be erected on the lot, eighteen (18) inches from the inside edge of the sidewalk.
8. It is unlawful to construct any private fence or barrier within a public right-of-way.

B. Landscape Buffers

1. Side yards and rear yards for Nonresidential Districts and uses abutting Residential Districts or residential uses shall be screened by any of the following.
 - a. A natural buffer ten (10) feet wide measured at the property line and planted with evergreens or shrubbery which maintains their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining Residential District.
 - b. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining Residential District.
 2. For side yard screening, no wall or fence used for screening shall terminate closer than twenty (20) feet from any adjoining street right-of-way (or rear alley into which a lot has vehicular access/egress), in order to provide safe visual sight distances.
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3. Additional screening may be required by the Zoning Administrator where he determines that proposed or existing screening is inadequate to prevent the creation of any nuisance or annoyance by artificial lighting or activity.

SECTION 3.10 LIGHTING

- A. Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any Residential District or use lot.
- B. Light fixtures shall be no higher than thirty (30) feet and shall be provided with light cut-off fixtures that direct light downward.
- C. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of five hundred (500) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.
- D. Lighting attached to buildings or other structures shall not permit light to be directed horizontally.

SECTION 3.11 KEEPING OF ANIMALS

The keeping of animals shall be regulated by Chapter 6 of the City Code of the City of Otsego.

SECTION 3.12 PRIVATE SWIMMING POOLS

- A. A building permit shall be issued prior to the construction of a private swimming pool. An application for the permit shall show:
 1. The name of the owner.
 2. A plot plan of the property showing the location of the swimming pool.
 3. The manner in which its use shall be supervised.
 4. The safety precautions to be made to protect those making use thereof, or who might be endangered thereby.
 5. Information showing the size, depth, and capacity of the swimming pool.
 6. Type, height and location of the fence surrounding the swimming pool, and the number of gates therein.
 7. Other information deemed by the Building Inspector as necessary for the protection of the public health and safety.
 - B. All swimming pools shall be constructed or placed so as to have a side yard from the property line of not less than six (6) feet in width on each side, a rear yard of not less than five (5) feet in width and a front setback of not less than thirty (30) feet.
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- C. The current standards set by the state department of public health and the Allegan County Department of Public Health for the use of swimming pools are hereby adopted and made a part of this Ordinance.
- D. Lights used to illuminate any swimming pool or family pool shall be arranged and shaded to reflect light away from adjoining premises.

SECTION 3.13 NONCONFORMING USES, STRUCTURES, AND LOTS

A. General Provisions

- 1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall be in violation of this Ordinance.
- 2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Section.
- 3. A lawful use of land or structure which is under construction in furtherance of the establishment of a building or structure before the enactment of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of Section 1.2, G.

B. Nonconforming Uses (Amended 04/12)

- 1. No part of any nonconforming use shall be moved unless the movement eliminates the nonconformity.
- 2. If a nonconforming use ceases and is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;

- d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - e. If the nonconforming use has ceased and the property is not actively being marketed (for sale or lease) for the same nonconforming use.
 - f. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed in use to another nonconformity. Once a conforming use is established the prior nonconformity which it succeeded shall lose its nonconformity and shall thereafter be continued in compliance with the provisions of this Ordinance.
 4. No nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:
 - a. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
 - b. Complies with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area;
 - c. Complies with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
 - d. Is not to be larger than twenty five percent (25%) or the original nonconforming area.
 5. If a nonconforming single family dwelling or associated detached accessory structure located within the PO, C-1, or CBD districts has been damaged or destroyed by fire, wind, an act of God or the public enemy to the extent that the cost of restoring the building or structure equals or exceeds its state equalized value as determined by the Building Inspector, the nonconforming single family dwelling or detached accessory structure may be reconstructed upon the original footprint of the structure, subject to the following:
 - a. The ground floor area of the reconstructed building or structure shall be equal to or less than the ground floor area of the building or structure that was damaged or destroyed.
 - b. The reconstructed building or structure shall not be higher or contain more stories than the building or structure that was damaged or destroyed.

- c. The reconstructed building or structure shall be allowed the same or greater setbacks as the building or structure that was damaged or destroyed, and may retain any nonconforming structure status that applied to the original building or structure; provided, however, that no side yard setback may be less than five (5) feet for a principal dwelling and three (3) feet for a detached accessory structure.

C. Nonconforming Buildings and Structures

1. The expansion of a nonconforming structure shall be permitted provided that the addition complies with this Ordinance and does not increase the nonconformity.
2. In the event any nonconforming building or structure shall be damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not equal or exceed the state equalized value of the building or structure as determined by the Building Inspector.
3. A nonconforming building or structure shall not be moved in whole or in part except when the moving results in full compliance with the provisions of this Ordinance.

D. Nonconforming Lots of Record

1. A nonconforming lot may be used for the purposes for which it is zoned, provided that:
 - a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
 - b. Any main building on the lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.
2. Combination of Nonconforming Lots
 - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 - (1) are in common ownership;
 - (2) are adjacent to each other or have continuous frontage, and;
 - (3) individually do not meet the lot width or lot area requirements of this Ordinance.

- b. Parcels meeting the provisions of subsection 2, a, above, shall be combined into a lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

SECTION 3.14 REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

Any single-family dwelling, whether constructed and erected on a lot, or a manufactured home, outside a manufactured home park, may be permitted only if it complies with all of the following requirements:

- A. The dwelling shall meet the minimum square footage requirements for the District in which it is located.
- B. Design Features
 - 1. The minimum width across any front, side, or rear architectural elevation shall be at least twenty four (24) continuous feet of exterior wall.
 - 2. All dwellings shall have either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling;
 - 3. Where elevation differences make it necessary, the dwelling shall contain permanently attached steps connected to exterior door areas or to porches connected to the door areas.
 - 4. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar quality work as the original structure, including permanent attachment to the main building and construction of a foundation as required herein.
 - 5. The dwelling shall contain an interior storage area in a habitable basement or cellar located under the dwelling, or in a defined storage room space separate from closet areas, garage, utility or furnace rooms. The minimum storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less.
- C. The dwelling shall conform to the State Building Code and all other pertinent construction and fire codes. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where the standards allow standards of construction which are less stringent than those imposed by the Building Code, then the less stringent Federal or State standard or regulation shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

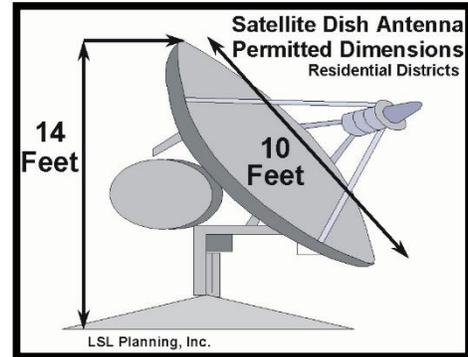
- D. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time the standards may be amended.
- E. The dwelling shall be placed upon and secured to a permanent foundation meeting the requirements of the State Building Code. The area between the elevation of the lot and the structure shall have a wall of the same dimensions of the dwelling and constructed of materials and type as required in the applicable code for single-family dwellings. In the event that the dwelling is installed pursuant to the manufacturer's set-up instructions, the dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission.
- F. If the dwelling has wheels, towing mechanisms or undercarriages, they shall be removed.
- G. The dwelling shall be connected to sanitary sewer and public water pursuant to the City of Otsego Municipal Standards.
- H. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity.
1. Compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans (which may include elevation sketches or photographs) submitted for a particular dwelling, subject to appeal in accordance with the provisions of Section 17.3, A.
 2. Any determination of compatibility shall be based upon the standards set forth in this subsection regarding dwellings as well as the character, design and appearance of one or more residential dwellings located outside of manufactured home parks within nine hundred (900) feet of the subject dwelling where the area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within the area; or where the area is not so developed, by the character, design and appearance of one (1) or more residential dwellings located outside manufactured home parks in the City.
- I. The requirements of this Section shall not be construed to prohibit innovative design concepts involving matters such as solar energy, view, unique land contour, or relief from the common or standard designed home.

- J. The foregoing requirements shall not apply to manufactured homes located in a state licensed manufactured home park except as required by state or federal law or otherwise specifically required in any City Ordinance pertaining to these parks.

SECTION 3.15 SATELLITE DISH ANTENNAS

A. Placement

1. In Residential Districts a satellite dish antenna shall be permitted only in a rear yard, or mounted or attached to a building.
2. A satellite dish antenna shall comply with the side and rear yard setback requirements applicable to main buildings in the District in which it is located.
3. In Nonresidential Districts a satellite dish antenna shall be located only in the side or rear yard or mounted on top of a building. No more than two (2) satellite dish antennas shall be located on the same lot as a main building. Satellite dish antenna are permitted only in connection with, incidental to and on the same lot as a principal use or main building.



B. Height

1. In Residential Districts, a ground mounted satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fourteen (14) feet in height, or ten (10) feet in diameter.
2. In the Nonresidential Districts, a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed the maximum height permitted for main buildings in the district in which it is located.

C. General Provisions

1. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters (78.74 inches) or less in diameter in Nonresidential Districts.
2. No portion of a satellite dish antenna, shall contain any name, message, symbol, or other graphic representation visible from adjoining properties, except as required by the manufacturer or federal regulations for safety purposes.
3. A satellite dish antenna shall be anchored in a manner approved by the Building Inspector as being adequate to secure the satellite dish antenna during high winds.

4. A satellite dish antenna, shall not be erected, constructed, or installed until a building permit has been obtained from the Building Inspector.
5. The Building Inspector may waive any provision of this Section if its enforcement inhibits or prevents the proper operation of the satellite dish antenna.
6. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that the dish antennas are located and constructed in a manner which will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

SECTION 3.16 SITE CONDOMINIUMS

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in its zoning district provided the unit meets the District Regulations for the zoning district in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the City Commission in accordance with Chapter 14 of this Ordinance.
- D. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines.
 1. The Zoning Administrator and the City Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the City Commission, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the City of Otsego, whichever the developer selects, in an amount as determined from time to time by resolution of the City Commission.
 2. The deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
 3. If the developer defaults, the City Commission shall promptly engage a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plan, at the developer's expense.

- E. All rights of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.
1. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.
 2. The developer shall dedicate to the City of Otsego all easements for utilities. Water, sewer and electrical easements may be placed within public rights-of-way, subject to the approval of the City Engineer and the City of Otsego Municipal Standards, including Sections 02665 - Watermains, and 02732 Sanitary Sewers.
 3. All streets and roads proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance and other Ordinances of the City of Otsego.

SECTION 3.17 TEMPORARY BUILDINGS AND PORTABLE STORAGE CONTAINERS

- A. Mobile offices, tool sheds, storage trailers, shall be permitted on properties subject to valid building permits during the time of actual construction, provided they are located pursuant to Section 3.4 of this Ordinance and are in compliance with the utility Ordinances of the City. These structures shall be removed within twelve (12) working days after the completion or abandonment of construction work on the property.
- B. Portable storage containers shall not be kept on residential property for more than 30 days.
- C. A permit is required for the placement of temporary buildings and portable storage containers on all properties within the City. Permits shall only be valid for the timeframes stated in this section, unless extended by the City Manager.

SECTION 3.18 DUMPSTERS AND OUTDOOR TRASH CONTAINERS

- A. Outdoor trash containers or dumpsters shall be permitted only in the Nonresidential Districts and the R-C District, provided that they comply with this Section, except that these structures may be permitted for reasonable periods on properties undergoing construction activities. The placement of the container shall be included in the submitted site plan.
- B. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from main buildings.

- C. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen said containers. The maximum height of walls, fence or gate shall be six (6) feet.
- D. The container or containers, the screening walls, fence and gate shall be maintained in a neat and orderly manner, free from loose rubbish, wastepaper and other debris.

SECTION 3.19 ACCESS MANAGEMENT

- A. The intent of these regulations is to provide access requirements which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The requirements are specifically designed for streets the primary function of which is the movement of through traffic, as opposed to local streets the primary function of which is access to adjacent properties.
- B. DRIVEWAYS FOR SINGLE AND TWO FAMILY DWELLING UNITS
 - 1. Single and two-family dwelling unit permitted uses are allowed a single driveway curb cut. Driveways will have a curb cut width of no more than 24'.
 - 2. Single and two-family dwelling unit permitted uses with at least 120' of road frontage may have a second driveway curb cut to allow access to accessory buildings. Corner lot property owners may add both road frontages together to reach the 120' threshold.
 - 3. 2nd driveways must be at least 25' from another existing driveway or intersection.
- C. Application of Requirements For Non-Single and Two-Family Residential Uses
 - 1. The requirements of this Section shall apply to all uses, except permitted single-family and two-family dwelling units.
 - 2. The access requirements in this Section shall be in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation (MDOT).
 - 3. For expansion and/or redevelopment of existing sites where the City Engineer determines that compliance with all the requirements of this Section is unreasonable, the requirements shall be applied to the maximum extent possible. In these situations, suitable alternatives which substantially achieve the purpose of this Section may be accepted by the City Engineer, provided that the applicant demonstrates all of the following:

- a. Size of the parcel is insufficient to meet the dimensional standards;
 - b. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost;
 - c. The use will generate fewer than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers; and
 - d. There is no other reasonable means of access.
- C. Number of Driveways
1. Access to a parcel shall consist of either a single two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
 2. Where parcel frontage is insufficient to provide a driveway meeting the minimum width and radii, a shared driveway or other means of access shall be required.
 3. Where a parcel has frontage along two (2) streets, access shall be provided only along the street with the lower average daily traffic volume, unless the City Commission determines this would negatively affect traffic operations or surrounding land uses.
 4. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers manual Trip Generation or another accepted reference, that a second access is warranted, the City Engineer may allow an additional access point.
 5. Where the property has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) driveway being designed and signed for right-turns-in, right-turns-out only.
- D. Shared Access, Frontage Roads, Parking Lot Connections and Rear Service Drives
1. Shared use of access between two (2) or more property owners shall be encouraged through use of driveways constructed along property lines of a site, connecting parking lots and construction of on-site of frontage roads and rear service drives, where frontage dimensions are less than three hundred (300) feet, at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In these cases, a shared access arrangement may be the only access design allowed.
 - a. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility shall be required by the City Engineer, where feasible.
 - b. In cases where a site is adjacent to undeveloped property, the site shall be designed to accommodate a future frontage road, parking lot connection and/or rear service drive.
 - c. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.

2. Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following standards:
 - a. Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
 - b. Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.
 - c. Parking along or which backs into a frontage road shall be prohibited.
- E. Driveways, frontage roads, and rear service drives shall be no closer than ten (10) feet from a property line, except in the case of shared driveways along property lines.
- F. Adequate Sight Distance and Driveway Spacing from Intersections
 1. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets. 1994.
 2. The City Engineer may require driveway locations to be adjusted where there is a concern regarding adequate sight distance.
 3. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
 4. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
 - a. For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service "C" for one (1) or more movements) and/or a significant number of traffic accidents (five [5] or more annually), the City Engineer may require that access be constructed along the property line farthest from the intersection and a minimum of one hundred and fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in, right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
 - b. For locations within two hundred (200) feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of one hundred fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in, right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
 - c. For locations not addressed by b, above, minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent to the property or on the opposite side of the street may be set on a case-by-case basis, but in no instance shall be less than one hundred (100) feet.

These measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

G. Driveway Spacing from Other Driveways

1. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.

2. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as determined by the accompanying table.

Posted Speed (mph)	Minimum Driveway Spacing
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

3. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway, where possible.

If alignment is not possible, driveways shall be offset a minimum of one hundred (100) feet from those on the opposite side of the roadway. These requirements may be reduced by the City Engineer in cases where compliance is not possible.

H. Directional Driveways, Divided Driveways and Deceleration Tapers: Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the City Engineer where they will reduce congestion and accident potential for vehicles accessing the proposed use or site.

1. The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined maximum throat width of thirty (30) feet, measured from face to face of curb.
2. Wherever the City Engineer determines that traffic volumes or conditions will cause significant delays for traffic exiting left, two (2) exit lanes will be required.
3. For one-way paired driveway systems, each driveway shall be sixteen (16) feet wide, measured perpendicularly.
4. In areas with regular pedestrian traffic, the exit and enter lanes shall be separated by a median with a maximum width of ten (10) feet.
5. Driveways shall be designed with a twenty-five (25) foot radii and a thirty (30) foot radii where daily semi-truck traffic is expected.
6. The City Engineer shall determine the need for acceleration and deceleration lanes.

- I. Driveway Storage: Driveway storage shall be determined by the City Engineer based on traffic volumes and conditions. A minimum of forty (40) feet of driveway storage shall be provided for less intense developments and a minimum of one-hundred and twenty (120) feet of driveway storage shall be required for larger developments. Driveway storage shall be measured from the right-of-way line.
- J. Non-conforming Private Roads and Access Easements
1. The City recognizes there exist private roads and/or access easements which were lawful prior to the adoption of this Section that do not fully conform with the requirements herein. These roads are declared by this Section to be nonconforming roads or easements. The intent of this Section is to permit nonconforming roads and easements to continue. This Section is also intended to allow new construction to occur on existing lots which front along these roads as of the effective date of this Section, if the roads are capable of providing sufficient access for the uses permitted in the Zoning District and for provision of emergency service vehicles, as determined by the City Engineer.
 2. This Section is also intended to discourage the construction of new private roads, the extension of nonconforming roads or increase the number of lots or building sites served by a private road, except in platted subdivisions, divisions of land or site condominium projects existing on the effective date of this Section, unless provisions are made to upgrade such roads to comply with the requirements herein. Any reconstruction, widening or extension of a nonconforming private road or access easement shall be in conformity with this Section.
- K. Non-Motorized Pathways
1. Intent: It is hereby determined that non-motorized pathways promote and provide for the public health, safety, and general welfare by providing a safer location for travel along roads for bicyclists and pedestrians than the edge of the traveled road, encouraging aerobic exercise, conserving energy, and reducing air pollution and traffic congestion by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.
 2. Location: Non-motorized pathways shall be required as follows:
 - a. Along the entire site frontage of any development located along an arterial or collector road identified in the Otsego Master Plan.
 - b. Along both sides of all internal streets within any residential development that has an overall density greater than two (2) dwelling units per acre. The City Engineer may modify this requirement provided another type of pedestrian trail system is provided by the applicant that meets the intent of this Section.

3. Design: The following construction requirements shall apply to all non-motorized pathways:
 - a. All non-motorized pathways shall be at least five (5) feet wide constructed of concrete or asphalt in accordance with the specifications of the American Association of State Highway and Transportation Officials (AASHTO). Bike paths shall be constructed to meet all requirements of the Road Commission for Allegan County.
 - b. An inclined approach shall be required where sidewalks and bike paths intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required by the City.

SECTION 3.20 CHARITY COLLECTION BOXES

Charity collection boxes, which are a box or receptacle other than an accessory building or shed complying with all building code and land use requirements, that can be or are used for the reception of money or goods intended for charitable use, are permitted in the city subject to the following requirements:

- A. Approval required. No charity collection box may be placed or located within the city unless the operator of the box is issued a permit by the City Clerk. A permit for a charity collection box shall only be issued if all of the requirements of this section are met.
- B. Charitable status. The operator of the collection box must be a not-for-profit organization that has qualified for tax-exempt status under Section 501(C) (3). The operator shall submit proof of 501(C) (3) status to the city as part of their permit application. This proof shall consist of copies of the following forms and information required to qualify for 501(C) (3) status:
 1. Michigan Articles of Incorporation.
 2. IRS Form 1023.
 3. Proof of directors and officers (D & O) insurance.
 4. Proof of license to solicit donations issued by the Michigan Attorney General's office.
 5. Copies of the organization's three most recent Michigan Annual Reports, filed each October 1 with the Michigan Corporation, Securities and Land Development Bureau. This requirement may be waived or modified if the organization has not existed long enough to have filed three Michigan Annual Reports.
- C. Property owner consent required. The operator of the collection box shall submit evidence that the owner of the property where the collection box is proposed to be located agrees to allow the collection box on their property.

- D. Where permitted. Collection boxes are permitted as an accessory use to a non-residential principal use of the property.
- E. Location.
1. Front yard or side yard. Collection boxes in the front or side yard shall be located adjacent to a building in a location that does not impede vehicular or pedestrian circulation. For the purposes of this section, "adjacent" shall mean anywhere within 5 feet of an exterior building wall. Collection boxes may not be located in any parking space.
 2. Rear yard. Collection boxes located in a rear yard shall be located within the building envelope applicable to a principal building on the site.
- F. Number. No more than two collection boxes may be located on any one property.
- G. Size and mass. Collection boxes have a maximum size of six feet in depth or width and a maximum height of eight feet.
- H. Operation standards. All donations must be fully enclosed in the collection box. Donations that are not fully enclosed in the collection box are considered a public nuisance and subject to removal by the city at the property owner or collection box operator's expense.

SECTION 3.21 PRIVATE VEHICLE SALES (9/2022)

Vehicles may be displayed for sale with "For Sale" signs on or in them as long as they meet the following conditions:

- A. The vehicle is not parked in the right-of-way,
- B. The vehicle is not parked in the front yard.
- C. The vehicle is parked on an improved surface.
- D. The vehicle is not advertised for sale for more than 14 consecutive days.
- E. There is only one vehicle advertised for sale at a time on the parcel.

**CHAPTER 4
ZONING DISTRICTS AND MAP**

SECTION 4.1 ESTABLISHMENT OF DISTRICTS (amended 1/06)

For the purposes of this Ordinance, the City of Otsego is divided into the following zoning districts:

- | | | | |
|-----|---|-----|------------------------------|
| R-A | Single Family Residence District | PO | Professional Office District |
| R-B | Single Family Residence District | C-1 | General Business District |
| R-C | Two Family and Multiple Family Residence District | CBD | Central Business District |
| MHP | Manufactured Home Park District | GI | General Industrial District |
| PUD | Planned Unit Development District | FH | Flood Hazard Area Overlay |
- OSP PUD
 - MPUD
 - IPUD

SECTION 4.2 OFFICIAL ZONING DISTRICTS MAP

The boundaries of the zoning districts enumerated in Section 4.1 are hereby established as shown on the "Official Zoning Map, City of Otsego," which accompanies this text; this map with all notations, references and other information shown thereon is hereby adopted by reference as a part of this Ordinance. One (1) copy of the Official Zoning Map shall be maintained and kept up to date by the City Clerk, accessible to the public, and the final authority as to the current zoning status of all property in the City.

SECTION 4.3 INTERPRETATION OF DISTRICT BOUNDARIES

If because of the scale, lack of details, or illegibility of the Official Zoning Map, there is any uncertainty, contradiction, or conflict regarding the intended location of any district boundaries shown on the map, interpretation concerning the exact location of district boundary lines shall be determined, upon written application by the Zoning Board of Appeals. In arriving at a decision, the Board shall apply the following standards:

- A. The boundaries of zoning districts are intended to follow centerlines of alleys, streets, other rights-of-way, or lot lines, or to be parallel or perpendicular thereto, unless the district boundary lines are otherwise clearly indicated on the Official Zoning Map.
- B. Where district boundaries are indicated to approximately follow lot of record lines, those lines shall be construed to be boundaries.
- C. Unless shown by dimension on the Official Zoning Map, where a district boundary divides a lot of record the location of the boundary shall be determined by use of the scale shown on the map.

- D. Where district boundaries are indicated as approximately following City limits, they shall be construed as following the City limits.
- E. A boundary indicated as following a shoreline shall be construed as following that shoreline, and in the event of a naturally occurring change in a shoreline, the boundary shall be construed as following the actual shoreline. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following that centerline.
- F. If a district boundary is indicated as being parallel to, or an extension of a feature described in this Section it shall be so construed.
- G. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered in this Section the Board of Zoning Appeals shall determine the district boundaries.

SECTION 4.4 ZONING OF VACATED AREAS

If a street, alley or other public right-of-way within the City is vacated by official governmental action and if the lands within the boundaries thereof attach to and become part of lands adjoining the street, alley or public right-of-way, the lands involved shall automatically acquire and be subject to the same zoning regulations applicable to adjoining lands, and shall be governed by this Ordinance.

SECTION 4.5 ZONING OF FILLED LAND; USE OF WATERS

If earthen fill is placed in any lake or stream, the created land shall automatically and without further governmental action acquire and be subject to the same zoning regulations applicable for lands to which the land attaches or is adjacent; and the created land shall be used for those purposes as are permitted under this Ordinance for the adjoining lands.

SECTION 4.6 ZONING OF ANNEXED AREAS

When property is annexed into the City, the Planning Commission shall consider the appropriate district classification and shall propose an amendment to this Ordinance concerning the annexed land to the City Council within one (1) year of the effective date of the annexation. In the interim period, the existing City zoning regulations shall remain in effect pursuant to 279 PA 1909, as amended, MCLA 117.41 et seq.

CHAPTER 5 R-A SINGLE-FAMILY RESIDENCE DISTRICT

SECTION 5.1 PURPOSE

This Zoning District is characteristically a single-family housing area. While most of the city is serviced with utilities, the low density status is designed to preserve and protect those areas which have developed strictly as single-family detached units on separate lots. No further subdividing of single-family lots below the lot area specified herein shall be deemed desirable or contributory to the existing residential character. The dwelling unit density, however, shall still be at a sufficient scale to support utility system operation and maintenance costs.

SECTION 5.2 PRINCIPAL PERMITTED USES (amended 3/08)

In the R-A District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Churches and other facilities normally incidental thereto.
- B. Family child day care homes.
- C. Foster care family homes.
- D. Municipal, state or federal administrative or service buildings, provided that such buildings shall be located not less than twenty (20) feet from any other lot in a Residential District.
- E. Nursery schools, day nurseries and child care centers (not including dormitories).
- F. Publicly owned and operated parks, play fields, museums, libraries, and other recreation facilities, provided that any building shall be located not less than twenty (20) feet from any other lot in any Residential District.
- G. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, provided that any building shall be located not less than twenty (20) feet from any other lot in any Residential District.
- H. Single-family detached dwellings, including home occupations in accordance with the requirements of Section 3.8.
- I. Accessory buildings and uses customarily incidental to the Principal Permitted Uses and Special Land Uses in accordance with the requirements of Section 3.4.
- J. Public Buildings and Uses located not less than twenty (20) feet from any other lot in any Residence District as a Principal Permitted Use.

SECTION 5.3 SPECIAL LAND USES (amended 1/06)

Land and/or buildings in the R-A District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Cemeteries, when adjacent to or an extension of existing cemeteries.

- B. Private parks, country clubs, and golf courses.
- C. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, not including storage yards.

SECTION 5.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

R-A DISTRICT REQUIREMENTS		
MINIMUM YARD REQUIREMENTS	FRONT	30 ft.
	SIDE	8 ft. one side / total 15 ft. both sides
	REAR	25 ft.
MINIMUM LOT REQUIREMENTS	AREA	11,000 sq. ft.
	WIDTH	80 ft.
MAXIMUM BUILDING HEIGHT		35 ft. or 2½ stories
MAXIMUM LOT COVERAGE		30%
MINIMUM DWELLING UNIT FLOOR AREA		980 sq. ft.; 750 sq. ft. on ground floor

CHAPTER 6 R-B SINGLE-FAMILY RESIDENCE DISTRICT

SECTION 6.1 PURPOSE

This zoning district encompasses some of the older localities of the city. The residential character is mainly urban, single-family homes of earlier construction on individual lots. Two-family homes and new duplexes are permitted here, but with controls as to location, site and density. The R-B District provides for some conversion of older, larger homes to two-family dwellings provided certain conditions for the health, safety and welfare of the neighborhood are met.

SECTION 6.2 PRINCIPAL PERMITTED USES (Amended 3/2008)

In the R-B District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Churches and other facilities normally incidental thereto.
- B. Family child day care homes.
- C. Family foster care family homes.
- D. Municipal, state or federal administrative or service buildings, provided that such buildings shall be located not less than twenty (20) feet from any other lot in a Residential District.
- E. Nursery schools, day nurseries and child care centers (not including dormitories).
- F. Publicly owned and operated parks, play fields, museums, libraries, and other recreation facilities, provided that any building shall be located not less than twenty (20) feet from any other lot in any Residential District.
- G. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, provided that any building shall be located not less than twenty (20) feet from any other lot in any Residential District.
- H. Single-family detached dwellings, including home occupations in accordance with the requirements of Section 3.8.
- I. Accessory buildings and uses customarily incidental to the Principal Permitted Uses and Special Land Uses in accordance with the requirements of Section 3.4.
- J. Public Buildings and Uses located not less than twenty (20) feet from any other lot in any Residence District as a Principal Permitted Use.

SECTION 6.3 SPECIAL LAND USES

Land and/or buildings in the R-B District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Cemeteries, when adjacent to or an extension of existing cemeteries.
- B. Personal service establishments.
- C. Dwelling unit conversions.
- D. Planned unit developments.

- E. Private parks, country clubs, and golf courses.
- F. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, not including storage yards.
- G. Two-family dwellings.
- H. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit

SECTION 6.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

R-B DISTRICT REQUIREMENTS			
MINIMUM YARD REQUIREMENTS	FRONT		25 ft.
	SIDE		5 ft.
	REAR		25 ft.
MINIMUM LOT REQUIREMENTS	AREA	Single Family	7,200 sq. ft.
		Two Family	10,000 sq. ft.
	WIDTH		60 ft.
MAXIMUM BUILDING HEIGHT			35 ft. or 2½ stories
MAXIMUM LOT COVERAGE			35%
MINIMUM DWELLING UNIT FLOOR AREA (per unit)	Single Family		980 sq. ft.; 750 square ft. on ground floor
	Two Family		900 sq. ft.; 600 sq. ft. on ground floor

CHAPTER 7

R-C TWO FAMILY AND MULTIPLE-FAMILY RESIDENCE DISTRICT

SECTION 7.1 PURPOSE

The R-C District is intended for two family and multiple-family residential uses. The character of the District is urban in appearance with moderate multiple-family densities as found in single-family semi-attached (row housing), garden apartments and townhouse apartments. Specialized or group housing and senior citizens housing is also permitted by special land use permit. All use in this District shall meet site design standards and requirements, as provided herein, in order to relieve any and all potentially adverse impacts.

SECTION 7.2 PRINCIPAL PERMITTED USES (amended 3/08)

In the R-C District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Churches and other facilities normally incidental thereto.
- B. Multiple-family dwellings (see Section 7.4, E).
- C. Parochial or private elementary, intermediate and/or high schools, provided that any building shall be located not less than twenty (20) feet from any other lot in any Residential District.
- D. Two-family dwellings including home occupations in accordance with the requirements of Section 3.8 (see Section 7.4, F).
- E. Accessory buildings and uses customarily incidental to the Principal Permitted Uses and Special Land Uses in accordance with the requirements of Section 3.4.
- F. Public Buildings and Uses located not less than twenty (20) feet from any other lot in any Residence District as a Principal Permitted Use.

SECTION 7.3 SPECIAL LAND USES (amended 1/06)

Land and/or buildings in the R-C District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Adult foster care small group homes.
- B. Cemeteries, private, when adjacent to or an extension of existing cemeteries.
- C. Dwelling unit conversions.
- D. Group child day care homes.
- E. Housing for the elderly.
- F. Manufactured Home Parks.
- G. Personal service establishments.
- H. Private parks, country clubs, and golf courses.
- I. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, not including storage yards.

SECTION 7.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

R-C DISTRICT REQUIREMENTS - TWO FAMILY AND NON-RESIDENTIAL USES		
MINIMUM YARD REQUIREMENTS	FRONT	30 ft.
	SIDE	5 ft.
	REAR	25 ft.
LOT AND DENSITY REQUIREMENTS	LOT AREA	10,000 sq. ft.
	WIDTH	60 ft.
MAXIMUM BUILDING HEIGHT		35 ft. or 2½ stories
MAXIMUM LOT COVERAGE		35%
MINIMUM DWELLING UNIT FLOOR AREA		900 sq. ft.; 600 sq. ft. on ground floor

R-C DISTRICT REQUIREMENTS - MULTIPLE FAMILY DWELLINGS		
MINIMUM YARD REQUIREMENTS	FRONT	25 ft.
	SIDE	20 ft.
	REAR	30 ft.
LOT AND DENSITY REQUIREMENTS	LOT AREA/ DENSITY	2 acres
		8 units per acre
	WIDTH	60 ft.
MAXIMUM BUILDING HEIGHT		35 ft. or 2½ stories
MAXIMUM LOT COVERAGE		25%
MINIMUM DWELLING UNIT FLOOR AREA (square feet per unit)	Efficiency	375
	1 BR	600
	2 BR	780
	3 BR	940
	Over 3 BR	940 plus 80 sq. ft. for each bedroom over 3

E. Multiple Family Requirements

1. For every lot on which a multiple family dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in D, above. Each side yard shall be increased beyond the yard spaces indicated by one (1) foot for each ten (10) feet or part thereof by which the length of the multiple family dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line.
2. Where two (2) or more multiple family dwellings are erected upon the same lot, a minimum yard space of twenty (20) feet in width shall be provided between structures. This yard width shall be increased by two (2) feet for each ten (10) feet or part thereof by which each multiple family dwelling, having common yards, exceeds forty (40) feet in length on that side of the dwelling facing the common yard.
3. Multiple family developments of more than one (1) building shall provide two (2) means of ingress and egress to the project to permit adequate circulation for safety equipment, except that for projects under ten (10) acres one (1) boulevard entranceway may be sufficient.
4. In all multiple projects of over seventy-five (75) dwelling units, parking shall not be allowed along the main circulation drive.

5. Multiple family townhouse units must include an individual outdoor paved patio area not less than one hundred (100) square feet in area.
 6. No more than seven (7) multiple family townhouse units shall be in any attached row.
 7. Multiple family buildings shall not exceed two hundred (200) feet in length.
 8. Lot area not used for buildings, parking, sidewalks, and other structures, shall be landscaped and maintained as open space. In no case shall the landscaped/open space area be less than twenty-five percent (25%) of the total site.
- F. A site plan for two-family dwellings identifying sleeping areas shall be submitted to the Otsego Fire Department and kept on file. No parking shall be allowed in any required front yard, except in a permissible parking space. Parking areas shall be screened in accordance with this Ordinance and all parking areas shall be paved.

CHAPTER 8 MHP MANUFACTURED HOME PARK DISTRICT

SECTION 8.1 PURPOSE

For the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection of the residents of any manufactured home park development, these regulations are considered to be minimum standards to be applied to all manufactured home park developments in the City of Otsego. All manufactured home parks shall comply with the applicable requirements of Act 419, P.A. 1987 as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.

SECTION 8.2 PRINCIPAL PERMITTED USES

In the MHP District manufactured home subdivisions shall be permitted in accordance with Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended and provided that the following minimum provisions shall apply:

MHP MANUFACTURED HOME PARK DISTRICT REQUIREMENTS		
MINIMUM YARD REQUIREMENTS	FRONT	20 ft.
	SIDE	10 ft.
	REAR	25 ft.
LOT AND DENSITY REQUIREMENTS	LOT AREA	Single - 5,000 sq. ft. Doublewide - 6,875 sq. ft.
	WIDTH	40 ft. - Single Wide 55 ft. - Double Wide

SECTION 8.3 SPECIAL LAND USES

Land and/or buildings in the MHP District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Manufactured home parks.

SECTION 8.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.

CHAPTER 9 PO PROFESSIONAL OFFICE DISTRICT

SECTION 9.1 PURPOSE

The Professional Office District is designed to accommodate various types of office uses performing administrative, professional, and personal services. These are typically small office buildings which can serve as a transitional use between the more intensive uses of land such as major thoroughfares or commercial districts and the less intensive uses of land use as single- or two-family residential.

SECTION 9.2 PRINCIPAL PERMITTED USES (amended 3/08, 8/10)

In the PO District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Business and private schools operated completely within an enclosed building.
- B. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education.
- C. Churches and other facilities normally incidental thereto.
- D. Financial establishments such as banks, credit unions, savings and loan associations, with drive-in windows.
- E. Funeral homes or mortuaries.
- F. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
- G. Home occupations in nonconforming single family dwellings, in accordance with the requirements of Section 3.8.
- H. Medical or dental clinics.
- I. Municipal, state or federal administrative or service buildings, provided that such buildings shall be located not less than twenty (20) feet from a Residential District.
- J. Professional offices.
- K. Mixed uses, including office and residential uses, when located within a single structure, provided that:
 - 1. Residential uses are not on the same floor or story as the office or commercial uses.
 - 2. Residential uses have a separate entry apart from the office uses.
- L. Personal service establishments.
- M. Public utility buildings, not including storage yards.
- N. Accessory buildings and uses customarily incidental to the Principal Permitted Uses and Special Land Uses in accordance with the requirements of Section 3.4.
- O. Public Buildings and Uses.

SECTION 9.3 SPECIAL LAND USES

Land and/or buildings in the PO District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Accessory restaurants, convenience stores, and drug stores, only when operated as part of medical offices and located within the building to which it is accessory.
- B. Office developments of two (2) or more freestanding main buildings within a single development.
- C. Veterinary clinic.

SECTION 9.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

PO DISTRICT REQUIREMENTS		
MINIMUM YARD REQUIREMENTS	FRONT	None
	SIDE	None
	REAR	None
MAXIMUM BUILDING HEIGHT		35 ft. or 2½ stories
MAXIMUM LOT COVERAGE		None
MINIMUM LOT REQUIREMENTS	AREA	None
	WIDTH	None

- E. Site Design Requirements:
 - 1. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

2. Walls visible from a public street shall be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
3. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.
4. On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
5. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building accents.

CHAPTER 10 C-1 GENERAL BUSINESS DISTRICT

SECTION 10.1 PURPOSE

This District is a general retail business and service district designed for the purpose of providing comparison and convenience shopping to meet the needs of the community. Specialty uses are not encouraged in this District, but suggested for the CBD District.

SECTION 10.2 PRINCIPAL PERMITTED USES (amended 3/08)

In the C-1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
- B. Assembly halls, concert halls and auditoriums.
- C. Business and private schools operated completely within an enclosed building.
- D. Business service and repair establishments performing services on the premises, such as office machines, printing, and blueprinting.
- E. Churches and other facilities normally incidental thereto.
- F. Financial establishments such as banks, credit unions, savings and loan associations, including those with drive-in windows.
- G. Funeral homes or mortuaries.
- H. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
- I. Nonconforming single family dwellings.
- J. Indoor commercial recreational facilities, such as bowling alleys, skating rinks, and sports arenas.
- K. Indoor theaters with two (2) or fewer screens.
- L. Medical or dental clinics.
- M. Mixed uses, including office, commercial, and residential uses, when located within a single structure, provided that:
 - 1. Residential uses are not on the same floor or story as the office or commercial uses.
 - 2. Residential uses have a separate entry apart from the office and commercial uses.
- N. Municipal, state or federal administrative or service buildings, provided that such buildings shall be located not less than twenty (20) feet from a Residential District.
- O. Office buildings and uses, including insurance offices, real estate offices, and other similar office uses where goods or wares are not commercially created, exchanged or sold.

- P. Personal service establishments.
- Q. Photographic film developing and processing
- R. Public utility buildings, not including storage yards.
- S. Restaurants and drinking establishments without drive-in windows.
- T. Service establishments having office-showrooms or workshops with a retail outlet, such as a decorator, building contractor, and similar establishments that require a retail adjunct, except that no outside storage yards are provided.
- U. Television and radio studios and towers.
- V. Accessory buildings and uses customarily incidental to the Principal Permitted Uses and Special Land Uses in accordance with the requirements of Section 3.4.
- W. Public Buildings and Uses.

SECTION 10.3 SPECIAL LAND USES

Land and/or buildings in the C-1 District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Adult day care/respice care facilities.
- B. Arcades, billiard parlors and other similar indoor recreation facilities.
- C. Assisted living, dependent care and senior housing in conjunction with either use.
- D. Automobile wash establishments, including steam cleaning, but not rust-proofing
- E. Automobile minor repair facilities.
- F. Automobile fuel stations.
- G. Commercial cellular and personal communication towers.
- H. Hotels and motels.
- I. Indoor theaters with more than two (2) screens.
- J. New and used car sales rooms, including outdoor sales space.
- K. Open air businesses.
- L. Planned community shopping centers.
- M. Restaurants or other establishments serving food and/or beverage using drive-in windows.
- N. Veterinary hospitals and clinics.
- O. Wholesale store, storage facilities, buildings, warehouses, distribution plants, and freezers and lockers.

SECTION 10.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. Except as may otherwise be permitted in this District, all business or servicing, except for off-street parking and loading, shall be conducted within a completely enclosed building.

- E. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

C-1 DISTRICT REQUIREMENTS		
MINIMUM YARD REQUIREMENTS	FRONT	None
	SIDE	None, except that a 10 foot side yard shall be maintained on those sides abutting a Residential District.
	REAR	None
MINIMUM LOT REQUIREMENTS	AREA	None
	WIDTH	None
MAXIMUM BUILDING HEIGHT		40 ft. or 3 stories
MAXIMUM LOT COVERAGE		None

- F. Driveways shall be provided as follows:
1. Each lot may be permitted one (1) driveway, provided the spacing requirements of this Section can be achieved.
 2. Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
 3. The Planning Commission may permit two (2) one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
 4. The applicant shall submit evidence indicating that the sight distance requirements of the Allegan County Road Commission or Michigan Department of Transportation, as applicable, are met.
 5. Driveways shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the driveway has potential to be signalized, the site shall be designed and way-finding signs provided to direct traffic flow to use the signal.
 6. Interior drives shall provide circulation between uses through the use of shared driveways and internal access connections rather than separate, individual driveways. Site plan or other zoning approvals shall be conditioned on the

submission of easement agreements that clearly describe future access conditions and restrictions.

7. Stacking or queuing depth at driveways shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
 8. Driveway Spacing
 - a. Driveways shall be spaced at least one hundred fifty (150) feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
 - b. The Planning Commission may modify the spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant the modification, based on traffic studies or other professional opinion.
 - c. Connections between parking lots may be required by the Planning Commission to provide the means for shared driveways or to provide a safer access point to the main street.
- G. Lighting shall comply with the provisions of Section 3.10, in addition to the provisions noted below:
1. Off-street parking areas shall be adequately lit to ensure security and safety.
 2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
 3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
 4. Canopy lighting shall be mounted flush with the canopy surface.
- H. Site Design Requirements
1. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
 2. Brick, windows, cut stone, field stone, cast stone, split-face block, wood siding or vinyl siding shall be used as the predominant material utilized on facades that are visible from a public right-of-way. Other materials may be used for architectural accents, provided the materials shall have the appearance of wood or cut or cast stone. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal

roofs may be allowed if compatible with the overall architectural design of the building.

3. Buildings with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.
4. Walls visible from a public street shall be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
5. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.
6. On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
7. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building accents.

CHAPTER 11 CBD CENTRAL BUSINESS DISTRICT

SECTION 11.1 PURPOSE

This District refers to the central part of the city where downtown shopping, government offices, general services, civic and cultural uses are located. The CBD is characterized by its "downtown" appearance and pedestrian scale (people walking from place to place, storefront windows displays, etc.). It is the intent of the City to promote, preserve and enhance this central character and its viability in accordance with the development goals and policies of the City's comprehensive planning program.

SECTION 11.2 PRINCIPAL PERMITTED USES (amended 3/08)

In the CBD, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
- B. Assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
- C. Business and private schools operated within an enclosed building.
- D. Business service and repair establishments performing services on the premises such as office machines, printing, and blueprinting.
- E. Churches and other facilities normally incidental thereto.
- F. Financial establishments such as banks, credit unions, savings and loan associations, including those with drive-in windows.
- G. Funeral homes or mortuaries.
- H. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
- I. Housing for the elderly.
- J. Home occupations in nonconforming single family dwellings, in accordance with the requirements of Section 3.8.
- K. Indoor commercial recreational facilities, such as bowling alleys, skating rinks, and sports arenas.
- L. Medical or dental clinics.
- M. Mixed uses, including office, commercial, and residential uses, when located within a single structure, provided that:
 - 1. Residential uses are not on the same floor or story as the office or commercial uses.
 - 2. Residential uses have a separate entry apart from the office and commercial uses.

- N. Municipal, state or federal administrative offices or service buildings, provided that service buildings shall be located not less than twenty (20) feet from a Residential District.
- O. Professional offices.
- P. Personal service establishments.
- Q. Public utility buildings, not including storage yards.
- R. Restaurants and drinking establishments, without drive-in windows.
- S. Service establishments having office-showrooms or workshops with a retail outlet, such as a decorator, caterer, or building contractor, and similar establishments that require a retail adjunct, except that no outside storage yards are provided.
- T. Sidewalk and outdoor cafes.
- U. Television and radio studios and towers.
- V. Accessory buildings and uses customarily incidental to the Principal Permitted Uses and Special Land Uses in accordance with the requirements of Section 3.4.
- W. Public Buildings and Uses.

SECTION 11.3 SPECIAL LAND USES (amended 2/06, 6/22)

Land and/or buildings in the CBD may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Arcades, billiard parlors and other similar indoor recreation facilities.
- B. Commercial cellular and personal communication towers.
- C. Hotels and motels.
- D. Indoor repair of motorcycles, recreational/utility vehicles, personal watercraft, lawn and garden equipment, and similar small vehicles, when ancillary to a related allowed retail use.
- E. Outdoor Music, Concert or Assembly Venues

SECTION 11.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. Except as may otherwise be permitted in this District, all business or servicing, except for off-street parking and loading, shall be conducted within a completely enclosed building.
- E. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

CBD DISTRICT REQUIREMENTS		
MINIMUM YARD REQUIREMENTS	FRONT	None
	SIDE	None; except that a 10 foot side yard shall be maintained on those sides abutting a Residential District.
	REAR	None
MINIMUM LOT REQUIREMENTS	AREA	None
	WIDTH	None
MAXIMUM BUILDING HEIGHT		40 ft. or 3 stories, whichever is lower
MAXIMUM LOT COVERAGE		None

CHAPTER 12 GI GENERAL INDUSTRIAL DISTRICT

SECTION 12.1 PURPOSE

- A. Industry is intended to include light manufacturing, assembling and finishing activities which have minimal or no nuisance potential to the surrounding nonindustrial areas. The preferred form of future industrial development is the industrial park concept. Within such a development the overall character may be a combination of light industrial uses supplemented by research and office facilities. In all cases, however, local, state, and federal environmental regulations and constraints must be observed.
- B. Certain heavier industrial uses are also provided as Special Land Uses. These uses are intended for locations that may best utilize essential public and private facilities. They are also characterized by low employee-to-land ratios, large-scale facilities, outdoor storage and incidents of heavy truck and/or rail traffic.

SECTION 12.2 PRINCIPAL PERMITTED USES (amended 3/08, 08/16)

In the GI District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. The assembly, fabrication, manufacture, packaging, or treatment of products such as food products (excluding butchering, animal slaughtering, etc.), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.
- B. The assembly, fabrication, manufacture or treatment of products from the following previously prepared materials, such as bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (including large stamping such as automobile fenders or bodies), shells, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
- C. Tool and die shops, metalworking machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing or forming of box, carton, and cardboard products.
- D. Laboratories for research or testing.
- E. Central dry cleaning plants and laundries.
- F. Public utility uses, electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.

- G. Wholesale and warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products (except livestock), electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity the manufacture of which is permitted in this District, and
- H. Wholesale store, storage facilities, buildings, warehouses, distribution plants, and freezers and lockers, and
- I. Accessory buildings and uses customarily incidental to the Principal Permitted Uses and Special Land Uses, including quarters of a watchman or caretaker, in accordance with the requirements of Section 3.4.
- J. Public Buildings and Uses.

SECTION 12.3 SPECIAL LAND USES (amended 1/06, 2/06)

Land and/or buildings in the GI District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus, and hardware.
- B. Automobile fuel stations.
- C. Automobile major and minor repair facilities.
- D. Breweries and distilleries.
- E. Commercial cellular and personal communication towers.
- F. Commercial kennels.
- G. Eating and drinking establishments, without drive-in windows.
- H. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
- I. General industrial activities not otherwise noted, including:
 - 1. Machine shops.
 - 2. Metal buffing.
 - 3. Plastering and polishing shops.
 - 4. Millwork, lumber and planing mills.
 - 5. Paper mills.
 - 6. Painting shops.
 - 7. Welding shops.
 - 8. Sheet metal shops.
- J. Hotels and motels.
- K. New and used vehicle sales on lots located 500 feet or less from a residential zoning district.
- L. New and used vehicle sales rooms on lots located more than 500 feet from a residential zoning district.

- M. Junkyards and salvage yards.
- N. Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth.
- O. New automobile rental and leasing agency.
- P. Outside storage yards of construction contractor's equipment and supplies, building materials, sand, gravel, or lumber.
- Q. Personal service establishments.
- R. Sexually oriented businesses.
- S. Truck terminals.
- T. Truck, tractor and trailer sales, rental, and repair.
- U. Veterinary hospitals and clinics.

SECTION 12.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. Except as may otherwise be permitted in this District, all business or servicing, except for off-street parking and loading, shall be conducted within a completely enclosed building.
- E. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

GI DISTRICT REQUIREMENTS		
MINIMUM YARD REQUIREMENTS	FRONT	50 ft.
		No parking is permitted in the required front yard. The required front yard, except for necessary entrance or service drives, shall be landscaped.
	SIDE	30 ft.
	REAR	50 ft.
MAXIMUM BUILDING HEIGHT		50 ft. or 3 stories
MAXIMUM LOT COVERAGE		50%
MINIMUM LOT REQUIREMENTS	AREA	20,000
	WIDTH	100 ft.

- F. Open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage, or processing shall be totally obscured by a fence and/or landscaping six (6) feet in height so as to screen the storage area from the public streets and adjoining properties.
- G. Lighting shall comply with the provisions of Section 3.10, in addition to the provisions noted below:
1. Off-street parking areas shall be adequately lit to ensure security and safety.
 2. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
 3. Canopy lighting shall be mounted flush with the canopy surface.
- H. Site Design Requirements:
1. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
 2. Walls visible from a public street shall be designed using architectural features or landscaping abutting the building for at least fifty percent (50%) of the wall length.
 3. On-site landscaping shall abut the walls fronting public rights-of-way so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
 4. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building accents.

CHAPTER 13

FH FLOOD HAZARD AREA (OVERLAY)

SECTION 13.1 PURPOSE

- A. It is the intent of this Chapter to significantly reduce hazards to persons and damage to property as a result of flood conditions and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968 and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, and redesignated as 44 FR 31177, May 31, 1979.
- B. The objectives of this Chapter include:
1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
 2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods and commercial and industrial areas;
 3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
 4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
 5. Ensuring that the public has access to information indicating the location of land areas subject to periodic flooding; and
 6. Preserving the ability of floodplains to carry and discharge a base flood.
- C. The Flood Hazard Area shall overlay existing zoning districts delineated on the official zoning map. The boundaries of the Flood Hazard Area shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "The City of Otsego Flood Insurance Study, as may be updated, with accompanying flood insurance rate maps.
- D. In addition to other requirements of this Chapter applicable to development in the underlying zoning districts, compliance with this Chapter is necessary for all development occurring within the Flood Hazard Area. Conflicts between the requirements of this Chapter and other requirements of this Chapter or any other ordinance shall be resolved in favor of this Chapter, except where the conflicting requirement is more stringent and would further the Objectives of this Chapter to a greater extent than another requirement. In this case, the more stringent requirement shall be applied.

SECTION 13.2 PRINCIPAL PERMITTED USES

In the FH District, no uses shall be permitted unless otherwise provided in this Ordinance. The following open space uses shall be permitted within the flood hazard area provided they do not require structures, fill, or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels to the main stream.

- A. Agriculture and agriculturally related uses such as outdoor plant nurseries, horticulture, viticulture, truck farming, and sod farming.
- B. Private and public recreational uses such as tennis courts, picnic grounds, parks, and hiking or biking trails.
- C. Residential uses such as lawns, gardens, parking areas, and play areas.

SECTION 13.3 SPECIAL LAND USES

Land and/or buildings in the FH District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Fill or materials proposed to be deposited in the floodway provided that:
 - 1. The fill or materials must be shown to have some beneficial purpose;
 - 2. The amount of fill or materials is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner;
 - 3. The fill or materials shall be protected against erosion by riprap, vegetative cover, or bulkheading.
- B. Structures, subject to the provisions of Section 13.4, E.

SECTION 13.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the requirements of the underlying Zoning District, as well as the provisions of this Chapter, are met and maintained in connection with such building, structure, use, or enlargement.
- E. Minimum standards for construction in the flood hazard area.
 - 1. In order to insure a limited flood loss to the city and its residents along and within the limits of the designated flood hazard areas, the City of Otsego proposes to enact minimum floodproofing standards. Therefore, the following shall also apply to construction located within the flood hazard area:

- a. New or replaced water supply shall be so designed as to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwater;
 - b. On-site waste disposal systems shall be located so as to avoid impairment of or contamination from the systems during flooding;
 - c. All structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood elevation, or together with attendant utility and sanitary facilities, shall be floodproofed to at least one (1) foot above the 100-year flood elevation;
 - d. New construction must be anchored to prevent floatation, collapse, or lateral movement due to floodwater-related forces;
 - e. Construction methods and practices used shall minimize flood damage;
 - f. Construction materials and utility equipment used shall be resistant to flood damage; and
 - g. Development proposals shall be designed so that potential flood damage is minimized; that adequate drainage is provided to reduce exposure to flood hazards; and that public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
2. In the flood hazard area, the City Manager shall authorize any building permit in the flood hazard area without conformance to the requirements set forth in Section 13.4, E, 1. Applications for the permit shall include the following, in addition to the normal requirements for a permit:
- a. A statement by a registered professional engineer or licensed land surveyor that the floodproofing measures undertaken are consistent with the flood protection elevation and associated flood factors for the particular area;
 - b. A statement from a registered professional engineer or licensed surveyor that the area in which construction is proposed is not subject to flood hazards as shown in the district boundary maps. Such a statement shall cite hydrologic, soil, elevation, historical and other technical data sufficient to support such a claim of exemption from the standards as set forth in this subsection; and
 - c. A legal description of the property, a sketch map showing the property and all properties within a radius of fifty (50) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed construction and other drawings or information necessary to an understanding of the proposed building and its relationship to surrounding properties.
- F. Where there are disputes as to the location of a Flood Hazard Area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with Section 4.3.

G. Disclaimer of Liability

1. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Chapter shall not be considered a guarantee or warranty of safety from flood damage.
2. This Chapter does not imply that areas outside the flood hazard area will be free from flood damage. This Chapter does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision lawfully made thereunder.

CHAPTER 13A

PUD (PLANNED UNIT DEVELOPMENT) DISTRICT

SECTION 13A.1 PURPOSE

- A. It is the purpose of this District to encourage innovation and variety in land use, design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and to provide a variety of housing types suited to the needs of the residents of the City.
- B. The purpose of these regulations is to permit developments that result in efficient design and coordinated land use arrangements intended to serve the interests of public health, safety and welfare by permitting a controlled degree of flexibility in the regulation of land development.

SECTION 13A.2 ELIGIBILITY AND GENERAL REQUIREMENTS

- A. A rezoning in accordance with the provisions of Chapter 19 shall be required to utilize the requirements and allowances of this Planned Unit Development (PUD) District. An application for a PUD rezoning shall only be utilized for one (1) of the PUD types provided for in this Chapter.
- B. The minimum area necessary to qualify as a PUD shall not be less than ten (10) contiguous acres of land. However, the Planning Commission may accept and act on an application for less than the minimum required area provided one (1) or more of the following criteria is met:
 - 1. The PUD preserves significant natural or historic features;
 - 2. Environmental remediation of formerly developed sites is achieved as a result of the PUD;
 - 3. Redevelopment of a nonconforming, blighted, or brownfield site where creative design can address unique site constraints;
 - 4. The PUD furthers the development of a fully integrated, mixed-use, pedestrian-oriented center near downtown and/or the Kalamazoo River; or
 - 5. The PUD substantially forwards the Purpose of a PUD as described in Section 13A.1.
- C. Ownership. The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner, jointly by the owners of all property to be included, or by a person, persons, corporation, or corporation, with an option to buy the property. A plan once approved, shall be binding on all future owners.

- D. Utilities. A PUD shall have approved water and sewer systems. All utilities shall be underground.
- E. Open Space: Any open space within any PUD shall meet the following requirements:
1. The City Commission, after recommendation by the Planning Commission, shall find that, to the extent possible, designated open space is large enough and of proper dimensions to contribute significantly to the intent of the PUD.
 2. Open Space Maintenance.
 - a. All open spaces shall be in the joint ownership of the property owners within the PUD. A property owners association or similar arrangement for common ownership or maintenance agreement shall be formed which shall take responsibility for the maintenance of the open space. Alternatively, evidence shall be given that satisfactory arrangements will be made to relieve the City of future maintenance of the open space.
 - b. The maintenance requirements of natural areas designated as open space are not necessarily intended to require regular clearing, mowing or other active maintenance. For the purposes of this Article, a maintenance requirement for natural areas is intended to include such items as the removal of any accumulation of trash or waste material, clean up of storm damage, or removal of dead or diseased plant materials.
 3. Open space shall be deed restricted, placed in a conservation easement, or otherwise held as open, undeveloped land in perpetuity. Suitable recorded instruments shall be submitted to the City Attorney for review prior to final approval of the PUD.
 4. The open space shall be designed so that all residents of the PUD shall have reasonable access to it.
- F. Any PUDs including lands planned as a platted subdivision shall comply with the procedures and provisions set forth in the subdivision regulations of the City of Otsego.

SECTION 13A.3 OPEN SPACE PRESERVATION PUD (OSP PUD)

- A. Purpose.
1. The purpose of an Open Space Preservation PUD (OSP PUD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed, but will be preserved as a result of the OSP PUD.

2. These OSP PUD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.
- B. Applications for rezoning to Open Space Preservation PUDs shall only be accepted in areas previously zoned for single-family residential use.
- C. Permitted Uses. The following uses are permitted within the Open Space Preservation PUD:
1. Single-family detached homes.
 2. Two-family homes.
 3. Multiple-family dwellings.
 4. Day care centers.
 5. Indoor and outdoor recreational facilities.
 6. Community building, including a community pool.
 7. Small-scale "neighborhood retail" uses. Only the following Principal Permitted Uses of the C-1 District may be included. The total gross land area devoted to neighborhood retail uses shall not exceed ten percent (10%) of the gross PUD site area:
 - a. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
 - b. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
 - c. Personal service establishments.
- D. Density and Open Space
1. Except as may otherwise be provided in this Chapter, residential density in an OSP PUD shall not exceed that of the District(s) in place prior to the date of application for rezoning to PUD. Where more than one (1) Residential District exists within the boundaries of the PUD prior to rezoning to PUD, density shall be calculated by the relative amounts of land within each District. This density need not be distributed according to prior District boundaries.
 2. The City Commission, following recommendation by the Planning Commission, may reduce the minimum lot requirements (areas, width, and yards) for single-family dwellings as set forth in the District Requirements by an amount not to exceed fifty percent (50%).

3. A minimum of twenty percent (20%) of the gross land area within the PUD must be dedicated as permanent open space meeting the requirements of Section 13A.2E.
4. Bonus Density: Additional density, not exceeding fifty percent (50%) of the residential dwelling units permitted under this subsection, shall be permitted, provided that additional land is reserved and dedicated for open space as follows:

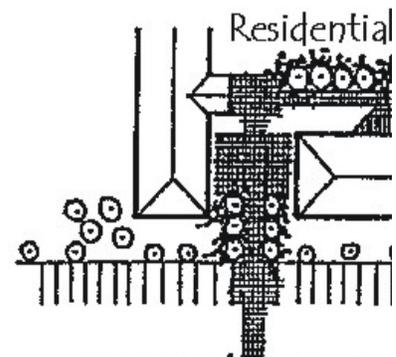
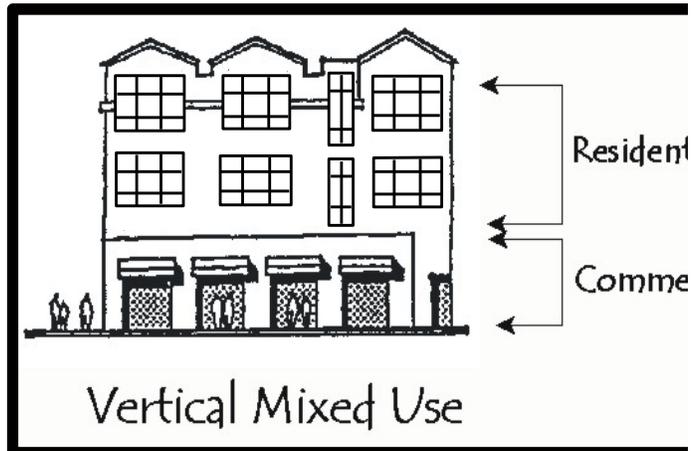
% of Open Space	% Density Increase
25%	10%
30%	20%
35%	30%
40%	40%
45%	50%

E. Site Development Requirements.

1. Minimum yard requirements and building setbacks from all exterior property lines of the PUD and all sensitive natural features as listed in 13A3.E.4, below, shall be thirty (30) feet.
2. There shall be a maximum building height of two and one half (2½) stories or thirty five (35) feet (excludes antennas, steeples, spires, etc), whichever is lower.
3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
4. All sensitive natural features such as drainageways, streams, wetlands, lands within the one hundred (100) year floodplains, land on slopes of twelve percent (12%) or greater, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain in an undisturbed state.
5. Access and egress opening from the development onto a public and private road shall be limited to one (1) per five hundred (500) feet of frontage occupied by the PUD.
6. Unless preserved as part of the features considered in subparagraph 4, above, a planted and maintained landscaped buffer area, ten (10) feet in width, shall be required along all exterior boundaries of the PUD.
7. Signs and off-street parking requirements shall be determined by the requirements of this Ordinance.

SECTION 13A.4 MIXED USE PLANNED UNIT DEVELOPMENT (MPUD)

- A. Purpose: A Mixed Used Planned Unit Development (MPUD) is intended to encourage innovative and unique projects that provide a mix of uses in a pedestrian friendly and self-sustaining manner. MPUDs are encouraged for reuse and redevelopment projects foremost, but also in other areas of the City where the mixed-use concept can serve as a transitional land use or otherwise enhance the economic vitality of the area. Its uses can be mixed in either a horizontal or vertical fashion so long as they promote a compact, high activity development pattern.
- B. Permitted Uses: Any use permitted by right or by special land use may be permitted within a MPUD, except for Manufactured Home Parks or individually sited manufactured homes with any length or width dimension less than twenty (20) feet. A MPUD shall have at least two (2) distinct uses, at least one (1) of which shall occupy a minimum of twenty percent (20%) of the combined gross floor area of all main buildings included in the MPUD.
- C. Site Development Requirements.
1. The Planning Commission shall recommend, and the City Commission shall determine, setbacks, residential densities, lot coverage and other similar requirements, except building heights.
 2. No residential use may occupy the first floor of a vertically mixed MPUD in a non-residential district. Otherwise, uses may be mixed in a complementary manner, as allowed by the Building Code.
 3. All sensitive natural features such as drainageways, streams, wetlands, lands within the one hundred (100) year floodplains, land on slopes of twelve percent (12%) or greater, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall be maintained in an



- undisturbed state. No structure or private sanitary sewer system shall be permitted within thirty-five (35) feet of a drainageway, stream or wetland.
4. Access and egress from the development onto a public and private road shall be limited to one (1) access per five hundred (500) feet of roadway frontage.
 5. Unless preserved as part of the features considered in subparagraph 3, above, a planted and maintained landscaped buffer area, ten (10) feet in width, shall be required along all exterior boundaries of the PUD. The City Commission may accept other screening alternatives that produce the same effect, such as a decorative fence or masonry wall.
 6. Maximum building height in MPUDs shall be forty (40) feet or three (3) stories.
 7. Off-street parking:
 - a. For buildings with ground floor non-residential uses and residential uses on upper floors, up to one third (1/3) of the parking requirement may be waived for the ground floor uses.
 - b. All other uses and floors shall meet the parking requirements of this Ordinance.
 8. Signs: A sign plan shall be submitted and approved, with or without modification by the City Commission, with the application for a MPUD.

SECTION 13A.5 INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD)

- A. Purpose: The purposes of an IPUD are to facilitate the growth of employment, to ensure a viable tax base for the city and to prevent conflicts between incompatible industrial uses. An IPUD is a tract of land laid out in accordance with an overall plan that is designed and equipped to accommodate a cluster of industrial and related wholesale and warehouse uses and activities, providing them with all necessary facilities and services in an attractive, park-like surrounding.
- B. Applications for rezoning to IPUD shall only be accepted in areas previously zoned for industrial or commercial use.
- C. Permitted Uses:
 1. Any Permitted Use or Special Land Use allowed in the GI District.
 2. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
 3. Personal service establishments.
 4. Public utility buildings, not including storage yards.
 5. Veterinary clinics, veterinary hospitals, commercial kennels, pet day care centers.
 6. Assembly halls, concert halls and auditoriums.
 7. Business and private schools operated completely within an enclosed building.

8. Medical or dental clinics.
9. Restaurants and drinking establishments without drive-in windows.
10. Service establishments having office-showrooms or workshops with a retail outlet, such as a decorator, building contractor, and similar establishments that require a retail adjunct, except that no outside storage yards are provided.
11. Television and radio studios and towers.
12. Child care center.
13. Accessory buildings.

D. Site Development Requirements

1. Buildings shall be located no closer than one and one-half (1½) times the height of the higher building but in no case closer than fifty (50) feet.
2. The floor area of any single building shall not exceed one hundred thousand (100,000) square feet, on one (1) floor, unless the City Commission upon recommendation of the Planning Commission specifically recommends approvals of a larger building, based upon one (1) or more of the following criteria:
 - a. A larger building allows the preservation of natural features on the site in the immediate vicinity of the proposed building.
 - b. The larger building allows for a more compact development site, including greater setbacks from the perimeter of the IPUD.
 - c. The nature of the proposed operations within the building can only be accomplished within the planned floor area.
3. The Planning Commission shall recommend, and the City Commission shall determine, setbacks, heights, lot coverage and other similar requirements for buildings, driveways and parking areas.
4. Signs and off-street parking requirements shall be determined by the requirements of this Ordinance.

SECTION 13A.6 APPLICATION FOR PUD REZONING

A. Pre-application conference

1. Prior to formal application submission for rezoning to PUD the applicant shall be required to attend a pre-application conference with the Planning Commission. The applicant shall provide twelve (12) copies of a conceptual plan, generally showing land use and activity areas, including estimated square footages of buildings and principal uses, numbers of dwelling units, and other similar information.
2. The Zoning Administrator shall determine the adequacy of the conceptual plan and schedule the pre-application conference.

3. The pre-application conference shall be used to discuss initial design concepts and the application of the PUD concepts to the land in question.
- B. Application Procedures
1. PUD rezonings shall proceed according to Sections 19.2 and 19.3 as for Map Amendments, however, where requirements of those sections may conflict with requirements of this Chapter, the requirements of this Chapter shall rule.
 2. Following the pre-application conference, the applicant may submit a complete application for the PUD rezoning for processing in accordance with Chapter 19.
 3. A complete application shall be submitted through the Zoning Administrator at least thirty (30) days prior to the next scheduled Planning Commission meeting. The Zoning Administrator will review the application to ensure that the requirements of this Section are met and transmit it to the Planning Commission.
 4. An application for PUD shall not be considered complete until all of the following materials have been submitted and deemed complete by the Zoning Administrator:
 - a. A completed application form, as provided by the City. An owner of, or person having an interest in, the property to be developed or an authorized representative shall sign the application.
 - b. Twenty (20) copies of a Final Site Plan meeting the requirements of Section 14.3.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the City Commission.
 - d. A legal description, including the permanent parcel number, of the subject property.
 - e. A narrative statement describing the project in detail, along with supporting evidence regarding the requirements specified in Section 13.A.2, or as required by the individual PUD requirements and the General Standards of Section 13A.8.
 - f. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces required.
 - g. Other materials as may be required in this Chapter or by the Zoning Administrator, Planning Commission, or City Commission.
 5. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.
 6. An OSP PUD, MPUD or IPUD rezoning initiated by the City of Otsego may be processed and approved without a Final Site Plan, conditioned upon a Final Site Plan being reviewed and approved according to the same proceedings for the initial PUD rezoning request, prior to any development.

SECTION 13A.7 REVIEW AND FINDINGS

- A. Public Hearing
 - 1. Upon receipt of a completed application, the Zoning Administrator shall schedule a public hearing, notice of which shall be made in accordance with the requirements of the Zoning Act.
 - 2. Any person may speak or present documents or other factual evidence in support of, or against, the application at the public hearing.
- B. Site plan review, in accordance with the procedures of Chapter 14, is required for all PUDs, including consideration of the review standards of Section 14.8.
- C. Upon conclusion of the hearing, and after a reasonable period for deliberation, the Planning Commission shall make a recommendation to the City Commission for approval, approval with conditions, or denial. The Planning Commission shall state its reasons for the recommendation in its minutes for submission to the City Commission.
- D. Upon receipt of a report and summary of hearing comments from the Planning Commission, the City Commission may hold an additional public hearing, if it deems necessary, using the same notice requirements as the Planning Commission hearing. The City Commission shall approve, approve with conditions, or deny the PUD rezoning, stating the reasons for its action in the minutes.

SECTION 13A.8 GENERAL STANDARDS FOR MAKING DETERMINATIONS

- A. The Planning Commission, in making its recommendation and the City Commission in making its decision, shall base their actions on a review the particular facts, circumstances and evidence presented, the General Standards of this Section, and the applicable requirements of this Chapter, and Section 14.8.
- B. General Standards.
 - 1. The proposed development shall comply with the general objectives and land use policies contained in the City of Otsego Master Plan.
 - 2. The proposed development shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
 - 3. The proposed development shall be served by necessary public facilities that are adequate or can be made adequate to serve the proposed use. Specifically, proposed and/or existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.

4. The proposed development shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.
5. No hazardous traffic conditions shall be created or added to existing situations. On-site transportation design requirements, if any, which will be needed to accommodate any traffic effects for the intended use shall be part of the approval, to the extent permitted by law.
6. The proposed development shall not involve activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The proposed development shall be consistent with the intent and purpose of this Ordinance.

SECTION 13A.9 CHANGES TO APPROVED PUDS

- A. The Zoning Administrator may authorize minor changes in the location, siting, or character of buildings and structures if required by engineering or other circumstances not foreseen at the time the final development program was approved. The Zoning Administrator shall use Section 14.7 in determining whether or not a change is minor.
- B. Notwithstanding, anything in the foregoing, the Zoning Administrator may not permit changes beyond the minimum requirements set forth in this Ordinance.
- C. All other changes in the PUD, including major changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the PUD.

SECTION 13A.10 CONDITIONS AND SAFEGUARDS

- A. Before approving a PUD, the City Commission may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of a use or structure authorized by the PUD as may be necessary for the protection of the public interest.
- B. Conditions imposed may include those necessary to ensure that the General Standards of Section 13A.8 and the applicable requirements of this Chapter and Section 14.8 have been satisfied.
- C. The conditions imposed shall be recorded in the minutes of the City Commission and shall remain unchanged except upon mutual consent of the City Commission and the owner of the property affected. The City Commission shall record in its minutes any changes in conditions of approval of a PUD.

- D. Conditions and requirements stated as part of PUD authorization, including all plans, specifications and statements submitted with the application for a PUD, shall be a continuing obligation of its holder. The Zoning Administrator shall make periodic investigations of uses and structures authorized by PUDs to determine compliance with all requirements.
- E. Certification of Compliance: At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the City Commission in its approval of the PUD have been fulfilled.
- F. A PUD shall be deemed to authorize only the approved uses and structures and shall expire if not substantially under construction or in operation within two (2) years from the date of final approval by the City Commission.
- G. The applicant or developer may apply for an extension in writing prior to the expiration date of the PUD approval, and the City Commission may grant up to two (2) extensions, each for a period of one (1) year. Where a PUD is being developed in phases, the initiation of each subsequent phase shall automatically extend the approval for two (2) years from the date of issuance of a Zoning Compliance Permit.
- H. An application for a PUD that had been denied wholly or in part by the City Commission shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the City Commission.
- I. Performance guarantees may be required according to Section 19.5.

CHAPTER 14

SITE PLAN REVIEW

SECTION 14.1 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

SECTION 14.2 SITE PLANS REVIEWED (amended 1/06)

- A. In accordance with the provisions of this Chapter, a Site Plan Review by the City Commission shall be required prior to the creation of a use or the erection of a building in the Districts and conditions cited below, unless excepted by B, below:
1. All uses permitted in the following districts:
 - a. R-C Multiple Family District
 - b. PO Professional Office District
 - c. C-1 General Business District
 - d. GI General Industrial District
 - e. FH Flood Hazard District
 - f. PUD Planned Unit Development District, according to Chapter 13A
 2. Special Land Uses in all Zoning Districts.
 3. Site condominiums in any district.
- B. Site plan review and approval by the City Commission shall not be required for single-family detached dwellings (except as may be provided in a site condominium development), agricultural uses, family day care and foster care facilities, and accessory buildings and uses. Site plan review for these uses will be conducted by the Zoning Administrator.

SECTION 14.3 SITE PLAN REVIEW REQUIREMENTS (Amended 5/2021)

- A. Preliminary Site Plan Review.
1. If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability

of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plan submittal shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').
3. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

B. Final Site Plan Review

1. If submission of a preliminary site plan is not desired by the applicant, ten (10) copies of a final site plan prepared by a professional competent in such matters may be submitted for review without first receiving a review of a preliminary plan. Final site plans shall be at a scale not less than 1"=20' for property under 3 acres and at least 1"=100' for those 3 acres or more.
2. Applications for final site plan reviews shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator:

C. Required Site Plan Submission Requirements

PRELIMINARY AND FINAL SITE PLANS REQUIREMENTS
A completed application form.
A location sketch showing at a minimum, properties, streets and use of land within 1/2 mile of the area.
Zoning of surrounding properties.
Legal description of the subject property.
The date, north arrow, and scale.
Name and address of the property owner or petitioner.
Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared.
Existing zoning and use of all properties abutting the subject property.
All buildings, parking and driveways within 100 feet of all property lines.

Narrative: Shown on the site plan or submitted separately, describing in general terms:	The overall objectives of the proposed development.
	Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
	Dwelling unit densities by type, if applicable.
	Proposed method of providing sewer and water service, as well as other public and private utilities.
	Proposed method of providing storm drainage.
Preliminary Site Plan Requirements	
Property lines and approximate dimensions.	
Existing adjacent streets and proposed streets.	
Parking lots and access points.	
Proposed buffer strips or screening.	
Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.	
Any signs not attached to the building(s).	
General topographical features at contour intervals no greater than 5 feet.	
Existing and proposed uses, buildings and structures.	
Final Site Plan Requirements	
Seal, name, and firm address of the professional individual responsible for the preparation of the site plan.	
Property lines and required setbacks shown and dimensioned.	
Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.	
Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.	
All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.	

Existing and proposed topographic contours - minimum 2 foot intervals.	
Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property.	
Location and size of all surface water drainage facilities.	
All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.	
Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.	
Exterior lighting showing area of illumination and indicating the type of fixture to be used.	
Elevation drawings of proposed buildings.	
Traffic Impact Assessment; Traffic Impact Study	The Planning Commission or City Commission may require a Traffic Impact Assessment or Traffic Impact Study as part of final site plan review. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below.
	Traffic Impact Assessment: A traffic impact assessment shall be required for projects expected to generate either between 50 - 99 direction trips during the peak hour or 500 - 750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall include proposed access design and other mitigation measures that will positively affect traffic operations at these points.
	Traffic Impact Study: A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The study shall evaluate pedestrian access, circulation and safety, and current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The study must also include proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The study must take into account the Master Plan in analyzing future traffic developments.

Final Site Plan Requirements - Groundwater Protection
Existing and proposed land use deed restrictions, if any.
Location and outline of all existing septic tanks and drain fields.
Location of any floor drains in proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
Location of existing and proposed public and private drinking water wells, monitoring wells, irrigation wells, test wells, wells used for industrial processes or wells that have no identified use.
Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the city Planning Commission and Department of Public Works (include CAS numbers).
Description and drawings showing size and location for any existing or proposed aboveground and underground storage tanks, piping lines and dispensers.
Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances.
Reported delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.
Completion of the City of Otsego Environmental Permits Checklist.

1. Groundwater Protection Requirements must be included in a Final Site Plan application.
2. Criteria for Review will include:
 - a. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds and wetlands.
 - b. If required by state or federal law, properties using hazardous substances are required to have a Spill Prevention Control and Countermeasure (SPCC) Plan, a Pollution Incident Prevention Plan (PIPP), and/or a Storm Water Pollution Prevention Plan (SWPPP).
 - c. Sites that at any time use, store or generate hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
3. Exceptions to Groundwater Protection Requirements:
 - a. The site plan criteria do not apply to hazardous substances packaged for personal or household use or present in the same form and concentration as a product packaged for use by the general public.

- b. The site plan review requirements do not apply to products held in containers with a volume of less than 40 gallons and packaged for retail use.
- c. The total excluded substances containing hazardous substances may not exceed the lesser of two hundred (200) gallons or one thousand (1,000) pounds at any time.

SECTION 14.4 APPLICATION AND REVIEW

- A. Required site plans, application form, escrow fees (if applicable), and an application fee shall be submitted to the Zoning Administrator by the applicant or his agent, at least thirty (30) days prior to the next regular Planning Commission meeting. If submitted within this time, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are deemed complete by the Zoning Administrator.
- B. The Planning Commission shall recommend that the City Commission approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter. The City Commission shall place the application on its agenda within a reasonable time after receipt of a recommendation from the Planning Commission. The City Commission shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter.
- C. Any conditions or modifications recommended by the Planning Commission and/or imposed by the City Commission shall be recorded in the minutes.
- D. Three (3) copies of the final approved site plan shall be signed and dated by the City Clerk or designee and the applicant. The City Clerk shall keep one (1) of these approved copies on file, one (1) shall be forwarded to the Building Official, and one (1) shall be returned to the applicant or his designated representative.
- E. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
 1. The Planning Commission may grant one (1) one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 3. If neither of the above provisions are fulfilled or the one (1) year extension has expired prior to construction, the site plan approval shall be null and void.

- F. Construction related to each development subject to site plan review, or approved phase of that development, shall be completed within three (3) years after the date of approval of the final site plan.

SECTION 14.5 PLAT REQUIREMENTS

In those instances in which Act 288, Public Acts of 1967, as amended, the Land Division Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. These plats shall remain in conformance with the approved Site Plan.

SECTION 14.6 ADMINISTRATIVE AND ESCROW FEES

- A. Any site plan application shall be accompanied by a fee, in an amount to be established by the City Commission. The application fee shall be for the purpose of payment for the administrative costs and services expended by the City in the implementation of this Chapter and the processing of the application. No part of this fee shall be returnable.
- B. A separate fee may be collected from the applicant, as determined by the City Commission, and used to reimburse another party retained by the City to provide expert consultation and advice regarding the application. Any unused portions of this fee shall be returned to the applicant after all costs have been received by the City.

SECTION 14.7 CHANGES IN THE APPROVED SITE PLAN

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
1. Change in the building size, up to five percent (5%) in total floor area.
 2. Movement of buildings or other structures by no more than ten (10) feet.
 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 4. Changes in building materials to a comparable or higher quality.
 5. Changes in floor plans which do not alter the character of the use.
 6. Changes required or requested by the City, the Allegan County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. If the Zoning Administrator determines

that a proposed minor change may have a major impact on the neighborhood or area involved, he may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

SECTION 14.8 REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission and City Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

A. Site Development Standards

1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
3. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
4. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution.
5. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
6. Site plans shall conform to all applicable requirements of County, State, Federal, and City statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and City permits before final site plan approval or an occupancy permit is granted.
7. Appropriate fencing may be required by the City Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
8. The general purposes and spirit of this Ordinance and the Master Plan of City of Otsego shall be maintained.

B. Vehicular and Pedestrian Standards

1. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the city.
3. All streets and driveways shall be developed in accordance with the City Subdivision Control Ordinance, the Allegan County Road Commission, or MDOT specifications, as appropriate. Except that the City Commission may impose more stringent requirements than those for the Road Commission or MDOT with respect to driveway location and spacing. Sidewalks may be required if deemed necessary or appropriate for pedestrians or non-motorized vehicles.
4. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.

C. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The City Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

SECTION 14.9 SITE PLAN APPROVALS

- A. As part of an approval to any site plan, the City Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- B. Conditions imposed shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- D. A record of the decision of the City Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the City Commission.
- E. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

SECTION 14.10 APPEAL

If any person shall be aggrieved by the action of the Zoning Administrator or City Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Section 17.3, A, within twenty (20) days after the date of the action. The Zoning Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing at which all interested parties shall be afforded the opportunity to be heard. After such hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Zoning Administrator or City Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

CHAPTER 15 SPECIAL LAND USES

SECTION 15.1 INTENT AND PURPOSE

- A. This Chapter is intended to respond to the functions and characteristics of an increasing number of new land uses, combined with conclusive experience regarding some of the older, familiar uses, which call for a more flexible and equitable procedure for properly accommodating these activities in the city. The special land use process is intended to avoid the need for assigning all uses to individual and limited zoning districts. It is important to provide control and reasonable flexibility in requirements for certain uses that will allow practical latitude for the applicant, but maintain adequate provision for the security of the health, safety, convenience, and general welfare of the city's inhabitants.
- B. In order to accomplish this dual objective, provisions are made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.
- C. Land and structure uses possessing these particularly unique characteristics are designated as Special Land Uses and may be authorized by the issuance of a Special Land Use permit containing conditions and safeguards necessary for the protection of the public welfare.
- D. The following sections, together with previous references in other Chapters of this Ordinance, designate uses requiring a Special Land Use Permit. With any noted exceptions, the procedures for obtaining such a Special Land Use Permit shall apply to all Special Land Uses indicated.

SECTION 15.2 APPLICATION PROCEDURES

- A. Application Procedures
 - 1. An application for a Special Land Use deemed to be complete, according to the requirements of Section 15.2, A,2, shall be submitted through the Zoning Administrator at least thirty (30) days prior to the next scheduled Planning Commission meeting. The Zoning Administrator will review the application to ensure that the requirements of this Section are met and transmit it to the Planning Commission.

2. An application for a Special Land Use shall not be considered complete until all of the following materials have been submitted and deemed complete by the Zoning Administrator:
 - a. A completed application form, as provided by the City. The application shall be signed by an owner of, or person having an interest in, the property to be developed, or an authorized representative.
 - b. Twenty (20) copies of the Preliminary or Final Site Plan meeting the requirements of Section 14.3.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by City Commission resolution.
 - d. A legal description, including the permanent parcel number, of the subject property.
 - e. A statement with supporting evidence regarding the required findings as specified in Section 15.4 and the applicable provisions of Section 15.6.
 - f. Other materials as may be required in this Chapter, the Zoning Administrator, Planning Commission, or City Commission.
3. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

SECTION 15.3 REVIEW AND FINDINGS

- A. Public Hearing
 1. The Planning Commission shall schedule a public hearing notice of which shall be made in accordance with the requirements of the Zoning Act.
 2. The notice shall describe the nature of the request; the location of the property involved, the time and place of the hearing, and indicate when and where the application may be examined and how written comments may be received.
 3. Any person may speak or present documents or evidence in support of a position regarding the application at the public hearing.
- B. Site plan review, in accordance with the procedures of Chapter 14, is required for all Special Land Uses, including consideration of the review standards of Section 14.8.
- C. Upon conclusion of the hearing, and after time for deliberation, the Planning Commission shall make a recommendation to the City Commission for approval, approval with conditions, or denial. The Planning Commission shall state its reasons for the recommendation in its minutes for submission to the City Commission.
- D. Upon receipt of a report and summary of hearing comments from the Planning Commission, the City Commission may hold an additional public hearing, if it deems necessary, using the same hearing requirements as the Planning Commission hearing.

- E. The City Commission shall approve, approve with conditions, or deny the Special Land Uses, stating the reasons for its action in the minutes.
- F. Approval by the the City Commission of an application for Special Land Use Permit authorizes the Zoning Administrator to issue a Special Land Use, permit subject to any conditions specified by the City Commission.

SECTION 15.4 GENERAL STANDARDS FOR MAKING DETERMINATIONS

- A. The Planning Commission, in making its recommendation, and the City Commission in making its decision shall base their actions on a review the particular facts, circumstances and evidence presented, the General Standards of this Section, and the applicable Specific Requirements of Section 15.6.
- B. The Special Land Use applicant or his representative is responsible for providing documentation and evidence in support of the application, including proof of compliance with the General Standards of this Section and the applicable Specific Requirements of Section 15.6.
- C. General Standards: The following General Standards are basic to all Special Land Uses; the Specific Requirements of Section 15.6 are in addition to these requirements and shall be required in all applicable situations.
 - 1. The proposed use shall comply with the general objectives and land use policies contained in the City of Otsego Master Plan.
 - 2. The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
 - 3. The proposed use shall be served by necessary public facilities which are adequate or can be made adequate to serve the proposed use. Specifically, existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.
 - 4. The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.
 - 5. No hazardous traffic conditions shall be created or added to existing situations. On-site transportation design requirements, if any, which will be needed to accommodate any traffic effects for the intended use shall be part of the approval, to the extent permitted by law.

6. The proposed use shall not involve activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The proposed use shall be consistent with the intent and purpose of this Ordinance.

SECTION 15.5 CONDITIONS AND SAFEGUARDS

- A. Before granting a Special Land Use Permit, the City Commission may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Land Use Permit as may be necessary for the protection of the public interest.
- B. Conditions imposed may include those necessary to insure that the General Standards of Section 15.4 and the applicable Specific Requirements contained in Section 15.6 have been satisfied.
- C. The conditions imposed shall be recorded in the minutes of the City Commission and shall remain unchanged except upon mutual consent of the City Commission and the owner of the property affected. The City Commission shall record in its minutes any changes in conditions of approval of Special Land Use Permits.
- D. Conditions and requirements stated as part of Special Land Use Permit authorization, including all plans, specifications and statements submitted with the application for a Special Land Use Permit, shall be a continuing obligation of its holder. The Zoning Administrator shall make periodic investigations of uses authorized by Special Land Use Permits to determine compliance with all requirements.
- E. Certification of Compliance: At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the City Commission in its approval of the Special Land Use have been fulfilled.
- F. A Special Land Use Permit shall be deemed to authorize only the approved Special Land Use and shall expire if not substantially under construction or in operation within twelve (12) months from the date of final approval by the City Commission.
- G. An application for a Special Land Use Permit which had been denied wholly or in part by the City Commission shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the City Commission.

SECTION 15.6 SPECIFIC REQUIREMENTS (amended 1/06, 2/06, 6/08)

The requirements set forth in this Section relate to particular Special Land Uses as listed in each Zoning District which must be met in addition to the General Standards of Section 15.4. The provisions of this Section may be subject to a variance as approved by the Zoning Board of Appeals, provided the review standards of Section 17.3, C are all satisfied.

- A. Accessory restaurants, convenience stores, and drug stores, only when operated as part of medical offices and located within the building to which it is accessory.
- B. Adult foster care small group homes.
- C. Adult day care/respice care facilities.
- D. Arcades, billiard parlors and other similar indoor recreation facilities.
- E. Assembly and/or manufacture of vehicles, vehicle bodies, parts and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus, and hardware.
- F. Vehicle wash establishments, including steam cleaning, but not rust-proofing
- G. Vehicle major and minor repair facilities.
- H. Vehicle minor repair facilities.
- I. Vehicle fuel stations.
- J. Breweries and distilleries.
- K. Cemeteries, private, when adjacent to or an extension of existing cemeteries.
- L. Commercial cellular and personal communication towers.
- M. Dwelling unit conversions.
- N. Eating and drinking establishments, without drive-in windows.
- O. General industrial activities not otherwise noted (see Section 12.3)
- P. Group child day care homes.
- Q. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
- R. Hotels and motels.
- S. Assisted living, dependent care and senior housing
- T. Indoor theaters with more than two (2) screens.
- U. Junkyards and salvage yards.
- V. Manufactured Home Parks.
- W. Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth.
- X. New vehicle rental and leasing agency.
- Y. New and used vehicle sales rooms on lots located 500 feet or less from a residential zoning district.
- Z. New and used vehicle sales rooms on lots located more than 500 feet from a residential zoning district.
- AA. Office developments of two (2) or more freestanding main buildings within a single development.
- BB. Open air businesses.
- CC. Outside storage yards of construction contractor's equipment and supplies, building materials, sand, gravel, or lumber.
- DD. Personal service establishments.

- EE. Planned community shopping centers.
- FF. Private parks, country clubs, and golf courses.
- GG. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, not including storage yards.
- HH. Restaurants or other establishments serving food and/or beverage using drive-in windows.
- II. Sexually oriented businesses.
- JJ. Truck terminals.
- KK. Truck, tractor and trailer sales, rental, and repair.
- LL. Two-family dwellings.
- MM. Veterinary clinic.
- NN. Veterinary hospitals.
- OO. Wholesale store, storage facilities, buildings, warehouses, distribution plants, and freezers and lockers.
- PP. Indoor repair of motorcycles, recreational/utility vehicles, personal watercraft, lawn and garden equipment, and similar small vehicles, when ancillary to a related allowed retail use.
- QQ. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit.
- RR. Outdoor Music, Concert or Assembly Venues (6/2022)

A. Accessory restaurants, convenience stores, and drug stores, only when operated as part of medical offices and located within the building to which it is accessory.

1. These establishments shall comply with all applicable parking regulations, in addition to those required for the office uses to which they are accessory.
2. No additional signs shall be permitted for the site and/or building for the establishment, except as may be permitted in Chapter 18.
3. All entrances to such establishments shall be from the interior of the office buildings to which they are accessory, unless a separate outside entrance is specifically permitted by the City Commission with the approval of the Special Land Use.

B. Adult foster care small group homes.

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the District and neighborhood in which it is located.

C. Adult day care facilities.

1. The definition of "adult" as it pertains to this use shall be a person eighteen (18) years of age or older.
2. The facility shall include a location where one (1) or more adult(s) supervise, for a fee, the daily activities of one (1) or more adults for temporary periods of time at a location other than the patient's home.
3. At no time shall the facility provide permanent living situations or exceed care and/or supervision for a period exceeding twenty-three (23) consecutive hours.

D. Arcades, billiard parlors and other similar indoor recreation facilities.

1. For purposes of this Ordinance, an arcade is defined as a building or portion of a building thereof, whose principal use is for the placement and use of four (4) or more mechanical, electronic, video or other similar player-operated amusement devices are operated for gain or compensation for their owner or operator. This definition shall not be construed to include a sexually oriented business.
2. The number of arcade or game machines shall not exceed one (1) machine per each thirty (30) square feet of floor area.
3. The facility shall be fully and adequately lighted for easy observation of all areas of the premises.
4. Walls of the facility shall be soundproofed to absorb the noise generated within.
5. At least one (1) public telephone shall be provided.
6. No amplified music shall be audible on the exterior of the premises.
7. The premises shall be continuously maintained in a safe, clean and orderly condition.
8. More than four(4) arcade or game machines for any commercial business constitutes an arcade which shall be subject to the standards and provisions in this subsection.
9. Bicycle storage racks shall be maintained off the public sidewalk to adequately accommodate bicycles utilized by arcade patrons.

E. Assembly and/or manufacture of vehicles, vehicle bodies, parts and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus, and hardware.

Overhead doors shall not face any roadway, except as specifically approved by the City Commission for any of the following circumstances:

1. For through garages where doors are provided on the front and rear of the building; or
2. Garages located on corner or through lots; or,
3. Where it is determined that it would be more desirable for the door to face a roadway than a Residential District.

4. These uses shall be setback a minimum of three hundred (300) feet from Residential District or used property, daycare centers and schools.

F. Vehicle wash establishments, including steam cleaning, but not rust-proofing

1. Minimum lot size shall be one (1) acre.
2. All washing activities must be carried on within a building.
3. Vacuuming activities may be carried out only in the rear or side yard and at least fifty (50) feet distant from any adjoining Residential District or use.
4. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street, service drive, or alley. An alley or service drive shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
5. All floor drains from wash areas shall be equipped with sand traps before disposal into the sanitary sewer.

G. Vehicle major and minor repair facilities.

1. The minimum lot size shall be one (1) acre, with a minimum lot width of one hundred and fifty (150) feet.
2. Except as permitted in this subsection, all storage and activities on the site shall be within a completely enclosed building.
3. The site plan shall include not less than twenty percent (20%) percent of the ground area of the site as a landscaped area.
4. In locations where the use abuts a Residential District or use the City Commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
5. No outside storage of parts and/or materials shall be allowed unless contained with a totally screened area, six (6) feet in height using an evergreen hedge or other natural landscaping, or if specifically approved by the City Commission, a solid uniformly painted fence or wall. Any screening materials, either landscaping, fence, or wall shall be maintained in good condition.
6. No more than six (6) vehicles shall be within the outdoor storage area. The storage area shall not be located within any required yard.

H. Vehicle minor repair facilities.

1. The minimum lot size shall be thirty thousand (30,000) square feet, with a minimum width of one hundred and fifty (150) feet.
2. All services shall be performed within a completely enclosed building.
3. The site plan shall include not less than twenty percent (20%) percent of the ground area of the site as a landscaped area.
4. In locations where the use abuts a Residential District or use the City Commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.

5. No major vehicle repair activities may occur on the premises.
6. When located within an integrated group of establishments served by a common parking area, the use shall be located on the periphery to prevent vehicular obstructions or pedestrian movement conflicts and shall be designed to integrate the use with the site plan and architecture of the other establishments. No additional curb openings onto a public street shall be permitted for this use. 7.No outside storage of parts and/or materials shall be allowed.
7. No overnight outdoor storage/parking of vehicles that have been or are awaiting service or parts is permitted.

I. Vehicle fuel stations.

1. All lubrication, repair, and servicing equipment, and permanent storage of material, merchandise and equipment other than liquid fuel shall be within the main building or permitted accessory buildings.
2. Accessory buildings permitted in accordance with the provisions of Section 3.4, C, shall be in keeping with the general character of the main building in terms of architectural style, colors, and building materials.
3. All repair work shall be done within the building.
4. The storage of vehicles for a period in excess of twenty-four (24) hours, unless the vehicle is enclosed within the building, is prohibited.
5. The premises shall not be used for the sale of used or new vehicles, or any other activity not directly related to the principal use, unless otherwise approved by the City Commission.
 - a. Other uses related to the facility may include convenience stores, restaurants (provided no drive-through service is permitted), vehicle wash establishments and other similar uses, as determined by the City Commission and included within the Special Land Use approval of the vehicle fuel station.
 - b. Uses added after the initial approval of the vehicle fuel station shall be required to receive a separate Special Land Use approval.
6. Floor drains in the wash area must be equipped with sand traps before disposal into sanitary sewer.
7. No vehicle fuel station shall be erected within twenty five (25) feet of any Residential District or use lot line or within three hundred (300) feet of any of the following uses or structures:
 - a. Public or private school;
 - b. Church or other place of worship;
 - c. Hospital;
 - d. Public library, art museum or other public building;
 - e. Theater or other building or structure used or intended to be used for

- motion picture, theatrical or operatic productions, or for public entertainment;
- f. Public playground or civic center; or
 - g. Firehouse or fire station.
8. Curb cuts/drive entrances:
- a. Curb cuts/drive entrances: shall have a width of not less than twenty-four (24) and not more than thirty (30) feet at the property line.
 - b. No more than two (2) curb cuts are permitted on any single street.
 - c. No curb opening shall be located nearer than fifty (50) feet to any other curb opening, public or private street, or alley (as measured from the nearest parts of the curb openings).
 - d. No driveway shall be located nearer than ten (10) feet to any abutting properties.
9. All lighting shall comply with Section 3.10.
10. Screening and landscape requirements shall comply with Section 3.9.
11. Lot width shall be a minimum of one hundred (100) feet and the average lot depth shall be at least one hundred (100) feet.
12. The main building shall be set back a minimum of forty (40) feet from the street right-of-way, and not less than twenty-five (25) feet from any side or rear lot line adjoining a Residential District or use.
13. Pump islands shall be located a minimum of twenty-five (25) feet from any public right-of-way and five (5) feet from any side or rear lot line.
14. Driveways, service areas, and parking areas shall be provided with pavement having an asphaltic or cement binder so as to provide a permanent, durable, and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated within the area.
15. An abandoned vehicle service or filling station may be converted to a Principal Permitted Use in the district in which the prior use is located, provided the following conditions are met:
- a. The use shall be in harmony with the architectural of the surrounding neighborhood by reason of its character or quality of development.
 - b. All gasoline pumps and signs shall be removed, and underground gasoline storage tanks shall be abandoned in conformance with prescribed city and state fire safety provisions.
 - c. All buildings shall meet all applicable requirements of the City building code for safety and structural condition.
 - d. There shall be adequate off-street parking provided in accordance with Section 16.2.
 - e. No outside storage areas shall be permitted.
 - f. The use shall meet all area, height, bulk, and placement requirements of the district in which such use is located.
 - g. The use shall comply with all other requirements of the applicable district

unless otherwise provided in this Ordinance.

J. Breweries and distilleries.

Breweries and distilleries shall be prohibited within three hundred (300) feet of lots located in a Residential District and schools unless an air quality study completed by a qualified expert shows the use will not result in significant odor impacts on the residential and/or school area.

K. Cemeteries, private, when adjacent to or an extension of existing cemeteries.

1. The site shall be located with at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto a major thoroughfare.
2. Any main or accessory buildings (including mausoleums but not including gravestones and monuments) shall be at least one hundred (100) feet from any lot line.

L. Commercial cellular and personal communication towers.

1. The provisions of this subsection are intended to provide for the orderly delivery of cellular telephone services and personal communication services through the proper regulation of the construction, maintenance and operation of commercial cellular towers and dishes and other technology that may facilitate the delivery of these services.
2. The construction, operation and maintenance of all towers shall conform with those standards as established by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
3. The construction, operation and maintenance of any tower or dish shall also comply with all state, county and local regulations as they pertain to site location, development and maintenance.
4. The City shall have exclusive control over the site location, site development and site maintenance of any parcel within its corporate boundaries that may house a broadcast tower, two-way radio tower, fixed point microwave dish, commercial satellite and/or receiving dish, cellular and personal communication service towers/dish and other technologies that would facilitate the delivery of these services.
5. Lot and setback requirements:
 - a. Any commercial tower, dish or facility site must be at least three hundred (300) feet from any Residential District lot line.
 - b. In Nonresidential Districts, the minimum lot size shall be three (3) acres.
 - c. The lot shall be so located that at least one (1) property line abuts a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way and the ingress and egress shall be directly upon that thoroughfare.
 - d. The setbacks for each tower from adjacent rights-of-way and/or property

- lines shall be not less than one-half ($\frac{1}{2}$) the height of each tower above the ground.
6. Unless specifically waived by the City Commission, an open air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.
 7. Co-location
 - a. All towers shall be constructed to provide for a minimum of two (2) additional antennas.
 - b. Any proposed provider included within the provisions of this subsection who wishes to locate a structure or facility within the city, must first make every effort to utilize existing towers, dishes and/or facilities.
 - c. If an acceptable facility is not available, the proposed provider shall submit a signed affidavit outlining the efforts made identifying and utilizing existing facilities, why they could not be utilized for co-location and what standards were utilized for the proposed site location.
 8. The provider shall submit scaled site plans, prepared and signed by an engineer duly qualified to practice in the State of Michigan, showing:
 - a. the general area within one (1) mile of the proposed site that may be able to view the tower or facility;
 - b. the area of the proposed site and surrounding properties within five hundred (500) feet;
 - c. a topographical layout of the site and surrounding area to one (1) mile from the edges of the proposed property;
 - d. the lot layout of the proposed site, including landscaping, drainage, access, and parking,
 9. The provider shall submit:
 - a. a description of the tower with the technical basis for its design;
 - b. documentation establishing the structural integrity for the tower's proposed uses;
 - c. general capacity of the tower and information necessary to assure that ANSI standards are met;
 - d. a statement of intent that excess space will be leased, proof of ownership of the proposed site or authorization to utilize it;
 - e. copies of any easements necessary; and
 - f. an analysis of the area and topographical contours and a visual study depicting from where within a one (1) mile radius any portion of the proposed tower could be seen.
 10. All towers, dishes and facilities shall be secured by a chainlink fence of at least eight (8) feet in height and screened with trees placed not more than fifteen (15) feet on-center. In addition, a continuous hedge at least thirty (30) inches high shall be planted around the perimeter of the fence.
 11. No lights shall be placed on the facility unless required for security or necessary to

- comply with FAA regulations. No lights shall shine on abutting property or onto public rights-of-way.
12. No noise or vibrations shall be discernable from surrounding properties or public rights-of-way.
 13. Abandonment
 - a. If a tower, dish or facility is to be abandoned or its use discontinued, the owner shall provide the City with a copy of the notice to the FCC of its intent to cease operations.
 - b. The owner shall have ninety (90) days from the date of the notice of intent to abandon, to remove the tower, dish and/or facility.
 - c. If the tower, dish and/or facility is not removed at the end of the ninety (90) day period, the City shall have the right to remove said tower, dish and/or facility and place the cost of the removal as a lien against the property in addition to any amount being an obligation of the provider.

M. Dwelling unit conversions.

1. This subsection permits the conversion of a single-family dwelling (within an existing structure) to a limited number of multiple-family dwelling units. It permits privately owned multiple family dwelling units in a principal residence which was previously a single-family dwelling. For purposes of this Ordinance, a "dwelling unit conversion" shall be considered a single-family dwelling which has been partitioned for conversion into a greater number of dwelling units than exists in the dwelling prior to conversion.
2. Permitted conversions increase the housing supply within the city, while, at the same time, preserving the character of the existing dwelling and neighborhood. To this end, this subsection shall limit the number of dwelling units within the single-family house to three (3) and the maximum number of bedrooms per additional dwelling unit to two (2).
3. Any of the dimensional requirements, except minimum unit size, may be lessened if the conversion under the standards of this Chapter and subsection would create no adverse effects for the neighborhood and would not create a precedent which, if followed in similar cases, would result in adverse effects in other areas.
4. Additional or more stringent requirements may be imposed if either of the following conditions apply:
 - a. Conversion under the standards would create adverse effects in the neighborhood, and imposition of additional or more stringent requirements will reduce or eliminate these adverse effects; or
 - b. Conversion under the standards would create one (1) more dwelling unit which would not be supportive of the health, safety and general welfare of the residents of these units.

5. Design standards.
 - a. Stairways leading to the second or any higher floor shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.
 - b. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion the building shall retain substantially the same structural appearance it had before the conversion.
 - c. The location of the off-street parking spaces shall be consistent and compatible with existing off-street parking in the neighborhood. Parking should be enclosed or screened from view in accordance with the landscape and screening requirements of Section 3.9, B.
 - d. Where it is not possible to provide the required off-street parking spaces on the premises they may be located on another lot within three hundred (300) feet walking distance of the converted dwelling. This parking arrangement shall be approved only upon submission of a signed lease guaranteeing the availability of the lot for parking for a period of at least five (5) years. Where possible, this parking should be enclosed or screened from view from any public street.
 - e. In no case shall parking be located in the required front yard of any dwelling unit conversion, except in a permissible parking space.
 - f. A building plan of the converted dwelling identifying sleeping areas shall be submitted to the Otsego Fire Department and kept on file.
6. Dwelling unit dimensional and parking requirements.
 - a. Minimum gross floor area per unit: efficiency: four hundred (400) square feet; one (1) bedroom: six hundred (600) square feet; two (2) bedroom: eight hundred (800) square feet.
 - b. A minimum of one (1) off-street parking space shall be provided for each additional efficiency unit and two (2) off-street parking spaces for each one (1) or two (2) bedroom unit.
7. If the application is approved, the petitioner shall obtain a building permit from the City prior to reconstruction. The conversion of any dwelling shall be in compliance with current applicable building codes as well as the standards set forth in this Chapter. After reconstruction the petitioner shall obtain a certificate of occupancy prior to the rental or use of the additional dwelling units.

N. Eating and drinking establishments, without drive-in windows.

1. Sale and service of food outdoors shall be permitted provided it is incidental to, adjacent, and adjoining a similar indoor principal use.
2. Public access to the site shall be located at least fifty (50) feet from any intersection.

O. General industrial activities not otherwise noted (see Section 12.3)

The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any Residential District or use property line.

P. Group child day care homes.

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District and neighborhood in which it is located, as determined by the City Commission.
5. Documentation of sufficient indoor classroom, crib, play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.
6. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
7. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
8. The facility may operate a maximum of sixteen (16) hours per day.

Q. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.

1. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the edge of the driveway.
2. The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.

R. Hotels and motels.

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.

2. No more than two (2) driveway openings from a major thoroughfare shall be permitted.
3. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of GFA.

S. Assisted living, dependent care and senior housing

1. Minimum lot size shall be two (2) acres.
2. Accessory services in common use may include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and activity areas.
3. If adjacent to residential zoned land, buildings and structures shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the neighborhood in which it is located. The property shall be developed and maintained consistent with the visible characteristics of the neighborhood.
4. Separation between buildings shall be no less than 20 feet.
5. Developments with multiple buildings or dwellings shall have a common and consistent architectural theme.
6. Walkways shall be provided from the main building entrances to sidewalks along adjacent public streets and an internal system of walkways or pathways for residents shall be provided.
7. All refuse collection facilities and loading areas shall be screened from view by adequate fencing.
8. Facilities shall be adequately screened and buffered from adjacent properties by fences or planted strips so as not to be a detrimental influence upon the surrounding area.
9. Site lighting shall be directed away from residential areas and not spill over onto adjacent properties. Lighting shall be located to avoid impacts to adjacent property owners and fixtures must be shielded to prevent glare.
10. Adequate indoor recreational space and outdoor open space shall be provided for the enjoyment and use of all residents. The amount of outdoor open space required shall be based upon any applicable state requirements, the number of residents and the capacity of the proposed open space to serve resident needs.
11. Specific requirements for senior housing include the following:

- a. Multi-Family apartment density shall be limited to twenty-four (24) units maximum per acre in C-1 District and each dwelling unit shall contain at least three hundred and fifty (350) square feet of area, not including kitchen and sanitary facilities.
 - b. Single-family detached, two-family housing and other single-family attached housing density shall be limited to eight (8) units maximum per acre in the C-1 District.
12. Assisted living and dependent care facilities shall:
- a. Be constructed, maintained and operated in conformance with state and federal laws, as applicable.
 - b. Be registered and licensed as required by Michigan Public Health Code.

T. Indoor theaters with more than two (2) screens.

1. The principal and accessory uses and buildings shall not be located within one-hundred (100) feet of any Residential District or use.
2. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
3. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

U. Junkyards and salvage yards.

1. For this use, the following more restrictive provisions shall take precedence above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.
2. The site shall be a minimum of five (5) acres in size.
3. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
4. A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen the site from surrounding property. The fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
5. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
6. No open burning shall be permitted and all industrial processes involving the use of

equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

7. Wherever a side or rear lot line of such use abuts residential use or a Residential District, the required yard shall be doubled and shall contain plant materials, grass, and structural screens to effectively minimize the appearance of the installation.

V. Manufactured Home Parks.

1. The site of a manufactured home park must be in accordance with the following site requirements in order to be eligible for a Special Land Use application:
 - a. The site must be within an R-C Multiple Family Residence District or MHP Manufactured Home Park District.
 - b. The site must be a minimum of five (5) acres of contiguous land area.
2. All manufactured home parks shall comply with the requirements imposed by Act No. 96 of the Public Acts of Michigan of 1987, except as such provisions are modified herein, together with any regulations promulgated by the Michigan Manufactured Home Commission.
3. A ten (10) foot wide buffer zone shall be provided along all exterior boundaries of the manufactured home park. The buffer shall be measured from the park property line inward. The buffer shall be planted with evergreens and shrubs not less than four (4) feet in height at the time of planting and which contain foliage throughout the calendar year, sufficiently compact in nature to form a natural buffer or screening between the manufactured homes and adjoining premises. In lieu of landscaping, an opaque artificial wall or fence may be constructed not less than five (5) feet in height along the inner perimeter of the buffer zone. Any wall or fencing shall be commensurate with the character of the adjoining development, and shall be maintained at all times.
4. Within the park boundaries, no manufactured home shall be located nearer than twenty (20) feet to any abutting residential zoning district, nor nearer than twenty (20) feet from any property line abutting a dedicated public road or highway right-of-way.
5. No manufactured home space shall be less than three thousand and sixty (3,060) square feet in area, nor less than thirty (30) feet in width. The boundaries of every manufactured home space shall be clearly marked and not more than one (1) manufactured home shall be located on any individual manufactured home space. The balance of the manufactured home space shall be landscaped either naturally or artificially. No manufactured home and accessory buildings shall occupy more than twenty five percent (25%) of the area of the manufactured home site on which it is located.
6. The type of permanent foundation shall be in accordance with Act No. 96 of the Public Acts of Michigan of 1987 and the rules of the Michigan manufactured home commission. However, in the case where environmental or physical conditions dictate, the City reserves the right to invoke a higher standard in order to protect the public health, safety and general welfare of the community, including park

- tenants.
7. No manufactured home nor any appurtenances connected thereto shall be located on a manufactured home space closer than twenty (20) feet to any adjoining manufactured home or fifty (50) feet from any permanent building.
 8. All manufactured home spaces shall abut an interior roadway of not less than 16 feet in width as measured from back to back of curb, which shall contain a curb, drainage structure, a two-inch bituminous plant mix surface constructed upon not less than a six-inch compacted gravel base, and shall have unobstructed and safe access to a public street or highway.
 9. Where sidewalks are provided paralleling the driveway, it shall be in addition to the foregoing driveway width.
 10. Not less than two (2) paved parking spaces for vehicles (ten (10) feet by twenty (20) feet each in size) shall be provided within the manufactured home park for every manufactured home.
 11. No manufactured home shall be allowed to be located within a manufactured home park unless the same is [a] self-contained living unit and is connected to the water and sanitary sewer facilities required at each manufactured home space. There shall be a minimum of seven hundred (700) square feet for each manufactured home.
 12. All grass and shrubbery within a manufactured home park shall be landscaped in a neat and attractive manner and maintained.
 13. Each manufactured home park shall be provided with on-site office facilities for park administration.
 14. No retail sales of manufactured homes shall be permitted from a manufactured home park except for those manufactured homes that are located within the park on a developed manufactured home site meeting all of the requirements set forth herein. All such sales must be conducted by a licensed dealer, broker or through private individual-to-individual sale.

W. Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth.

1. No soil, sand, gravel, or other earth material shall be removed from any land within the City without Special Land Use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the City;
 - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
 - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
 - d. The earth removal involves less than one hundred (100) cubic yards;
 - e. The earth removal is for the purpose of construction of a swimming pool.
 - f. The soil removal will not be in violation of any other Section of this Ordinance, other City ordinance, Soil Erosion and Sedimentation Control Act, or any other applicable state or federal law.

2. In addition to the materials required by this Chapter, the application for special land use shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Ten (10) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
 - (1) A north arrow, scale, and date;
 - (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
 - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
 - (4) the location and nature of all structures on the lands;
 - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
 - (6) existing elevations of the lands at intervals of not more than five (5) feet;
 - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
 - (8) mineral processing and storage areas;
 - (9) proposed fencing, gates, parking areas, and signs;
 - (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - (a) a map showing access routes between the subject lands and the nearest Primary Arterial road; and
 - (b) areas to be used for ponding.
 - c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
 - d. A site rehabilitation plan including the following:
 - (1) A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing;
 - (2) a plan with final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes,

- if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
- (3) a description of the proposed methods or features which will ensure that the end-use(s) are feasible and can comply with all applicable requirements of this Ordinance.
- e. The Planning Commission or City Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of the extraction if it is believed that the extraction may have a severe adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the City Commission and shall comply with all of the following standards and requirements:
- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
- b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
- c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sub-lateral support to surrounding property. The City Commission may require greater distances where the site is located within two hundred (200) feet of any Residential District.
5. The City Commission shall designate routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the City Commission to minimize dust, mud, and debris being carried onto the public street.
6. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in

- such condition or manner as to constitute a danger to children or others who may enter the removal areas.
8. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the City Commission may require a lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, located so that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
 9. The City Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, time limits, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
 10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the City as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
 - a. The performance bond shall not be refunded, reduced, or transferred until the removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and the City Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
 - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the City Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

X. New vehicle rental and leasing agency.

1. The lot area used for parking display or storage shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
2. The area dedicated for parking and storage of vehicles shall be limited to a

- maximum of fifty (50) vehicles at any given time.
3. Accessory buildings and uses will not be permitted, including vehicle washes, repair and maintenance facilities or other servicing of vehicles or sales.

Y. New and used vehicle sales on lots located 500 feet or less from a residential zoning district.

1. Auto sales facilities will be required to locate on a public street and be separated from other such facilities by at least 250 feet. These facilities must also have a permanent structure on a foundation of 400 square feet minimum, which may include the building square footage of any Permitted or Special Land Use.
2. Auto sales are permitted as an accessory use to any Permitted or Special Land Use subject to a maximum of ten (10) vehicles at any one time displayed outdoors.
3. If located within an integrated or planned cluster of establishments served by a common access and maneuvering lanes, there shall be no additional curb openings onto a public street if suitable access is available by any other means.
4. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site and architecture of the cluster of establishments.
5. All ingress to and egress from the site shall be directly onto a public street, marginal service drive thereof, or private streets serving the integrated or planned cluster of establishments.
6. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas. Outdoor vehicle display areas shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area. No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way. A maximum of ten (10) vehicles at any one time can be displayed outdoors.
7. All off-street parking and loading spaces shall be located not less than thirty five (35) feet from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
8. Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
9. Unless the City Commission deems otherwise for security purposes, site lighting used to illuminate vehicle display areas shall be extinguished between the hours of 11:00 p.m. and 9:00 a.m. During regular business hours, outdoor lighting on the property shall not exceed an average of ten foot-candles.

10. The use shall not be open for business during the hours of 9:00 p.m. through 7:00 a.m.
11. Not less than twenty percent (20%) of the ground area of the site, excluding roadway easements and rights-of-way shall be landscaped. A maximum of five percent (5%) of the landscaped area may consist of permanent decorative landscape material such as cobblestone, brick, exposed aggregate, paving blocks or similar material.
12. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.
13. Temporary or special event signage is permitted in accordance with Section 18.3.B.
14. Major and minor vehicle repairs shall be permitted. Body repair and painting done on the lot shall be confined to a closed building.
15. No service bay shall open to or face any public street. Garage bay doors and semi-enclosed vehicle bays shall be screened from direct view from public streets by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in Section 3.9.
16. No vehicle storage areas may be located outside of the building.
17. Maximum lot coverage shall not exceed twenty five percent (25%) of the lot.
18. The sale and/or storage of trailers, recreational vehicles or boats is prohibited.

Z. New and used vehicle sales on lots located more than 500 feet from a residential zoning district.

1. Auto sales facilities must have a permanent structure on a foundation of 400 square feet minimum, which may include the building square footage of any Permitted or Special Land Use.
2. If located within an integrated or planned cluster of establishments served by a common access and maneuvering lanes, there shall be no additional curb openings onto a public street if suitable access is available by any other means.
3. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site and architecture of the cluster of establishments.
4. The site shall have at least one (1) property line abutting a major thoroughfare, as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare, marginal service drive thereof, or private streets serving the integrated or planned cluster of establishments.
5. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas. Outdoor vehicle display areas shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all

- surface water accumulated within the area. No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way.
6. Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
 7. Unless the City Commission deems otherwise for security purposes, site lighting used to illuminate vehicle display areas shall be extinguished between the hours of 11:00 p.m. and 9:00 a.m. During regular business hours, outdoor lighting on the property shall not exceed an average of ten foot-candles.
 8. Not less than twenty percent (20%) of the ground area of the site, excluding roadway easements and rights-of-way shall be landscaped. A maximum of five percent (5%) of the landscaped area may consist of permanent decorative landscape material such as cobblestone, brick, exposed aggregate, paving blocks or similar material.
 9. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.
 10. Temporary or special event signage is permitted in accordance with Section 18.3.B.
 11. Major and minor vehicle repairs shall be permitted. Body repair and painting done on the lot shall be confined to a closed building.
 12. No service bay shall open to or face any public street. Garage bay doors and semi-enclosed vehicle bays shall be screened from direct view from public streets by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in Section 3.9.
 13. Vehicle storage areas, not to be construed as the vehicle display areas, may be located outside of the building when the storage area is completely screened from view on all sides with an opaque screen at the time of planting and/or installation as required in Section 3.9. Illumination of storage areas is permitted subject to the requirements Section 3.10.
 14. Maximum lot coverage shall not exceed twenty five percent (25%) of the lot.
 15. The sale and/or storage of trailers, recreational vehicles or boats is prohibited.

AA. Office developments of two (2) or more freestanding main buildings within a single development.

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. Maximum building coverage shall be thirty five percent (35%).
3. In order to facilitate innovative and attractive design of office uses, office developments shall have exterior walls of opposite or adjacent buildings that are

located no closer than one and one-half (1½) times the height of the higher building wall, but in no case closer than fifty (50) feet.

4. Buildings shall be so located and arranged that all structures have access to emergency vehicles.
5. Maximum lot coverage upon lot shall not exceed sixty percent (60%) , including accessory uses and structures (off-street parking, etc.).

BB. Open air businesses.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises, except as provided otherwise in this Ordinance.
4. All open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
5. Unless specifically waived by the City Commission, a building of not less than five hundred (500) square feet GFA shall be constructed on the premises for office use in connection with the subject open air business.
6. The City Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to submit a performance guarantee in accordance with the provisions of Section 19.5 sufficient to cover the cost of rehabilitating the premises upon default of the operator of the use.
7. In the case of indoor-outdoor garden nurseries:
 - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the district.
 - b. All loading activity and parking areas shall be provided on the same premises (off-street).
 - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

CC. Outside storage yards of construction contractor's equipment and supplies, building materials, sand, gravel, or lumber.

1. All outdoor storage shall be located in the rear yard only and shall be fenced with a six (6) foot high chain link fence or screen wall.
2. All outdoor storage yards shall be paved or provided with a durable, dustless surface approved by the City Commission.
3. Screening of outdoor storage yards shall be provided along all property lines in accordance with the screening requirements of Section 3.9.
4. Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.

5. No flammable or explosive materials shall be stored in bulk above ground.

DD. Personal service establishments.

1. The business shall not alter the basic exterior appearance of the dwelling.
2. The business will not create traffic congestion, parking shortages, or otherwise adversely effect [affect] adjacent land uses.
3. Outdoor advertising will be limited to one (1) sign not exceeding twelve (12) square feet.
4. The intent of these regulations is to permit, where feasible, owners fronting on Allegan Street to carry on a commercial enterprise within their dwellings and still retain the appearance of a single-family area. Commercial uses should be limited to, or of similar nature to, the following: antique shops, art galleries, photography studios, dressmaking or tailor shops, real estate, accounting, tax, or legal offices, or specialty shops.

EE. Planned community shopping centers.

1. A center shall consist of a group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking areas and storage facilities.
2. Such center shall occupy a site of not less than ten (10) acres.
3. A minimum building setback from the property line of seventy five (75) feet each for the front and rear of the building and fifty (50) feet each for the sides of the building.
4. No building or structure shall exceed three (3) stories or forty (40) feet in height unless approved by the City Commission.
5. A planting strip of at least twenty (20) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five (5) feet high shall be constructed along those property lines which abut a Residential District.
6. The proposed site shall have at least one (1) property line abutting a major thoroughfare.
7. All ingress and egress to the site shall be directly from the major thoroughfare. Turning and approach lanes shall be provided when determined necessary by the City Engineer.
8. A landscape plan which includes the entire site shall be submitted for approval with the site plan to determine compliance with screening and planting strips.
9. All signs shall be affixed to the face of the building and shall be a uniform design throughout except that one (1) ground pole sign advertising the name of the shopping center is allowed.
10. All off-street parking shall be within its own area and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.

11. All areas accessible to vehicles shall be paved and maintained so as to provide a durable, smooth, and well-drained surface, and to insure that runoff does not negatively impact adjacent property.
12. All vehicle and pedestrian areas shall be illuminated during business hours of darkness. All lighting fixtures shall be installed in accordance with Section 3.10.

FF. Private parks, country clubs, and golf courses.

When located on a parcel larger than five (5) acres in area; any structure on the parcel shall be located at least two hundred (200) feet from the lot line of any adjacent Residential District.

GG. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, not including storage yards.

These uses may be permitted when operating requirements necessitate locating within the District to serve the immediate vicinity, and the use is not injurious to the surrounding neighborhood.

HH. Restaurants or other establishments serving food and/or beverage using drive-in windows.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have side and rear yard setbacks of at least ten (10) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

II. Sexually oriented businesses.

1. No sexually oriented business shall be permitted in a location in which any main building or accessory structure, including signs, is within one thousand (1,000) feet of any main building or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel within three hundred (300) feet of any Residential District or any parcel used for a single- or multiple-family residence, public park, school, child care facility, church or place of worship, public library, city hall, police department or fire department, youth center, or commercially operated school attended by children such as, for example, dance schools, gymnastic centers, etc. The distance between a proposed sexually oriented business and any such zoned area or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.
4. Any sign or advertising for the sexually oriented business must comply with the provisions of this code. Any sign or advertising may not include photographs, silhouettes, or drawings of any specified anatomical areas or specified sexual activities, or obscene representations of the human form and may not include animated or flashing illumination.
5. The entrances to the proposed sexually oriented business at both the exterior and interior walls, in a location visible to those entering and exiting the business, must be clearly marked with lettering at least two (2) inches in height stating:
 - a. "Persons under the age of eighteen (18) are not permitted to enter the premises;" and
 - b. "No alcoholic beverages of any type are permitted within the premises;" unless specifically allowed pursuant to a license duly issued by the Liquor Control Commission.
6. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
7. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.
8. All off street and on-site parking areas shall comply with this Ordinance and shall additionally be illuminated at all times.
9. Any booth, room or cubical available in any sexually oriented business excepting an adult motel used by patrons for the viewing of any entertainment shall:
 - a. Be unobstructed by any door, lock or other entrance and exit control device;
 - b. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - c. Be illuminated such that a person of normal visual acuity looking into the booth, room or cubical from its entrance adjoining the public lighted aisle

- can clearly determine the number of people within;
- d. Have no holes or openings in any side or rear wall not relating to utility, ventilation or temperature control services or otherwise required by any governmental code or authority.

JJ. Truck terminals.

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a paved primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
5. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

KK. Truck, tractor and trailer sales, rental, and repair.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
4. Outdoor storage areas for trailers and other equipment are not permitted in the front yard of the site and shall meet the side and rear yard setback requirements of the District. Display for sales may be permitted in the front yard of the site.
5. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.

LL. Two-family dwellings.

1. A building plan identifying sleeping areas shall be submitted to the Otsego Fire Department and kept on file.
2. No parking shall be allowed in any required front yard, except in a permissible parking space.
3. Parking areas shall be screened in accordance with Section 3.9 and all parking areas shall be paved.

MM. Veterinary clinic.

1. Buildings shall be freestanding and not connected to any other building containing any other use.
2. No part of the lot shall abut a Residential District lot line without the use of screening in the form of a six foot privacy fence or a six (6) foot tall landscape buffer pursuant to Section 3.9.B.
3. No overnight boarding of animals shall be permitted.
4. No services shall be provided to large animals, such as horses, cows, and other similar size animals.
5. No cremations or crematory facilities shall be operated on the premises.

NN. Veterinary hospitals.

1. The facility shall have a minimum lot size of two (2) acres for the first seventy five (75) animals and one (1) additional acre for each twenty five (25) animals over seventy five (75).
2. The facility, including runs and exercise areas, must be a minimum of five hundred (500) feet from a Residential District or use.
3. The facility shall have frontage on a major thoroughfare for which all ingress and egress from the site shall be made.
4. Outside exercise areas shall be enclosed by at least three (3) sides of the building. In no case, shall the outside exercise area be located in a front or side yard. Fencing of exercise areas shall be sufficient to contain the animals.
6. All kennel areas, runs, cages, and/or exercise areas shall be maintained to create a safe and suitable environment for animals, including the daily elimination of animal waste.
7. Animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.
8. The City Commission may require screening up to six (6) feet in height in order to mitigate and/or avoid possible adverse impacts on surrounding property.
9. One (1) parking space for each eight (8) runs of cages, whichever is greater, plus one (1) per employee on the largest working shift shall be provided on site.

OO. Wholesale store, storage facilities, buildings, warehouses, distribution plants, and freezers and lockers.

1. Minimum lot area shall be three (3) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator of a storage facility. The residence shall conform to the minimum requirements for a multiple-family dwelling in the R-C District.
3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met within the parking lanes required for the storage area.
4. Two (2) parking spaces shall also be required for the residence of security

- personnel or on-site operator employed on the premises of a storage facility.
5. One (1) parking space shall also be required for every twenty (20) storage cubicles for the use of customers, up to a maximum of ten (10) spaces, located adjacent the rental office.
6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
8. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
9. The use shall be located adjacent to a primary road, and access to the use shall be from that road.
10. Access driveways shall be located at least one hundred fifty (150) feet from the nearest part of the intersection of any street or any other driveway.

PP. Indoor repair of motorcycles, recreational/utility vehicles, personal watercraft, lawn and garden equipment, and similar small vehicles, when ancillary to a related allowed retail use.

1. The building storefront shall be occupied by an allowed retail use that is related to permitted repair activities. Repair activities shall be ancillary to the allowed retail use and shall not be visible from the storefront.
2. Repair, storage and parking of vehicles under repair shall take place entirely within the same building as the retail activity of the building.
3. The retail storefront shall occupy no less than twenty-five percent (25%) of the GFA of the first floor of the building.
4. No service bay shall open onto or face upon any public street; however, a building located on a corner lot may have one (1) service bay upon the street side that does not contain the main storefront and entrance to the building.
5. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

QQ. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit.

1. The proposed site shall have frontage on a primary street or state highway. All ingress and egress to and from the site shall be directly from this street or highway.
2. No building shall be closer than 50 feet to any side or rear property line on an adjacent property in a residential district. Buildings shall be screened by a landscape buffer meeting the requirements of Section 3.9, B; however, the City Commission, after recommendation by the Planning Commission, may require a more substantial buffer if necessary to provide a transition to adjacent residential

- uses and protect adjacent uses from the effects of the college use.
3. Athletic fields and outdoor performance areas shall be set back a minimum of 100 feet from any side or rear property line on an adjacent property in a residential district. Lighting fixtures for the athletic fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/performance area and its immediate surroundings and does not spill onto adjacent streets or properties. The intensity of lighting shall not exceed 0.1 footcandles at any property line.
 4. Parking lots shall be set back a minimum of 25 feet from any side or rear property line on an adjacent property in a residential district. Parking lots in front yards shall comply with Section 16.2, G, 2, b. The setback area shall be screened in accordance with the requirements of Section 16.2, F; however, the City Commission, after recommendation by the Planning Commission, may require a more substantial landscape screen if necessary to protect adjacent uses from the effects of vehicles and traffic.

RR. Outdoor Music, Concert or Assembly Venues (6/2022)

A. Permit Required

Considering the complexity of an Outdoor Music Venue Special Land Use Permit (SLUP), an applicant must provide general expected use in relation to:

- Amount of use of amplified music/noise (annually)
- Venue capacity
- Time frames for use
- Level of decibels of volume
- Expected parking and bathroom (following state code) accommodations
- Any other requested information, as needed

B. Specific Event Permit Details

If the SLUP is granted, it is expected that the applicant will provide specific details to each event they use amplified sound in a Special Event Permit application. Those details will be submitted to the Zoning Administrator and approved prior to the event's occurrence. The applicant will also be expected to create an escrow account with the City to cover expenses as a result of the event (police, cleaning, and repairs, etc.). The escrow amount is established by the City Commission.

CHAPTER 16 OFF-STREET PARKING AND LOADING

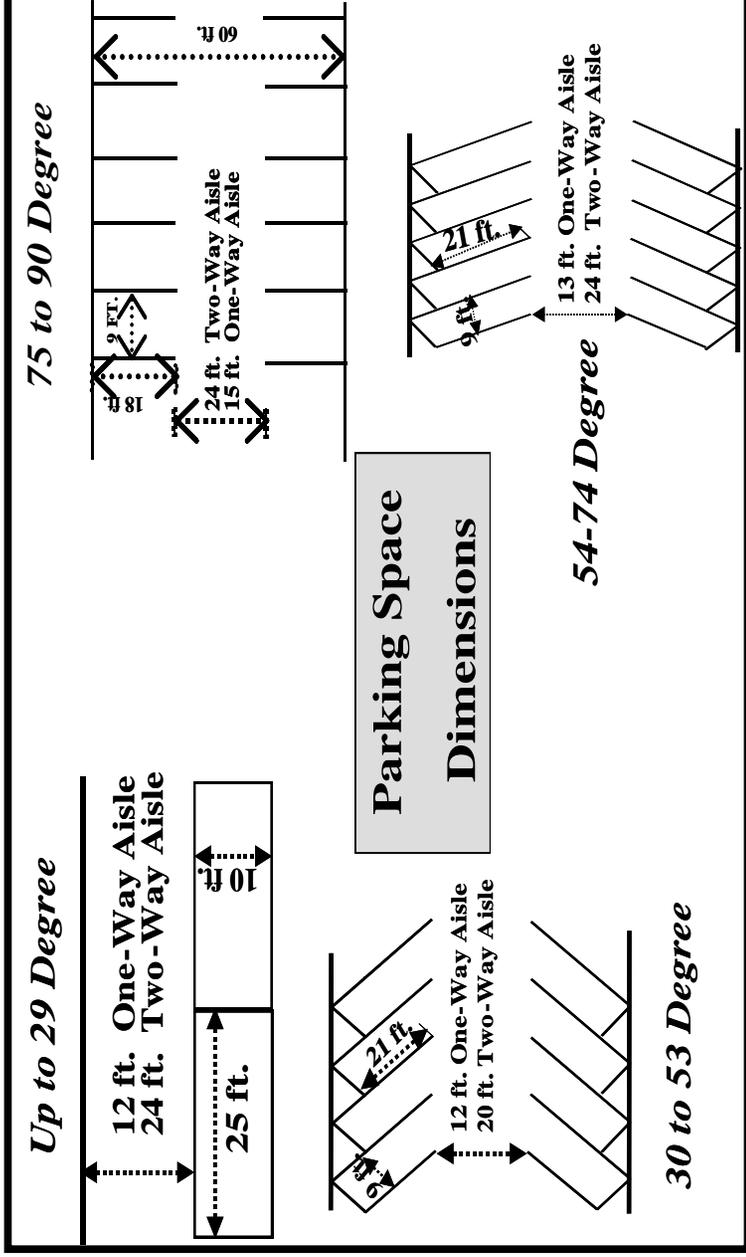
SECTION 16.1 GENERAL REQUIREMENTS

- A. This Chapter is intended to regulate off-street parking and loading zones to balance the available parking and loading with residential, commercial and industrial uses and provide safe and convenient access to and from streets.
- B. Except for areas designated as "parking exempt" on the official zoning map, all uses located in the city shall provide off-street parking adequate for the use intended, as specified in this Chapter.
- C. The dimensions of off-street parking spaces shall be in accordance with the following minimum requirements. The graphic entitled "Parking Space Dimensions" is included for illustration of parking considerations only and is not drawn to scale or necessarily have accurate angles.

SECTION 16.2 OFF-STREET PARKING REQUIREMENTS

- A. Residential: Parking in Residential Districts is only permitted as an accessory or transitional use. Parking or access drives to parking shall not be a principal use of any lot in a Residential District.
- B. Nonresidential: Provisions shall be made for off-street parking for all nonresidential buildings or additions to buildings. A change of an existing use to any other use shall be deemed to be a new use which must meet all provisions of this Chapter.

Parking Pattern	Aisle Width (ft)		Parking Space (ft)		Total Width of Parking Space Tier and Aisle (ft)			
	Two-Way	One-Way	Width	Length	One Tier		Two Tiers	
					Two-Way	One-Way	Two-Way	One-Way
Parallel Parking	24	12	10	25	36	22	44	32
30-53 degree angle	20	12	9	21	41	34	62	54
54-74 degree angle	24	13	9	21	45	34	66	55
75-90 degree angle	24	15	9	18	42	33	60	51



- C. Mixed occupancies and uses not specified.
 1. In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately.
 2. Collective provision for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately.
 3. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to insure that the space is available for each function.

- D. Community parking option: The provisions of this Chapter may be met by participation in a municipal or joint community parking program designed to serve a large area, provided all plans utilizing community parking have been approved by the Planning Commission. In the CBD or C-1 Districts the municipal parking area shall be within three hundred (300) feet to be considered as participating in a community parking program.

- E. Location: Off-street parking facilities shall be located as specified in this Chapter; distances shall be measured from the nearest point of the parking facility to the nearest point of the building that the facility is required to serve, as follows:
 1. Residential Districts: Required parking shall be provided on the same lot as the building or use it serves.

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2. CBD and C-1 Districts: Required parking for all new buildings, additions to buildings, or changes in use shall be provided within three hundred (300) feet.
 3. General Industrial District: Required parking in the shall be provided within five hundred (500) feet.
 4. Off-street parking shall not be required in areas designated as "parking exempt" on the official zoning map.
- F. Parking areas in Nonresidential Districts: Every parcel of land hereafter established as a public or private parking area in any Nonresidential District or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:
1. Off-street parking areas shall be effectively screened on any side which adjoins or faces premises situated in any Residential District or institutional use in a Nonresidential District by a screen of not less than four (4) or more than six (6) feet in height. The screen shall consist of an evergreen hedge or other natural landscaping, or if specifically approved by the Planning Commission, screening may be accomplished by a solid uniformly painted fence or wall. Any screening materials, either landscaping, fence, or wall shall be maintained in good condition, including replacement of dead or diseased materials.
 2. No part of any unrelated parking area shall be closer than ten (10) feet to any school, or other institutional use property line unless screened by an unpierced masonry wall.
 3. Off-street parking areas shall be surfaced with an asphalt or concrete surface and shall be graded and drained to dispose of all surface water as required by the City Engineer. The Zoning Administrator may allow up to twelve (12) months to complete surfacing.
 4. Lighting shall comply with the provisions of Section 3.10.
 5. Off-street parking areas shall be subject to the approval of the Planning Commission to ensure it meets pedestrian safety, lighting, landscaping, and other concerns, including those affecting other properties.
- G. Parking areas in Residential Districts.
1. Any person desiring to establish a parking area as an accessory use in a Residential District for a nonresidential or multiple family use shall submit a site plan to the Planning Commission showing the location, size, shape, design, landscape, curb cuts, and other features of the parking lot.
 2. The establishment and operation of a parking area accessory to an existing commercial or industrial use in a Residential District that abuts either directly or across the street or alley from a Nonresidential District is permitted. The location and design of entrances, exists [exits], surfacing, landscaping, marking, and lighting shall be subject to the approval of the Planning Commission to ensure adequate relation to traffic safety, lighting and protection of the adjacent residential area. Approval shall be subject to the following conditions:

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- a. All parking areas shall be landscaped, screened, surfaced, and drained as provided in Section 16.2, F.
 - b. No part of the parking area shall extend into the required front yard more than one-half ($\frac{1}{2}$) of the required setback for a residential use, and where the lot or a portion of the lot lies between two (2) residential properties, the full front yard setback shall be observed. In either case, the front yard area not occupied by the access drive shall be landscaped.
 - c. All parking areas shall contain at least one (1) row or parking and a maneuvering lane meeting the requirements of Section 16.2, and an access drive meeting this Chapter and other City requirements.
 - d. The parking area shall be used solely for the parking of passenger automobiles. No commercial repair work, storage, sales or service of any kind shall be conducted within the parking lot.
 - e. Only signs designating entrances, exits, and condition of use shall be permitted, the aggregate area of which shall not exceed twelve (12) square feet.
 - f. Each entrance to and exit from the parking lot shall be at least twenty (20) feet distant from any adjacent Residential District lot line.
3. Following approval by the Planning Commission, the Building Inspector shall issue a permit for the parking area construction. The permit may be revoked at any time that the requirements of this Chapter are not met. Any person operating the premises to which the permit relates in violation of any of the requirements specified by this Chapter or conditions attached by the Planning Commission, as included with the permit, shall be deemed in violation of this Ordinance.
- H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the requirements of this Chapter for parking area design and other site development requirements.
 2. Alterations and construction of parking facilities within the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan by the Zoning Administrator.
- I. Maximum Parking Requirement
1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Table of Parking Requirements, paragraph L, of this Section, except as may be approved by the Planning Commission.

2. In granting any additional spaces, the Planning Commission shall determine that the parking is necessary, based on documented evidence of actual use or demand as provided by the applicant. The Planning Commission shall also consider effects on the property and surrounding properties, including any natural features thereon.
 3. This subsection shall apply only to those parking lots that require a minimum of fifty (50) parking spaces as required in paragraph L, of this Section.
- J. Table of parking requirements. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table. The required number of spaces shall be stated in the application for a building permit. Parking area shall be irrevocably reserved for parking use and shall comply with this Chapter.

Table of Parking Requirements		
Use	Parking Spaces	Per Each Unit of Measure as Follows
Animal hospital and kennels	1	400 square feet of UFA + 1/employee
Assisted Living	.5	Dwelling unit or room, + 10 spaces reserved and signed for visitors and 1 space per staff member or employee on the largest shift.
Auditorium theaters and assembly halls	1	3 seats or 6 feet of bleachers
Banks and post offices	1	100 sq. ft. of UFA
Barbershop	2	barber chair
Beauty parlor	3	beauty shop chair
Bowling alleys	4	bowling lane + amount required for accessory uses
Business and professional offices	1	200 sq. ft. of GFA
Drive-in restaurant	15	1,000 sq. ft. UFA or 0.6 spaces per seat, whichever is greater, + 8 designated drive-through short term waiting spaces, + 3 longer spaces [no less than 25 ft.] designated for recreational vehicles
Child care center	2	spaces, + 1.0 additional space for each seven children of licensed authorized capacity
Churches	1	3 seats or 6 feet of pews based on maximum seating capacity in the main unit of worship

Table of Parking Requirements		
Use	Parking Spaces	Per Each Unit of Measure as Follows
Colleges, universities and other such Institutions of higher learning	1	employee, + 1 per each 5 students based on classroom capacity or total enrollment, whichever is greater, + 2/3 of the spaces required for any auditorium, outdoor sports area, etc.
Dance hall, exhibition halls, pool halls, billiard parlors, and assembly halls without fixed seats	1	2 persons allowed within the maximum occupancy load as established by local county or state fire health or building codes (or)100 sq. ft. UFA (whichever is greater)
Dependent care facilities and children's homes	1	1 per each 3 beds or 2 rooms, whichever is less, + 10 spaces reserved and signed for visitors and 1 space per staff member or employee on the largest shift.
Drive-in bank	4	teller window + spaces as required for office/walk-in service
Drive-in establishments	1	4 standing spaces per each out-side teller or other outside service window, <u>plus</u> normal requirements for the use
Drive-in theater	1	outdoor speaker facility + 1 for each employee
Elementary schools, junior high schools, trade schools	1	each classroom, + 3.5 spaces per each 1,000 square feet of gross office area, + spaces required for any assembly hall, auditorium, and outdoor arena
Fast food drive-in restaurants	15	1,000 sq. ft. UFA or 0.6 spaces per seat, whichever is greater, + 8.0 designated drive-through short term waiting spaces, + 3.0 longer spaces [no less than 25 ft.] designated for recreational vehicles
Filling station, automobile service station	2	Service stall + 1 employee + 1 service vehicle
Furniture and appliance, household equipment repair shops, hardware stores and similar stores	3	1,000 sq. ft. UFA
Golf course open to the public	6	hole + parking required for any accessory use (Also see <i>Miniature or Par 3 golf course</i>)
High schools	5	each classroom, + 3.5 spaces per each 1,000 square feet of gross office area, + spaces required for any assembly hall, auditorium, outdoor arena, and dormitory or other on-campus housing
Hospitals	1	2 beds + staff doctor + 1000 sq. ft. of patient surgery or treatment area + 1 for each employee (largest shift)

Table of Parking Requirements		
Use	Parking Spaces	Per Each Unit of Measure as Follows
Industrial establishments including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops	1.5	1,000 sq. ft. GFA, or 1.2 spaces per employee (largest shift), whichever is greater, + 1.0 space for each corporate vehicle
Laundromat, coin-operated cleaning establishments	1	Washing and/or dry cleaning machine
Libraries and museums	1	500 sq. ft. GFA
Manufactured home site	2	Manufactured home site
Medical clinic or dental clinic	3	Staff or visiting doctors + 1 per employee
Miniature or par 3 golf course	3	hole + parking required for any accessory use
Mini/self-storage warehouse	6	facility, + 1.0 space per each mini/self-storage unit with parking to be located adjacent to the front garage door of each unit
Mortuary establishments, funeral homes and undertaking parlor	1	50 sq. ft. of UFA
Motels and hotels	1	guest bedroom + 1 employee + parking space as may be required for accessory uses
Multiple-family dwelling	2	dwelling unit
Open air business uses including manufactured home sales, recreational vehicles, and car sales lots	1	800 sq. ft. of gross lot area used for open air sales or display + additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores
Personal service establishment not otherwise provided for herein	1	300 sq. ft. of GFA
Private clubs, fraternities, dormitories	1	3 members or lodgers allowed within the maximum occupancy load as established by local state or county fire health or building codes
Private tennis club, swim club, golf club or similar use	NA	1 per each 3 individual members and/or guests allowed within the maximum occupancy load
Restaurant-sit-down type with liquor license.	16	per 1,000 sq. ft. UFA, or 0.6 spaces per seat, whichever is greater
Restaurant - family type (without liquor license)	12	1,000 sq. ft UFA or 0.5 spaces per seat, whichever is greater, + 3.0 longer spaces [no less than 25 ft.] designated for recreational vehicles

Table of Parking Requirements		
Use	Parking Spaces	Per Each Unit of Measure as Follows
Retail stores, except as otherwise provided herein	1	each 250 sq. ft. GFA for the first 25,000 sq ft of GFA
Retail stores exceeding 15,000 sq. ft.	1	200 sq. ft. of GFA
Roadside stands	6	establishment
Senior Housing	1	Dwelling unit.
Single- or two-family dwelling	2	dwelling unit
Stadiums and sports arenas		4 seats or 8 feet of benches (whichever is greater)
Vehicle repair shops, bump shops, service garages	2	service stall + 800 sq. ft. of UFA
Vehicle salesrooms, wholesale stores, machinery sales, showrooms of electrician or plumber or other similar trade	1	800 sq. ft. of UFA
Vehicle wash establishment (self-service)	4	wash stall
Vehicle wash establishment (other than self-service)	4	maximum capacity as computed by dividing the linear dimension of the mechanical wash dry operation by 20 feet + 1 employee.
Warehouse and storage buildings	1	each 2,500 sq. ft. GFA, or 1 space per employee, whichever is greater, + 1 space for each corporate vehicle [Note: separate standard provided for mini-storage]

SECTION 16.3 OFF-STREET LOADING AREA REQUIREMENTS

A. Required off-street loading berths: In all Districts every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods, display, retail store or block of stores, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other use similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the

Required Loading Area Spaces	
GFA	Required Loading Spaces
10,000 to 20,000 sq. ft.	1
20,000 to 50,000 sq. ft.	2
*50,000 to 100,000 sq. ft.	3
*Plus 1 additional space for each additional 100,000 sq. ft. or part thereof	

same premises off-street loading spaces in relation to floor area as required by the Required Loading Area Spaces chart.

B. Loading Area Requirements

1. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
2. Loading spaces may occupy all or any part of any required yard or court space, except the front yard.
3. No loading space shall be located closer than fifty (50) feet to any Residential District lot line, unless within a completely enclosed building, or enclosed on all sides facing the Residential District by a wall or uniformly painted solid board or masonry fence of uniform appearance not less than six (6) feet in height.

CHAPTER 17 ZONING BOARD OF APPEALS

SECTION 17.1 MEMBERSHIP

- A. The City Commission shall act as the Zoning Board of Appeals provided, however, the term of a member shall cease upon termination of his or her position on the City Commission.
- B. Alternate Members - Two (2) alternate members to the Zoning Board of Appeals may be appointed by the City Commission. Alternate members shall be appointed for a term of three (3) years.
 - 1. The alternate members of the Zoning Board of Appeals may be called to sit as regular members of the Zoning Board of Appeals, if a regular member is absent from a meeting of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for reasons of conflict of interest.
 - 2. The alternate member having been called to serve on a case shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
 - 3. The records maintained by the Zoning Board of Appeals shall reflect the attendance and participation of an alternate member.

SECTION 17.2 ORGANIZATION

- A. Rules of Procedure: The Zoning Board of Appeals shall adopt rules and/or procedures for the conduct of its meetings and the performance of its powers and duties. The procedures shall be in accord with the provisions of this Ordinance and applicable State law. The Board shall annually elect a chairperson, a vice chairperson, and a secretary.
- B. Meeting Times: Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may specify in its rules of procedure. The applicable provisions of Public Act 267 of 1976, as amended, MCLA 15.261 et seq. (Open Meetings Act) shall apply.
- C. Compensation: Each regular and alternate member may receive compensation as the City Commission may establish by resolution.
- D. Quorum: A majority of the total membership of the Board shall comprise a quorum.

- E. Meeting Minutes
1. Minutes shall be kept of each meeting and the Zoning Board of Appeals shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each appeal case. All minutes shall be filed in the office of the City Clerk.
 2. All meetings and records shall be open to the public.
 3. The City Clerk, or the Clerk's agent, shall act as recording secretary to the Zoning Board of Appeals, including recording the minutes, publishing legal notices, and providing notices to property owners and others required by law.
- F. Application to Zoning Board of Appeals: Applications shall not be accepted unless all of the following information is submitted:
1. A completed application form (provided by the City);
 2. An accurate, scaled site plan (if appropriate) with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of such plans.
 3. An application fee as may be determined by resolution of the City Commission from time-to-time.
 4. A written explanation from the applicant indicating why the application meets the applicable review standards of this Chapter.
- G. Public Hearing Date: Upon receipt of an application as required by this Chapter the Chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing.
1. Upon determination of the time and date of the hearing, the Clerk shall make notice in accordance with the Zoning Act. (Amended 9/06)
 2. The Board may adjourn any meeting held in order to allow the obtaining of additional information, or to provide further notice as it deems necessary.

SECTION 17.3 POWERS AND DUTIES

The Zoning Board of Appeals shall hear only those matters which it is authorized to hear by the Zoning Act and this Ordinance and render its decision based upon the criteria contained in this Chapter. The Zoning Board of Appeals shall hear the following applications in accordance with the indicated review standards.

A. Administrative Appeals

1. The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in fact, judgment, procedure, or interpretation in any order, requirement, permit, or decision made by the Zoning Administrator or other body enforcing the provisions of this Ordinance.
2. Site Plan Review: If an appeal is filed on a decision regarding site plan review the Zoning Board of Appeals shall review the decision of the City Commission in accordance with the provisions of Section 17.4, A, 4 and Chapter 14 of this Ordinance.
3. Administrative appeals shall be submitted within twenty (20) days of the action being appealed.
4. The Zoning Board of Appeals has the power to sustain, reverse or remand for further consideration the decision of the Zoning Administrator or Planning Commission when it is found that the decision is inconsistent with the provisions of this Ordinance or that there was an error of fact involved in the decision. In making this determination, the Zoning Board of Appeals shall examine the application and all accompanying data as well as the records of the actions with respect to the decision rendered.

B. Interpretations

1. Upon application or request of the Zoning Administrator or Planning Commission, the Zoning Board of Appeals shall have the power to make an interpretation of the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one (1) meaning. In deciding upon the request, the Board shall insure that its interpretation is consistent with the intent and purpose of this Ordinance and the Chapter in which the language in question is contained.
2. Upon application, the Zoning Board of Appeals may also make a determination of the precise location of the boundary lines between zoning districts in accordance with Chapter 4 of this Ordinance, and records, surveys, maps, and aerial photographs.

C. Variances

1. Subject to the provisions of this Chapter, the Zoning Board of Appeals, after holding a public hearing, shall have the power to decide upon applications for variances to ensure that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
2. Non-use Variance: A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following standards are met:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - (2) By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 - (3) By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - (4) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
 - b. That the condition or situation of the specific parcel of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations;
 - c. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance;
 - d. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood;
 - e. The variance will not impair the intent and purpose of this Ordinance; and
 - f. That the immediate practical difficulty causing the need for the variance request was not created by an affirmative action of the applicant.
3. Use Variance: A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following standards are met:
- a. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the Zoning District in which it is located;
 - b. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zoning district. Such unique conditions or situations include:

- (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
 - (2) Exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - (3) The use or development of the property immediately adjoining the property in question;
 - (4) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
- c. That the proposed use will not alter the essential character of the neighborhood;
 - d. That the immediate unnecessary hardship causing the need for the variance request was not created by an affirmative action of the applicant.

SECTION 17.4 VOTING REQUIREMENTS, EFFECT OF VARIANCES, RESUBMISSION

A. Voting Requirements

1. Non-Use Variance, Interpretation or Administrative Appeal: Except as noted in 2, below, a minimum of three (3) concurring votes shall be necessary to decide in favor of the applicant for a non-use variance, or other matter upon which the Board is required to pass.
2. Use Variance: The concurring vote of at least a 2/3 majority of the Zoning Board of Appeals (i.e. four (4) votes) shall be necessary to decide in favor of the applicant for a use variance.

B. Finality of Decisions: All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.

C. Variance Time Limit

1. Every use or non-use variance granted under the provisions of this Ordinance shall become null and void unless the construction or action authorized by the variance has been commenced within three (3) months after the granting of the variance.
 2. An applicant may, at no cost, request up to one (1) three (3) month extension of said variance from the Zoning Board of Appeals, if applied for in writing prior to the expiration of the variance approval.
 3. The Zoning Board of Appeals may only grant an extension when the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.
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- D. Resubmission: No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the denial, except on the grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board, to be valid.

SECTION 17.5 CONDITIONS OF APPROVAL

The Zoning Board of Appeals may impose, in writing, specific conditions with an affirmative decision pursuant to the Zoning Act. The breach of any such condition shall be a violation of this Ordinance.

SECTION 17.6 PERFORMANCE GUARANTEE

The Zoning Board of Appeals may require that a bond be furnished in accordance with the requirements of Section 19.5 to insure compliance with any conditions imposed with its decisions.

SECTION 17.7 CERTIFICATION OF COMPLIANCE

The Zoning Administrator shall certify whether all conditions and other requirements of the variance have been fulfilled, as a precondition to the issuance of any permit required for development, construction, occupancy or use within the area governed by the variance.

CHAPTER 18 SIGNS

SECTION 18.1 SCOPE

This Chapter is intended to regulate and limit the construction, blight [height], erection, reconstruction, placement, size and height of signs. A sign shall not, by reason of its size, location, construction or manner of display, create a hazard, confuse or mislead traffic or obstruct vision necessary for vehicular and pedestrian safety.

SECTION 18.2 DEFINITIONS (Amended, 02/16 & 6/18)

The following definitions shall apply to this Chapter.

- A. **Electronic display.** A secondary element of a freestanding, ground, projecting or wall sign that consists of an array of lights, which allows for a display to be changed electronically.
- B. **Freestanding sign.** A sign structurally separate from and not attached to any building, which is attached directly to the ground surface in a permanent manner, or supported by one or more uprights, poles or braces attached to the ground surface in a permanent manner.
- C. **Government sign.** Any sign erected by the city, county, state, or federal government.
- D. **Ground sign.** A freestanding sign which is placed directly on the ground surface, without use of uprights, poles or other means to elevate the sign face above the surrounding grade.
- E. **Neon Illumination.** A secondary element of a wall or projecting sign that uses neon, argon, a similar gas or phosphors to fill tubing made of glass or similar material, which is charged with electricity and used to create illuminated elements of a sign, including lettering, symbols, images, shapes or accents.
- F. **Plat entry sign.** A sign placed at the street entrance to a subdivision, mobile home park, industrial park, etc.
- G. **Portable sign.** A sign primarily for temporary use, which is designed to be moved easily and is not permanently attached to the ground, a building or other structure. A portable sign may or may not have wheels and provision for towing behind a vehicle.
- H. **Projecting sign.** A sign attached to the wall of a building, with the face of the sign in a plane approximately perpendicular to the plane of the wall.
- I. **Roof sign.** A sign attached to and projecting from the roof surface of a building.

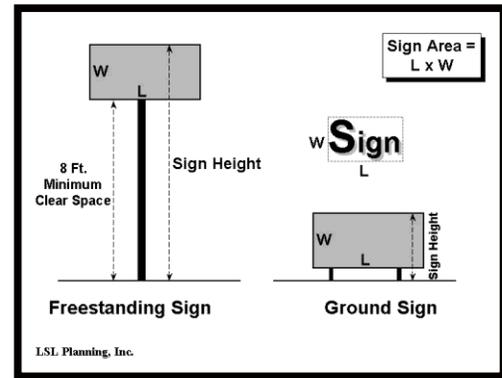
- J. **Sandwich board signs.** A two (2) sided sign which is not permanently attached to either a structure or the ground and which incorporates an "A" frame shape. Such signs may be placed on a private lot, private walkway or public sidewalk so long as they do not interfere with pedestrian traffic and only during the hours of operation for the entity which the sign advertises.
- K. **Sign.** Any object or device (or part thereof) which is used to advertise, identify, display, or direct or attract attention by including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or images.
- L. **Special sign.** A temporary sign established by a governmental agency, or charitable or other nonprofit organizations.
- M. **Temporary yard sign.** A removable, light weight, and portable sign that because of its construction is intended to be displayed for a limited period of time, and is not designed to be permanently affixed to the ground, building or structure.
- N. **Wall sign.** A sign attached to the wall of a building with the face of the sign in a plane approximately parallel to the plane of such wall and not projecting from the wall more than six inches. A sign attached to or displayed upon an awning, marquee or canopy is also considered to be a wall sign.
- O. **Water tower sign.** A sign painted onto the surface of a water tower tank.

SECTION 18.3 GENERAL PROVISIONS (Amended 6/18)

- A. A sign not expressly permitted by this Ordinance is prohibited. Unless otherwise permitted in this Chapter, a sign shall pertain to the use or lot on which it is located, with the exception of temporary signs as authorized in B, below.
- B. Special signs may be erected by governmental agencies, charitable, or other nonprofit organizations on a temporary basis without a permit, but shall be subject to the following limitations:
1. No more than five (5) signs shall be displayed at one (1) time. They may not, without the prior permission of the City Manager be placed in any right-of-way or be placed within the setback side yard, clear vision area or other space required by applicable regulations.
 2. The display of signs shall be limited to twenty-three (23) days per occurrence.
 3. Signs shall have a maximum size of forty-eight (48) square feet in area, and a maximum height of five (5) feet.
 4. Any sign shall not be erected without prior notification to the Building Inspector.

C. Measurement of sign area and height.

1. The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, unless the supports or uprights contain writing, representation, emblems or any figure of similar character, in which case the area of such shall be computed within the total sign area.
2. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
3. In the case of a sphere, the total surface area of the sphere shall be divided by two (2) for purposes of determining sign area.
4. The height of any sign shall be measured from the mean grade.
5. A freestanding sign shall have a minimum ground clearance of eight (8) feet as measured from the mean grade to the bottom of the sign.
6. For wall and roof signs on buildings with multiple tenants, the permitted number and area of signs shall be computed using the wall area or length applicable to the individual business being identified.



D. Signs in Residential Districts must be placed upon private property.

E. Signs shall be stationary, and shall contain no visible moving parts or images, or have the appearance of moving parts or images. Time and temperature numerals are exempt from this provision. There shall be no flashing, oscillating or intermittent illumination of any sign.

F. Except for electronic and neon-illuminated displays as allowed by this Chapter, signs shall be illuminated only by continuous indirect or direct lighting. All sign illumination shall be employed in such a manner so as to prevent intense or brilliant glares or rays of light from being directed at any street or any adjoining property. (Amended 02/16)

G. No sign shall be placed within or above any public right-of-way or upon any utility pole except as otherwise permitted within the right-of-way of a state-designated highway in accordance with the regulations pertaining thereto, and except for projecting signs as permitted in this Chapter.

- H. The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. No sign shall be allowed to become unsightly through disrepair or action of the elements.
- I. The Zoning Administrator may permit a sign location required by Section 18.5 to be moved up to five (5) feet in any direction, provided that all of the following requirements are met. Sign location changes not meeting these requirements shall require a variance.
1. The requested relocation is necessary because the location dictated by the Ordinance is not physically capable of accommodating the sign, provided that the conditions were already present at the time the sign is requested, and that the conditions were not created by an action of the applicant, owner, or lessee.
 2. The relocated sign does not create a hazard to traffic, pedestrians, or adversely affect other signs or properties.
 3. The new location is on the same property and does not encroach on any road right-of-way or access easement.
 4. The sign is no greater in size or height than permitted by this Chapter.
- J. Nonconforming Signs
1. Signs lawfully erected prior to the date of adoption of this Ordinance, which do not meet the requirements of this Ordinance, may be continued except as otherwise provided.
 2. A sign which is located on a site to which the sign no longer applies for a period of sixty (60) days or more, and any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to be abandoned.
 3. Nonconforming signs larger, higher or located incorrectly on the site shall be removed once abandoned.
 4. No nonconforming sign shall be changed to another nonconforming sign unless the new sign is at least reduced in size or height, depending on the nature of its nonconformity, by at least fifty percent (50%) of its nonconforming size or height.
 5. No nonconforming sign shall be structurally altered so as to change the shape, type or size of the sign. Any structural alterations made shall only be in compliance with the requirements of Section 18.5.

SECTION 18.4 SIGN PERMIT REQUIRED (Amended 6/18) (Amended 5/2019)

- A. Except as noted in B, below, no sign shall be erected, placed, constructed, reconstructed, or modified except upon issuance of a permit by the Building Inspector. Application for permit shall be made by submitting the following information to the Building Inspector:
1. A completed application on a form provided by the City.
 2. Payment of an application fee, which shall be non-refundable, and which shall be established from time to time by resolution of the City Commission.

3. Plans and specifications for the proposed sign, in detail sufficient to determine its compliance with the provisions of this chapter.
- B. The following signs are exempt from the permit requirements of this Chapter:
1. One (1) sign per street address not exceeding two (2) square feet in area.
 2. Flags and insignia of a government except when displayed in connection with a commercial promotion. Flags and insignias must comply with the setback, side yard, height and other requirements applicable to main buildings. A maximum of three (3) flags and insignias per lot shall be permitted.
 3. Legal notices and government signs.
 4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 5. Signs not exceeding two (2) square feet in area per sign on the interior portions of any lot.
 6. Temporary yard signs per the requirement of Section 18.6.

SECTION 18.5 SPECIFIC SIGN REQUIREMENTS (Amended 02/16 & 6/18)

In addition to the requirements of this Article, the following regulations apply to the listed sign types.

- A. Electronic Displays. An electronic display is permitted as a secondary element to a freestanding, ground, projecting or wall sign, subject to the following:
1. General requirements
 - a. An electronic display shall not consist of more than fifty (50) percent of the total sign area. An electronic display erected strictly for the purpose of advertising gasoline prices, as part of a sign for an automobile fuel station, is exempt from this requirement.
 - b. The sign shall only convey a single product or message at any one time.
 - c. Except for the change from one display to the next, which shall be instantaneous, each individual sign display shall be static. No element of the display may move, flash, change colors, dissolve or scroll, except to change from one display to the next.
 - d. Displays may change no less than fifteen seconds apart.
 - e. An electronic display located within 200 feet of an existing residential use may not operate between the hours of 10:00 PM to 6:00 AM.
 - f. Signs may emit not more than eight (8) to ten (10) footcandles of light, measured four (4) feet from the sign face.
 - g. An electronic display shall use only one (1) color of lighting or bulbs to prevent nuisances and distractions upon adjoining properties and thoroughfares.
 - h. Any voids or burned out bulbs in an electronic display shall be replaced within ten (10) business days.
 - i. The Planning Commission may require dimming of an electronic display if the location is expected to cause a distraction to motorists, or cause a

- nuisance to nearby uses. Alternatively, the Planning Commission may require ambient light monitors (automatic dimming devices) to automatically adjust the sign brightness based on ambient light conditions.
- j. An electronic display may not be an element of any portable, temporary or directional sign.
2. Residential district requirements. In residential districts (R-A, R-B, R-C and MHP) and open space preservation planned unit developments (OSP PUD), an electronic display is permitted only as part of an identification sign for residential subdivisions, site condominiums, manufactured home parks, multiple family complexes, and non-residential uses allowed in the zoning district.
 3. CBD District. In the CBD District, an electronic display is permitted only on a freestanding, ground, wall, or projecting sign.
- B. Neon Illumination. Neon Illumination is permitted as a secondary element to wall or projecting signs, subject to the following:
1. Zoning District. Neon-illuminated signs are restricted to the CBD District.
 2. General Requirements.
 - a. Neon illumination shall be restricted to wall or projecting sign types attached to exterior building walls.
 - b. A building is limited to one (1) neon-illuminated sign.
 - c. Neon-illuminated signs shall be compatible and harmonious with the primary color(s), style, and architecture of the building. No more than three (3) colors shall be used on any one (1) sign.
 - d. Neon illumination shall be used in limited volume to ensure that it does not become visually obstructive and dominate the street frontage. Luminous neon text, symbols and figures shall comprise no more than 50 percent of the sign face area, measured in the same manner as sign area. Neon lighting extending beyond the sign face is also considered in the measurement of sign area. Background accent lighting does not count against the maximum percent of neon.
 - e. A neon-illuminated sign shall not obscure portions of a building that contribute to architectural character, including but not limited to, door, windows and other elements that add to articulation of the façade.
 - f. Neon illumination shall be static and stationary in nature. There shall be no movement appearance of movement, intermittent illumination, blinking at any interval, or changing of color.
 - g. Should any portion of the neon-illuminated display malfunction, all neon illumination shall be discontinued until fully repaired.
 - h. Neon illumination shall be limited to the hours of operation of the business or use associated with the sign

SECTION 18.6 PERMITTED SIGNS (amended 1/06 & 6/18, & 5/2019)

The following signs are permitted in the noted zoning districts.

RESIDENTIAL DISTRICTS - PERMITTED SIGNS	
Signs for residential subdivisions, site condominiums, manufactured home parks, multiple family complexes, and non-residential uses allowed in the District	
Number	1 per major entrance
Size	No greater than 32 sq. ft.
Location	Minimum of 15 ft. from any side or rear property line; located no nearer than 200 ft. to any other sign for the same development
Height	No higher than 5 ft.
Wall signs for home occupations	
Number	1 per lot or parcel
Size	No greater than 4 sq. ft.
Location	On wall of house facing street, unilluminated
Wall signs for non-residential uses	
Number	1 per street frontage
Size	No greater than 6 sq. ft.
Location	On wall of building facing street, unilluminated

CBD, C-1, MPUD DISTRICTS - PERMITTED SIGNS	
Using any combination of the following signs that are permitted in the CBD, C-1 and MPUD zoning districts, the maximum square footage for total sign area may not exceed two-hundred (200) square feet, excluding wall signs and those otherwise permitted in this Chapter.	
Ground signs	
Number	1 per lot or parcel, except that a ground sign is not permitted if a freestanding sign is used
Size	No greater than 50 sq. ft.
Location	Minimum of 5 ft. from the front property line, minimum of 15 ft. from the side or rear property line
Height	5 ft.; up to 10 ft. if set back at least 10 ft. from front property line

CBD, C-1, MPUD DISTRICTS - PERMITTED SIGNS		
Freestanding signs		
Number	1 per lot or parcel, except that a freestanding sign is not permitted if a ground sign is used	
Size	100 sq. ft.	
Location	Minimum of 15 ft. from side and rear lot lines	
Height	No higher than 20 ft.; 8-foot ground clearance is required between the bottom of the sign and the mean grade	
Wall signs		
Number	Street side	1 per wall (per street address) facing a street or frontage
	Non-street side	1 if a public entrance is present
Size	Street side	Each tenant: wall signs shall total no greater than 15% of the wall area to which they are affixed. In no case shall the cumulative wall sign area exceed 10% of the total wall area.
	Non-street side	Non-street wall signs shall not exceed 20 square feet in area.
Location	On wall of building facing street or wall having a public entrance	
Roof signs		
Number	1 per wall (per street address) facing a street or frontage	
Size	Shall not exceed 3 sq. ft. for each lineal foot of wall that it parallels or it is nearest, maximum permitted size of 100 sq. ft. In cases where the sign is parallel to two or more walls the shortest wall length shall be used to calculate allowable area.	
Height	No higher than the maximum building height for the zoning district. In addition, for pitched roofs signs shall be no higher than the roof peak or ridge line and for flat roofs no higher than 10 ft. above the roof.	
Projecting signs		
Number	1 Per street address	
Size	No greater than 10 sq. ft.	
Projection	No greater than 3 ft.	
Height	8-foot ground clearance required between the bottom of the sign and mean grade	
Internal signs		
Number	2 per street entrance to a private parking area with at least 10 parking spaces	
Size	No greater than 4 sq. ft.	
Height	5 ft.	

CBD, C-1, MPUD DISTRICTS - PERMITTED SIGNS	
Sandwich board signs	
Number	1
Size	No greater than 8 sq. ft.
Height	4 ft.
Placement	No closer than 3 ft. to curb line
Duration	Display is allowed only during business hours after initial notification of building inspector

PO DISTRICT - PERMITTED SIGNS		
Using any combination of the following signs that are permitted in the PO District, the maximum square footage for total sign area may not exceed two hundred (200) square feet, excluding wall signs and those permitted in this Chapter.		
Ground signs		
Number	1 per lot or parcel, except that a ground sign is not permitted if a freestanding sign is used	
Size	For single businesses: No greater than 50 sq. ft.; for 2 or more businesses: no greater than 66 sq. ft.	
Location	Minimum of 5 ft. from the front property line, minimum of 15 ft. from the side or rear property line	
Height	5 ft. 10 ft. if set back at least 10 ft. from front property line	
Freestanding signs		
Number	1 per lot or parcel, except that a freestanding sign is not permitted if a ground sign is used	
Size	100 sq. ft. except signs identifying 2 or more businesses may have an additional 33% of sign area, not to exceed 33 sq. ft.	
Location	Minimum of 15 ft. from side and rear lot lines	
Height	20 ft.; 8-foot ground clearance is required between the bottom of the sign and the mean grade	
Wall signs		
Number	Street side	1 per street frontage
	Non-street side	1 if a public entrance is present
Size	Street side	Each tenant: wall signs shall total no greater than 15% of the wall area to which they are affixed. For multi-tenant buildings, cumulative wall sign area shall not exceed 10% of the total wall area.
	Non-street side	Non-street wall signs shall not exceed 10 square feet in area.

PO DISTRICT - PERMITTED SIGNS	
Location	On wall of building facing street or wall having a public entrance; no more than one wall sign per wall
Projecting signs	
Number	1 Per street frontage
Size	No greater than 10 sq. ft.
Projection	No greater than 3 ft.
Height	8-foot ground clearance is required between the bottom of the sign and the mean grade
Temporary signs	
Number	1
Size	No greater than 48 sq. ft.
Duration	No more than 3 times per year and no more than 30 days per placement after initial notification of building inspector

G-I, IPUD DISTRICTS - PERMITTED SIGNS	
Ground signs	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 50 sq. ft. for each sign allowed; signs identifying 2 or more businesses on the same property may be permitted a sign up to 66 sq. ft.
Location	15 ft. from the side or rear property line
Height	5 ft.; 10 ft. if the sign is set back 10 ft. from front property line
Wall signs	
Number	1 per street frontage - no more than 1 per wall
Size	No greater than 10% of the wall area to which the sign is affixed.
Location	On wall of building facing street

G-I, IPUD DISTRICTS - PERMITTED SIGNS	
Internal signs	
Number	2 per street entrance to a private parking area with at least 10 parking spaces
Size	No greater than 4 sq. ft.
Height	Max. of 5 ft.
Water tower signs	
Number	2 per water tower
Size	No greater than 40 percent of the water tower primary tank surface
Other	Signage must be painted on water tower's primary tank surface area and shall not be illuminated

TEMPORARY YARD SIGNS	
Residential Districts (5/2019)	
Maximum Size & Number	Temporary yard signs are restricted to a maximum combined surface area of 15 sq. ft. per parcel or lot. Two-faced signs back-to-back occupying the same area will be treated as a single sign per Section 18.3 (C) (2). Maximum number of signs on any one parcel or lot shall be limited to 5.
Size	No greater than 6 sq. ft.
Location	Minimum of 15 ft. from any side or rear property line
Height	No higher than 6 ft.
Non-Residential Districts (5/2019)	
Maximum Size & Number	Temporary yard signs are restricted to a maximum combined surface area of 30 sq. ft. per parcel or lot. Two-faced signs back-to-back occupying the same area will be treated as a single sign per sign per Section 18.3 (C) (2). Maximum number of signs on any one parcel or lot shall be limited to 6.
Size	No greater than 30 sq. ft.
Location	Minimum of 5 ft. from the front property line, minimum of 15 ft. from any side or rear property line
Height	No higher than 6 ft.

CHAPTER 19 ADMINISTRATION AND ENFORCEMENT

SECTION 19.1 RESPONSIBILITY

- A. Basic Duties - The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his/her duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.

- B. Deputy Administrator - Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the City Commission.

- C. Official Zoning Map - The Zoning Administrator or designee shall be responsible for maintaining the Official Zoning Map.

- D. Violations - The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

SECTION 19.2 ZONING ORDINANCE AMENDMENTS, INITIATION

- A. Time frame for Application Submittal - All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least twenty-one (21) days prior to the first consideration by the Planning Commission.

- B. Initiation of Amendments and Application Requirements - Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the Planning Commission or the City Commission through official action taken at a public meeting which has been properly noticed as required by law.

In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:

- 1. Completion of a Zoning Amendment Application as provided by the Zoning Administrator. An application shall include:
 - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.

- b. In the case of a text amendment, the specific section to be amended and the proposed text change.
 - c. If a change in the zoning map is requested, the common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by a scaled map, the location of the property requested for rezoning.
 - d. The nature of the amendment shall be fully described in writing.
 - e. Payment of all fees as required by the City of Otsego.
2. If, in the opinion of the Zoning Administrator, Planning Commission, or City Commission, the information submitted does not provide a clear delineation of the specific area to be rezoned, the Zoning Administrator, Planning Commission, or City Commission may require the applicant to submit a boundary survey of the property in question. The survey shall include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor licensed by the State of Michigan.

SECTION 19.3 AMENDMENT PROCEDURE

- A. After submission of the application and fee, amendments to this Ordinance shall be processed as provided in the Zoning Act.
- B. The following guidelines shall be used by the Planning Commission, and may be used by the City Commission in consideration of amendments to the Zoning Ordinance:
 1. Text Amendment
 - a. The proposed text amendment would correct an error in the Ordinance.
 - b. The proposed text amendment would clarify the intent of the Ordinance.
 - c. The proposed text amendment would address changes to the state legislation, recent case law or opinions from the Attorney General of the State of Michigan.
 - d. The proposed text amendment would promote compliance with changes in other City Ordinances and County, State or Federal regulations.
 - e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
 - f. The amendment shall not result create incompatible land uses within a zoning district, or between adjacent districts.
 - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

- C. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.
- D. Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and is punishable as provided by law. Any change in approved plans shall occur as provided for in this Ordinance and shall require the issuance of an amended certificate of zoning compliance.

SECTION 19.5 PERFORMANCE GUARANTEE

- A. As a condition of approval of a site plan, Special Land Use, variance, or other zoning action, the Zoning Administrator, Planning Commission, City Commission, or Zoning Board of Appeals, as appropriate, may require a bond or other financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include but shall not be limited to roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, utilities and similar items.
- B. Performance guarantees shall be processed in the following manner:
 - 1. The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the Zoning Administrator. The amount of the performance guarantee shall be one-hundred percent (100%) of the following costs:
 - a. Purchase and/or construction of improvements.
 - b. Installation of improvements.
 - c. Architectural and/or engineering design or related professional costs.
 - d. Reasonable amount for contingencies, but in no case less than five percent (5%) of total costs for a-c above.
 - 2. The required performance guarantee shall be in the form of an irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the party requiring the guarantee.
 - 3. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a certificate of zoning compliance for the subject development or activity.
 - 4. The Zoning Administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The

- portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
5. When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect the improvements and recommend to the Planning Commission, City Commission, or Zoning Board of Appeals, as appropriate, approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections.
 6. The Planning Commission, City Commission, or Zoning Board of Appeals, as appropriate, shall either approve, partially approve, or reject the improvements. The Zoning Administrator shall notify the applicant in writing of the action of the Planning Commission, City Commission, or Zoning Board of Appeals, as appropriate, within thirty (30) days after the official action of the Planning Commission, City Commission, or Zoning Board of Appeals. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
 7. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 19.6 ORDINANCE VIOLATIONS

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be in violation of this Ordinance shall be reported to the Zoning Administrator.
- B. Any order to correct a violation issued by the Zoning Administrator shall include a time frame by which the property owner (owner of the property upon which the violation is located) shall have to correct the violation.
 1. If the violation cannot be corrected within this time, the Zoning Administrator may, with just cause, extend the correction period for an appropriate amount of time up to a period of six (6) months. The approved extension period shall be at the discretion of the Zoning Administrator.
 2. In all cases, a request for extending the period of time for correcting a violation shall be made in writing by the applicant to the Zoning Administrator no less than twenty-one (21) days prior to the expiration of the extended time frame as originally approved by the Zoning Administrator.
 3. The request shall include specific detail on why the violation occurred, the requested time frame for correcting the violation, and actions to be pursued by the land owner to ensure correction of the violation.
 4. In the event the Zoning Administrator determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which

the violation is located or to the general public, he may require that immediate measures be taken to correct the violation.

- C. Any person, firm, corporation, or organization who violates, disobeys, omits, or refuses to comply with any provisions of this Ordinance or lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or City Commission issued in pursuance of this Ordinance shall be responsible for a civil infraction punishable by the sanctions as set forth in this Section. Each day that a violation continues may be deemed a separate infraction.
- D. The Zoning Administrator, the Building Inspector, together with law enforcement officers, are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices for violation of this Ordinance.
- E. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994 and the Code of Ordinances of the City of Otsego.
 - 1. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. Civil fines for first offenses, repeat first offenses and repeat second offenses will be established from time to time by resolution of the City Commission.
 - 2. The City shall also be entitled to equitable relief to abate the violations and to such other relief as may be available to the City pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended at the present time or in the future.

SECTION 19.7 STOP WORK ORDER

- A. Notice to Owner. Upon notice from the Zoning Administrator or Building Official that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions. If any conditions, under which work or the use will be permitted to resume.
- B. Unlawful Continuance. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except such work as that person is directed to-perform to remove a violation, shall be in violation of this Ordinance.

SECTION 19.8 SEVERABILITY CLAUSE

This Ordinance and the various Chapters, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

SECTION 19.9 CONFLICTING PROVISIONS

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest provision shall prevail.

SECTION 19.10 SAVINGS CLAUSE

- A. This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted.
- B. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with provisions of the Ordinance in force at the time of such offense.

SECTION 19.11 EFFECTIVE DATE

This Ordinance is hereby adopted at a regular meeting of the City Commission held on the 19th day of January 2004, and shall be effective February 8, 2004.