



City of Coldwater Zoning Ordinance

Effective January 4, 2021



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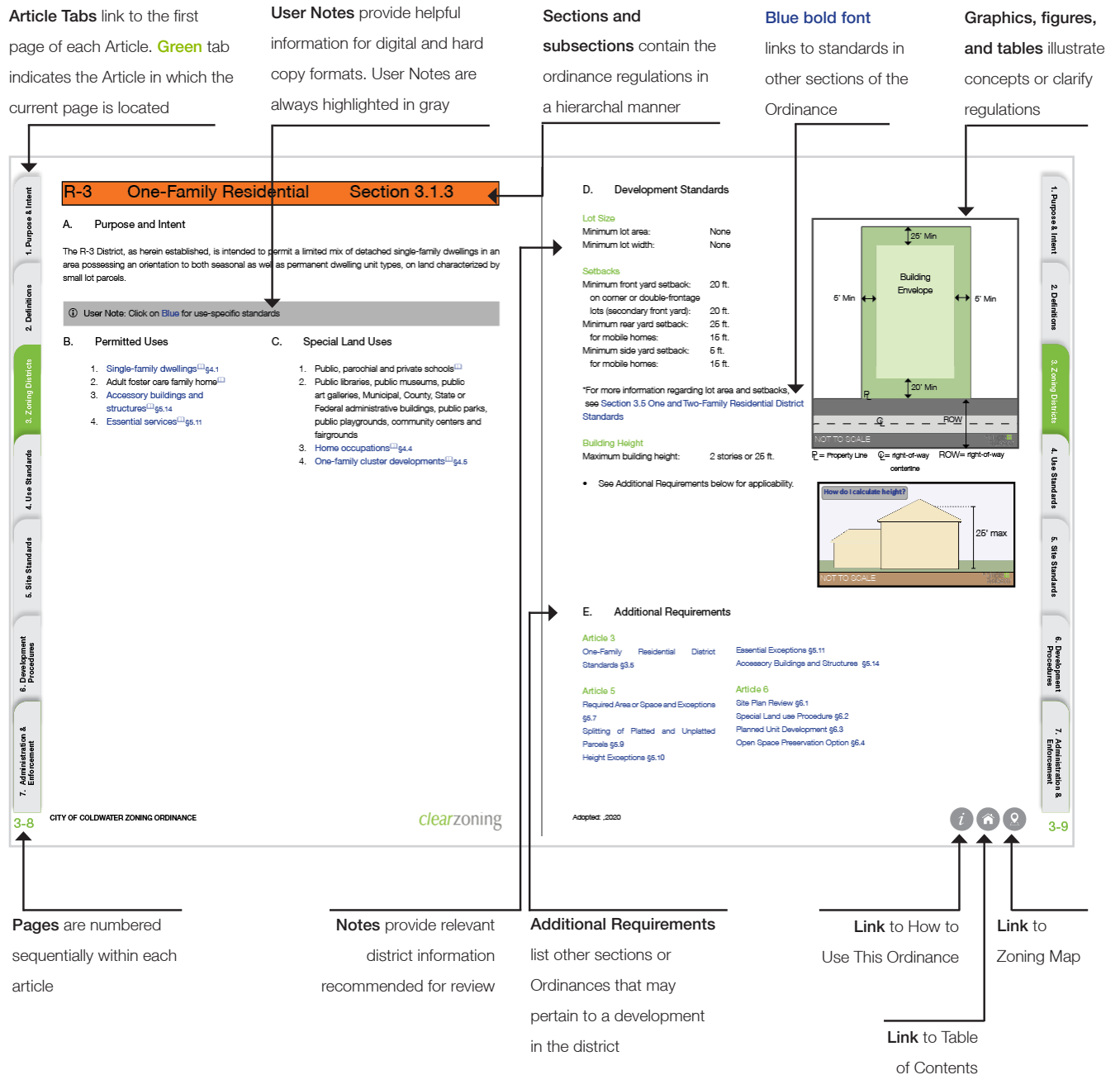
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How to Use This Ordinance

1. Content Organization and Page Layout









The Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.



How to Use This Ordinance

2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:

-  Indicates the term is defined in [Article 2 Definitions](#). (Note: Not every defined term is designated with a  symbol. Consult Article 2 Definitions, for a list of all defined terms.)
-  Indicates there is a graphic that illustrates the standard or requirement.
-  Identifies a property line.
-  Identifies the right-of-way centerline.
-  Identifies the right-of-way.
-  Identifies a User Note that provides helpful information for all users.
-  Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance.

How to Use This Ordinance

3. Reading the Ordinance

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word “shall” carries significant meaning. Shall regulations must be followed. Requirements that use the word “may” are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Meaning of Words and Phrases](#).

Digital User Note

What is a link?

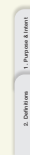
A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate city ordinance or document, or an external website.

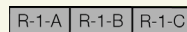
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



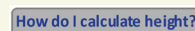
Article tabs located on the side of each page are linked to the Contents page of each Article.



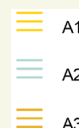
Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in [Article 3](#).



‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in [Article 2](#).



Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.

How to Use This Ordinance

4. Use Matrix

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 3.1](#), the latter will control.

P = Principal Permitted Use

SU = Special Land Use

USE MATRIX												
Uses	AA	R-3	A-1	A-2	A-3	OS	C-1	C-2	C-3	C-4	D-1	D-2
Accessory Buildings [i]	P	P	P	P	P	P		P	P			
Administrative Buildings (Municipal, County, State, or Federal)	SU	SU	SU	SU	SU			P		P		
Adult and Child Group Day Care Centers [i]											SU	
Adult Entertainment Establishments [i]										SU		
Adult Foster Care Family Home (<6 persons) [i]	P	P	P	P	P							
Adult Foster Care Family Home (7-13 Persons) [i]				SU	SU							
Adult/Child Day Care Centers [i]						SU	SU			SU		
Ambulance Service						SU				SU		
Animal Care Services (grooming, treatment, commercial kennels)									SU			
Indoor Recreation Facilities (athletic/raquet clubs, bowling alleys and skating rinks)								P	P	P	SU	SU
Automotive Parts Sales								P	P	P		
Automotive Repair, Major										SU	P	P
Automotive Repairs, Minor							SU	SU	SU	SU		
Banks, Credit Unions, Savings and Loan Associates (no drive through)								P	P	P		
Banks, Credit Unions, Savings and Loan Associates, and related ancillary Drive-in Facilities						P		SU	P	P		
Bed and Breakfast [i]				SU	SU							



USE MATRIX												
Uses	AA	R-3	A-1	A-2	A-3	OS	C-1	C-2	C-3	C-4	D-1	D-2
Biological, Chemical, Electronic, or Pharmaceutical Manufacturing												SU
Blast Furnace												SU
Boat Sales and Services									P	SU		
Boat, Cabinet, or Furniture Manufacturing											P	P
Bus and Parcel Pickup Stations										P		
Campgrounds	SU											
Car Wash Establishments							SU		SU	SU		
Commercial Fueling Operations											SU	
Commercial Kennel	SU											
Commercial Mini-storage Facilities										SU		
Construction Equipment Sales									P	P		
Convalescent Care Facilities											SU	
Crematoriums												SU
Dance Studio, Musical Instrument Sales and Lessons										P		
Day Care Centers										P		
Delis							P		P	P		
Department Stores								P	P			
Design and Development of Computer Hardware and Software, Data Communications, IT, Data Processing, and other Computer Related Services											P	P
Drive In							SU		SU	SU		
Drive Through Facilities										SU		
Driving Ranges										SU		
Drug Stores							P		P	P		
Dry Cleaning Pick-up Stations							P		P	P		
Dwelling Unit Conversions to Bed and Breakfast, Multifamily, or Commercial Use										SU		
Electroplating or Enameling												SU
Employee Credit Unions and Offices of Savings/Loan or Bank											SU	SU
Essential Services	P	P	P	P	P							
Existing Railroad ROW	P	P	P	P	P							
Farm Equipment Sales									P			

P = Principal Permitted Use | SU = Special Land Use

USE MATRIX												
Uses	AA	R-3	A-1	A-2	A-3	OS	C-1	C-2	C-3	C-4	D-1	D-2
Farming (and other agricultural purposes) 	P											
Food Processing and Packaging (but not to include the slaughtering of animals or operation of a slaughterhouse)											P	P
Fraternal Lodges or Similar Civic or Social Clubs								P	P	P	SU	SU
Funeral Homes/Mortuaries				SU		SU				P	SU	
Furniture and Hardware, Paint, Wallpaper, and Carpet Stores										P		
Gasoline Service Stations							SU	SU	SU	SU		
Glass Fabrication											P	P
Go cart rides										SU		
Health Institutes and Physical Development Facilities						P			P			
Heavy Assembly												P
Home Occupations	SU	SU	SU	SU	SU							
Hospitals and Institutions of Charitable or Philanthropic Nature					SU	SU						
Hotels/Motels								P	P	P		
Institutional Offices					SU							
Kennel (commercial)											SU	
Laundromats and Cleaners										P		
Leather Fabrication											P	P
Life Science Tech and Medical Laboratories (biomedical engineering, materials engineering, biotechnology, genomics, proteomics, molecular and chemical ecology)											P	P
Lodge Hall, Private Clubs, Veterans Clubs										P		
Lumber Yards and New Building Material Sites										SU		
Machine Shop											P	P
Manufacture of Corrosive Acid or Alkali Cement, Lime, Gypsum, or Plaster of Paris												SU
Manufactured (Mobile) Home Parks 	SU											

P = Principal Permitted Use | SU = Special Land Use







USE MATRIX

Uses	AA	R-3	A-1	A-2	A-3	OS	C-1	C-2	C-3	C-4	D-1	D-2
Medical Offices (Inc medical clinics)						P			P	P		
Metal Fabrication											P	P
Miniature Golf										SU		
Mobile/Manufactured Home Sales										SU		
Motels									P			
Motor Vehicle Sales							SU		P			
Multi-Family Dwellings					P	P			P			
Museums/Art Galleries								P	P	P		
New or Used Automobile and Equipment Sales and Major Repair or Service										SU		
Nonprofit Clubs (without liquor license)					SU							
Off Street Parking (not including loading)						P	P	P	P	P		
Off-street Parking or Loading											P	P
Offices (executive, administrative, professional, accounting, clerical, stenographic, writing, or drafting)						P		P	P	P	SU	SU
One-Family Cluster Developments	SU	SU	SU	SU								
Outdoor recreation centers and arcades (excluding shooting ranges and major amusement parks)										SU		
Outdoor Sales, Storage, and Displays							SU		P	SU		
Outdoor Storage Yard for Pallet Operations												SU
Outdoor Storage Yards (accessory to principal use)											P	SU
Paper or cardboard fabrication											P	P
Parking lots (and accessory structures and uses customarily incidental to the uses permitted in this district)										P		
Parking Lots (without accessory structures)				SU	SU							
Parochial Schools	SU	SU	SU	SU	SU	SU	SU			SU		

P = Principal Permitted Use | SU = Special Land Use



USE MATRIX												
Uses	AA	R-3	A-1	A-2	A-3	OS	C-1	C-2	C-3	C-4	D-1	D-2
Personal Service Establishments								P	P			
Pet Shops (not treatment or boarding)										P		
Petroleum or other Inflammable Liquid, Production, Refining or Storage												SU
Plastic Fabrication											P	P
Plastic Molding											P	P
Post Offices								P	P	P		
Private Schools	SU	SU	SU	SU	SU	SU	SU			SU		
Public Art Galleries, Buildings, Community Centers, Fairgrounds, Libraries, Museums, Parks, and Playgrounds	SU	SU	SU	SU	SU							
Public Schools	SU	SU	SU	SU	SU	SU	SU			SU		
Publicly Owned Buildings						SU				SU		
Radio, Television, Shoe, and Small Engine Repair										P		
Recreational Vehicle Sales and Service										SU		
Places of Worship	SU		SU	SU		SU	SU			SU	SU	SU
Removal of Natural Resources	SU											
Removal of Topsoil, Sand, Gravel, and other such Natural Resources											SU	SU
Research, Design, Engineering, Testing, Diagnostics, and Pilot or Experimental Product Development, (alternative and renewable energy technologies: wind, flowing water, solar, and biomass)											P	P
Restaurant (fast food sit down) 								P	P	P		
Restaurants (excluding drive-in and drive through) 						SU				P		
Restaurants (with drive through) 							SU		SU			
Restaurants (fast food) 							P		P	P		
Retail and Wholesale Commercial/Industrial Sales and Rentals											P	P

P = Principal Permitted Use | SU = Special Land Use



USE MATRIX

Uses	AA	R-3	A-1	A-2	A-3	OS	C-1	C-2	C-3	C-4	D-1	D-2
Retail Sales and Services Shops							P	P	P	P		
Rooming or Boarding Houses (or other transient housing)					SU							
Sanitariums						SU				SU		
Self-Service Laundries							P		P	P		
Senior Housing					SU							
Service Stations, Gas and Lube, including Minor Repair										P		
Single-Family Homes	P	P	P	P	P	P	SU		SU			
Single-Story Residential Senior Adult Foster Care Homes ¹ / Senior Citizen Assisted-Living Facilities				SU		SU						
Smelting of Copper, Iron, or Zinc Ore												SU
Solid Waste Processing												SU
Taxidermy										P		
Temporary Outdoor Sales										SU		
Textile Manufacture and Fabrication											P	P
Theaters								P	P	P		
Trade Schools and Technical Training Institutions											SU	SU
Trailer Sales ¹									P			
Trailer Sales and Service										SU		
Truck Terminals and Freight Terminals											P	P
Two-Family Dwellings ¹				P	P	P			P	P		
Unclassified Uses ¹						SU	SU	SU	SU	SU	SU	SU
Warehouse											P	P
Wireless Communication Facilities (with monopole support less than 150 feet in height) ¹	P										P	P
Wireless Communication Facilities (with monopole support more than 150 feet in height) ¹	SU										SU	SU
Youth Activity and Recreational Centers						SU	SU			SU		

P = Principal Permitted Use | SU = Special Land Use

How to Use This Ordinance

5. Development Standards by District

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback
AA	35,000 sq. ft.	165 ft.	50 ft., 35 ft. on corner/ double frontage	50 ft. total, 20 ft. on least side	25 ft.
R-3	N/A	N/A	20 ft.	5 ft., 15 ft. for mobile homes	25 ft.
A-1	7,800 sq. ft.	65 ft.	30 ft, 20 ft. on corner/ double frontage	18 ft. total, 7 ft. on least side	25 ft.
A-2	6,600 sq. ft.	65 ft.	25 ft., 20 ft. on corner/ double frontage	13 ft. total, 5 ft. on least side	25 ft.
A-3	See Section 3.1.6.D	55 ft.	25 ft.	20 ft.	25 ft.
OS	N/A	N/A	25 ft.	15 ft.	20 ft.
C-1	N/A	N/A	25 ft.	10 ft., 20 ft abutting residential	15 ft.
C-2	N/A	N/A	See Section 3.9		
C-3	N/A	N/A	25 ft	0 ft.	15 ft.
C-4	N/A	150 ft.	25 ft.	40 ft. total, 10 ft. on least side, 25 ft. abutting residential	20 ft.
D-1	N/A	N/A	50 ft.	30 ft., 50 ft. abutting residential	25 ft.
D-2	N/A	N/A	50 ft.	30 ft., 50 ft. abutting residential	25 ft.

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Zoning Ordinance | Article 1

Purpose and Intent

Article 1 - Purpose & Intent

1.1	Title	1-3
1.2	Purpose	1-3
1.3	Scope	1-3
1.4	Separability	1-3
1.5	Effective Date	1-3



Section 1.1 - 1.5

1.1 Title

This Title Six of Part Twelve - the Planning and Zoning Code shall be known and may be designated as the “City of Coldwater Zoning Code” and shall be referred to hereinafter as “this Zoning Code.”

1.2 Purpose

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, such provisions are intended to provide for adequate light, air and convenience of access, to secure safety from fire and other dangers, and to avoid undue concentration of population by regulating and limiting the height and bulk of buildings wherever erected, limiting and determining the size of yards, courts and other open spaces, regulating the density of population, and regulating and restricting the location of uses, trades, industries and buildings in relation to traffic and parking needs.

1.3 Scope

It is not intended by this Zoning Code to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Zoning Code or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or Zoning Code or by such rules, regulations, or permits or by such private restrictions, the provisions of this Zoning Code shall control.

1.4 Separability

Should any section, clause or provision of this Zoning Code be declared by the courts to be invalid, the same will not affect the validity of the Zoning Code as a whole or any part thereof, other than the part so declared to be invalid.

1.5 Effective Date

This Zoning Code was passed and approved by Council on December 14, 2020 to take effect twenty days after said date

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Zoning Ordinance | Article 2

Definitions

Article 2 - Definitions

2.1	Meaning of Words and Phrases	2-4
2.2	Definitions	2-4

Definitions A-D

Accessory Building
 Accessory Use
 Adult Day Care Home*
 Adult Foster Care Facility*
 Adult Regulated Uses*
 Agriculture
 Alley
 Apartment
 Automobile Repair, Major
 Automobile Repair, Minor
 Automatic Sales Area
 Automobile Service Station or Filling Stations
 Basement
 Bed and Breakfast Establishments
 Block
 Board or Zoning Board of Appeals
 Building
 Building Envelope
 Building Height
 Building Site
 Campground
 Child Foster Care Facility/Foster Family Group Home
 Clerk/Assessor
 Collector Street/Secondary Thoroughfare
 Commission
 Common Open Space
 Convalescent/Nursing Home
 Day Care Facilities, Child*
 Density
 Drive-In
 Driveway, Improved
 Dwelling, Boarding Home
 Dwelling, Single-Family
 Dwelling, Multiple-Family

Definitions D-M

Dwelling, Two-Family
 Dwelling unit
 Easement
 Engineering Manager/Public Works Engineer
 Essential Services
 Family
 Family, Functional
 Fence
 Floor Area, Residential
 Floor Area, Usable
 Garage, Private
 Governing Body
 Home Occupation
 Hotel
 Husbandry
 Improvements
 Industrial, Heavy
 Industrial, Light
 Institutional uses
 Interior Tree Planting Areas
 Kennel, Commercial
 Loading Space
 Local Street
 Lot*
 Lot Width and Lines
 Major Street or Thoroughfare Plan
 Manufactured Housing
 Marihuana adult use establishment*
 Master Plan
 Mini-storage
 Mobile Home
 Mobile Home Park
 Modular Home
 Motels
 Municipal Planner or Planner

*This term has multiple definitions.

Definitions M-S

- Municipality
- Museums/Art Galleries
- Nonconforming Structure
- Nonconforming Use
- Parcel/Tract
- Parking Area
- Person
- Personal Service Establishment
- Planned Unit Development
- Planting Strips
- Plat*
- Principal Use
- Private Club or Lodge
- Proprietor
- Public Utility
- Public Walkway
- Recreational Equipment
- Restaurant*
- Retail
- School, Elementary
- School, Private or Parochial
- School, Secondary
- School, Vocational
- Setback
- Sign*
- Single Ownership
- Site Condominium*
- Story
- Story, Half
- Street, Private
- Street, Public
- Structural Changes/Alterations
- Structure
- Subdivision
- Subdivision Act
- Trailer/Boat/Farm Equipment Sales Area

Definitions S-Z

- Turnabout
- Wireless Communication Facilities
- Yards
- Zoning Code

* This term has multiple definitions.



Section 2.1 - 2.2 Definitions A

2.1 Meaning of Words and Phrases

The following rules shall apply to the text and language of this Ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this ordinance and any caption, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. The word “used” or “occupied” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- F. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

2.2 Definitions

ACCESSORY BUILDING means a subordinate building or structure on the same premises with a principal use, or a portion of a principal use/main building/primary structure, occupied or devoted to an accessory use and occupying no more than ten percent of the area of the same premises on which it and the main building are located. Where an accessory building is attached to a principal use/main building/primary structure in a substantial manner by a wall or roof, such accessory building shall be considered part of the principal use/main building/primary structure.

ACCESSORY USE means a naturally and normally incident and subordinate to the main use of the premises.

ADULT DAY CARE FACILITY.

- A. **ADULT DAY CARE CENTER.** A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.
- B. **ADULT GROUP DAY CARE HOME.** A private residence in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Section 2.2 Definitions A

- C. ADULT FAMILY DAY CARE HOME.** A private residence in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

ADULT FOSTER CARE FACILITY means a state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. Seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Zoning Code:

- A. ADULT FOSTER CARE SMALL GROUP HOME.** An owner-occupied facility 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.
- B. ADULT FOSTER CARE LARGE GROUP HOME.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, up to twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- C. ADULT FOSTER CARE FAMILY HOME.** An owner occupied facility with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, up to twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence. Local zoning approval is not required prior to issuance of a license.
- D. ADULT FOSTER CARE CONGREGATE FACILITY.** An Adult Foster Care Congregate Facility is adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Section 15 of P.A. 218 of 1979 prohibits the licensure of new adult foster care congregare facilities.

Section 2.2 Definitions A

ADULT REGULATED USES means establishments which are required by law to or do exclude minors, or are defined as follows:

- A. ADULT BOOK, VIDEO OR SUPPLY STORE** means an establishment having ten percent or more of all usable interior, retail, wholesale or warehouse space devoted to the distribution, display or storage of books, magazines and other periodicals, and/or photographs, drawings, slides, films, video tapes, recording tapes and/or novelty items, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein).
- B. ADULT MODEL STUDIO** means any place where models who display specified anatomical areas (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- C. ADULT MOTION PICTURE THEATER AND ADULT LIVE STAGE PERFORMING THEATER** mean an enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed, which material is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein.
- D. ADULT NUDE OR PARTIALLY NUDE DANCING** means a business having ten (10) percent or more of its business activity or its use the live presentation or display of nude or partially nude male or female impersonator(s), dancer(s), entertainer(s), waiter(s) or waitress(') or employee(s), and which may or may not feature the service of food or beverages. For the purpose of this chapter, "nude" or "partially nude" shall mean having any or all of the specified anatomical areas exposed (as defined herein).
- E. ADULT OUTDOOR MOTION PICTURE THEATER** means a drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons by the theater.

Section 2.2 Definitions A

- F. ADULT PHYSICAL CULTURE ESTABLISHMENT** means any establishment, club or business, by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical cultural establishment:
1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed medical professional;
 2. Fitness and recreation centers;
 3. Electrolysis treatment by a licensed operator of electrolysis equipment;
 4. Continuing instruction in martial or performing arts or in organized athletic activities;
 5. Hospitals, nursing homes, medical clinics or medical offices;
 6. Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only; and
 7. Adult photography studies whose principal business does not include the taking of photographs of specified anatomical areas as defined herein.
 8. Salons that offer full body massages by a trained massage therapist with at least 500 hours of training in massage therapy and who has passed the national certification exam for massage therapists.
- G. CABARET** means an establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas (as defined herein) for observation by or participation of patrons therein. Cabaret also means an establishment, which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, and topless and/or bottomless waiters, waitresses and/or employees.
- H. SPECIFIED ANATOMICAL AREAS** means portions of the human body defined as follows:
1. Less than completely and opaquely covered human genitals, the pubic region, buttocks or a female breast below the point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- I. SPECIFIED SEXUAL ACTIVITIES** means the explicit display of one or more of the following:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy;
 3. Fondling or other erotic touching of human genitals, the pubic region, buttocks or a female breast.
- J. SUBSTANTIAL PORTION** means a use or activity accounting for ten (10) percent or more of any of the following: stock-in-trade, display space; floor space or viewing time, movie display time, or entertainment time, measured per month.

Section 2.2 Definitions A

AGRICULTURE (AND FARMING) means the commercial cultivation, tilling or use of land for the purpose of growing and storing crops thereon, or of animal or poultry husbandry. This includes the use of land associated with residential premises for farming and agricultural purposes of, including greenhouses, nurseries, orchards and the sale of, all types, including crops, truck and vegetable farming, fruit, livestock and poultry operations, feed lots and other similar agricultural operations.

ALLEY means a dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

APARTMENT means a room or suite of rooms in a multiple-family building arranged and intended for a place of residence of a single-family or a group or individuals living together as a single housekeeping unit.

AUTOMOBILE REPAIR, MAJOR means any activity involving the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision servicing, including body, frame or fender straightening or repair; overall painting or paint shops; and vehicle steam cleaning.

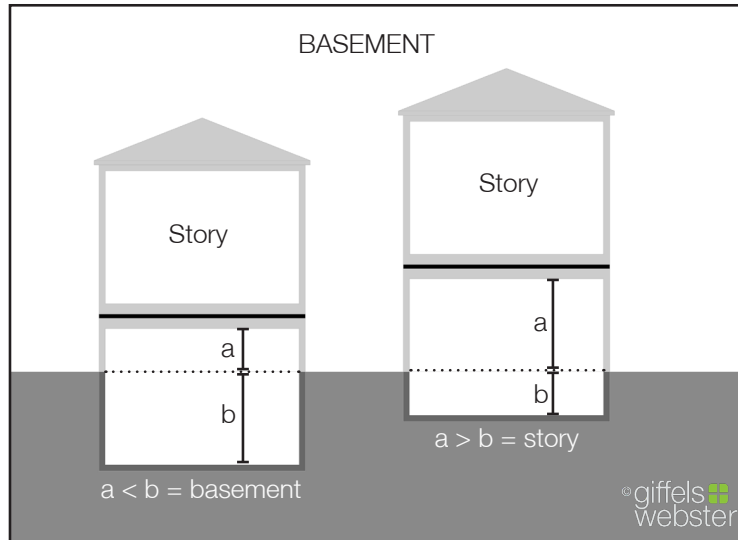
AUTOMOBILE REPAIR, MINOR means any activity involving minor repairs, and the replacement of parts, in no case including any operation specified under “Automobile Repair - Major.”

AUTOMOBILE SALES AREA means an area used for the display, sale or rental of new or used motor vehicles in operable condition where no repair work is done.

AUTOMOBILE SERVICE STATION OR FILLING STATION means a place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for retail sale to the public and delivered directly into motor vehicles, and where there is retail sale of accessories, and where greasing, oiling and light motor service, not including activities defined as “Automobile Repair - Major,” are carried on.

Section 2.2 Definitions B

BASEMENT means that portion of a building that is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of “story”.



BED AND BREAKFAST ESTABLISHMENTS means a private residence that contains eight or fewer sleeping rooms, offers sleeping accommodations to transient tenants in seven or fewer rooms for rent, is the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, serves breakfasts at no extra cost to its transient tenants, does not involve the employment of persons other than occupants of the residence, and has a properly operating smoke detector in every sleeping room and a properly operating fire extinguisher on every floor.

BLOCK means that property abutting one side of a street and lying between the two nearest intersecting streets, between the nearest such street and a railroad right of way, unsubdivided acreage, a river or a live stream, or between any of the foregoing and any other barrier to the continuity of development.

BOARD OR ZONING BOARD OF APPEALS Whenever the words “Board” or “Board of Appeals” are used, they refer to the Zoning Board of Appeals.

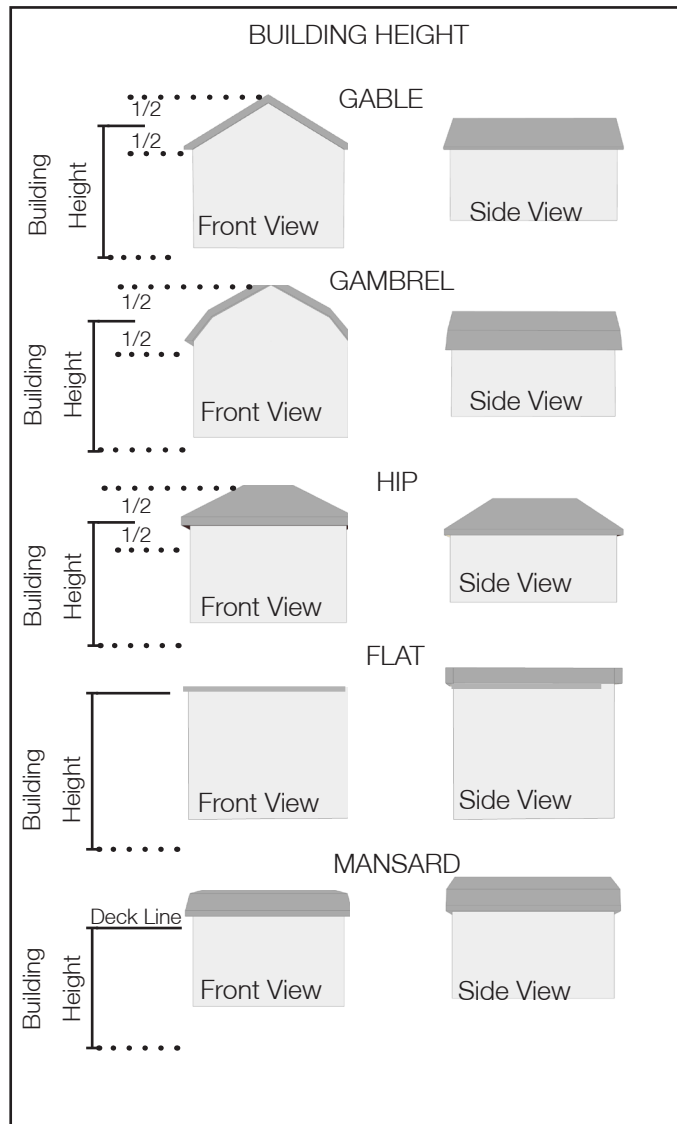
BUILDING means any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

Section 2.2 Definitions B - C

BUILDING HEIGHT means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck of true mansard roofs; and to the mean height between eaves and ridges for gable, hip and gambrel and gable roofs. *✍*

CAMPGROUND means a parcel or tract of land under the control of a person in which site are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary or seasonal living quarters for recreational unit, including but not limited to tents, travel trailers, camping trailers, motor homes, and/or truck campers, but excluding any structure not designed to be readily moved.

CHILD FOSTER CARE FACILITY/FOSTER FAMILY GROUP HOME means 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 Chapter X of Act No. 288 of Public Acts of 1939, 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.



CLERK/ASSESSOR mean the Clerk/Assessor of the City.

COMMISSION means The Planning Commission of the City.

COMMON OPEN SPACE means an unoccupied area within a development which is reserved primarily for the leisure and recreational use of all the residents of that development and generally owned and maintained in common by them, often through a homeowners association.

Section 2.2 Definitions C - D

CONVALESCENT AND NURSING HOME means a structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

DAY CARE FACILITIES, CHILD includes the following definitions as defined and regulated by Public Act No. 116 of the Public Acts of 1973 as amended:

- A. FAMILY CHILD CARE HOME.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. GROUP DAY CARE HOME.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. DAY CARE CENTER.** A state-licensed facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

DENSITY, when referring to a Planned Unit Development or a One-Family Cluster Option, means the number of dwelling units per unit area of land.

DRIVE-IN means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in their motor vehicles, or to serve patrons with a product to be used or consumed off-premises, rather than within a building or structure.

DRIVEWAY, IMPROVED means a private road or drive of ingress and egress uniformly surfaced with concrete, asphalt, brick macadam, gravel or cinder to a compacted depth of not less than six inches.

DWELLING, BOARDING HOUSE (ROOMING HOUSE) means a multiple residence dwelling, other than a hotel, where meals or lodging, or both, are provided for compensation for three or more persons other than a member of the family occupying such building.

DWELLING, MULTIPLE-FAMILY means a building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY means a building designed exclusively for and occupied exclusively by one family.

Section 2.2 Definitions D - E

DWELLING, TWO-FAMILY means a building designed exclusively for occupancy by two families living independently of each other.

DWELLING UNIT means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

EASEMENT means a specific area of land over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, some particular person or part of the public for specific uses and purposes, and which shall be designated a “public” or “private” easement, depending on the nature of the user.

ENGINEERING MANAGER/PUBLIC WORKS ENGINEER means the staff engineer or consulting engineer of the Municipality.

ESSENTIAL SERVICES means the erection, construction, alteration or maintenance by public utilities or Municipal departments or commissions of underground or overhead gas, electrical, steam, water, sewer, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, stations and other similar equipment and accessories used in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities or Municipal departments or commissions or for the public health or safety or general welfare.

FAMILY means one or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Unrelated persons needing medical attention shall be permitted only if professional care is given.

FAMILY, FUNCTIONAL means a group of persons which does not meet the definition of “Family” herein, living in a dwelling unit as a single housekeeping unit and intended to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

FENCE means a structure of definite height and location to serve as a barrier or screen in carrying out the requirements of this Zoning Code.

- A. DECORATIVE FENCE** means a fence constructed from wrought iron, vinyl, wood pickets, split rail, stone, brick or other material, designed to be esthetically appealing, and having at least 50% of the surface area open or transparent, but excluding chain link fences or similar fences.
- B. PRIVACY FENCE** means a fence having a surface area 50% or more of which is opaque.

Section 2.2 Definitions F

FLOOR AREA, RESIDENTIAL for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

FLOOR AREA, USABLE (FOR THE PURPOSES OF COMPUTING PARKING) means that area used for or intended to be used for the sale of merchandise or services, or manufacturing, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or materials, for hallways, or for utilities or sanitary facilities, shall be excluded from this computation of “usable floor area.” Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

GARAGE, PRIVATE means a detached accessory building or portion of the main building designed for and used for the parking and storage of motor vehicles or property owned and used by the occupants of the main building, including one truck not to exceed 10,000 pounds gross vehicle weight.

GARAGE SALE is defined to include the terms “basement sale,” “attic sale” and “yard sale,” or other types of similar residential sales, and shall mean a sale of used tangible personal property such as clothing, household effects, tools, garden implements, toys, recreation equipment or other used or secondhand items customarily found in and about the home and advertised in a manner whereby the public at large is, or can be, aware of such sale. It shall not mean to prohibit the sale of a single automobile by means of a “For Sale” sign in the window of such vehicle parked near a residence, nor shall it mean the sale of individual pieces of furniture or an appliance being replaced or no longer needed during the normal course of housekeeping.

GOVERNING BODY means The City Council of the City of Coldwater, Branch County, Michigan.

HOME OCCUPATION means any use customarily conducted entirely within a dwelling or an accessory building/garage and carried on by the inhabitants thereof, which may involve one employee other than members of the immediate family residing on the premises.

Section 2.2 Definitions G - I

HOTEL means any building used as the temporary living quarters of persons, in which, as a rule, the rooms are occupied singly for hire, with no provision for cooking in any sleeping room or suite of rooms, and in which there are more than fifty sleeping rooms and a public dining room.

HUSBANDRY means the management, control and care of crops, flowers, fruits and vegetables, and of domestic animals and poultry.

IMPROVEMENTS include grading, street surfacing, parking, curbs and gutters, sidewalks, crosswalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts, bridges and other additions to the natural state of land which increase its value, utility or habitability.

INDUSTRIAL, HEAVY means a use engaged in the processing and manufacturing of materials or products. Such use shall be within the district's performance standards. Examples of heavy industrial uses, include, but are not limited to:

- A. Processing of solid waste when conducted within an approved and enclosed plant, including recycling centers.
- B. Blast furnace, steel furnace, blooming or rolling mill.
- C. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
- D. Petroleum or other inflammable liquids, production, refining or storage.
- E. Smelting of copper, iron or zinc ore.
- F. Biological, chemical, electronic or pharmaceutical manufacturing.
- G. Electroplating or enameling.

INDUSTRIAL, LIGHT means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. Such use shall be within the district's performance standards. Examples of light industrial uses, include, but are not limited to:

- A. Manufacture or assembly of electrical appliances, electronic instruments and devices, telecommunications equipment and products, and other similar forms of light product assembly as determined by the planning commission.
- B. Manufacture, compounding, assembling, or improvement of articles or merchandise from previously prepared materials such as canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as determined by the planning commission.
- C. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, etc.
- D. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

Section 2.2 Definitions I - L

- E. Processing, packaging or treatment of such products such as bakery goods, candy, cosmetics, pharmaceuticals.

INSTITUTIONAL USES means churches, schools, hospitals and other similar public or semipublic uses.

INTERIOR TREE PLANTING AREAS means tree planting areas contained within or surrounded on at least two sides by parking lot areas.

KENNEL, COMMERCIAL means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration.

LANDSCAPE DEFINITIONS.


- A. **INTERIOR TREE PLANTING AREAS.** Interior tree planting areas are defined to mean tree planting areas contained within or surrounded on at least two sides by parking lot areas.
- B. **PLANTING STRIPS-REAR AND SIDE.** Planting strips are areas defined as any unpaved area along a side or rear property line, external to a parking area.
- C. **RIGHT-OF-WAY-FRONT YARD.** Along the right-of-way lines of any street, road or highway, a front yard planting strip at least ten feet in width shall be provided.

LICENSEE means a person holding a state license to operate a marihuana establishment.

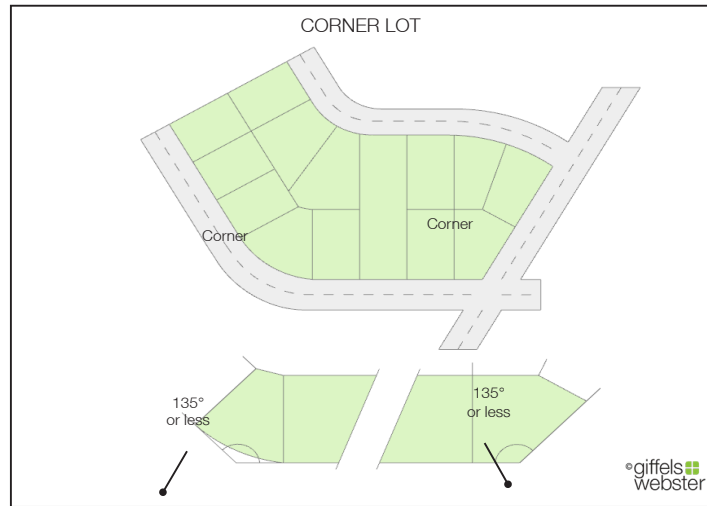
LOADING SPACE means an off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading merchandise or materials.

LOCAL STREET means a street of limited continuity used primarily for access to abutting residential properties, as indicated in the City's Master Plan for Future Land Use.

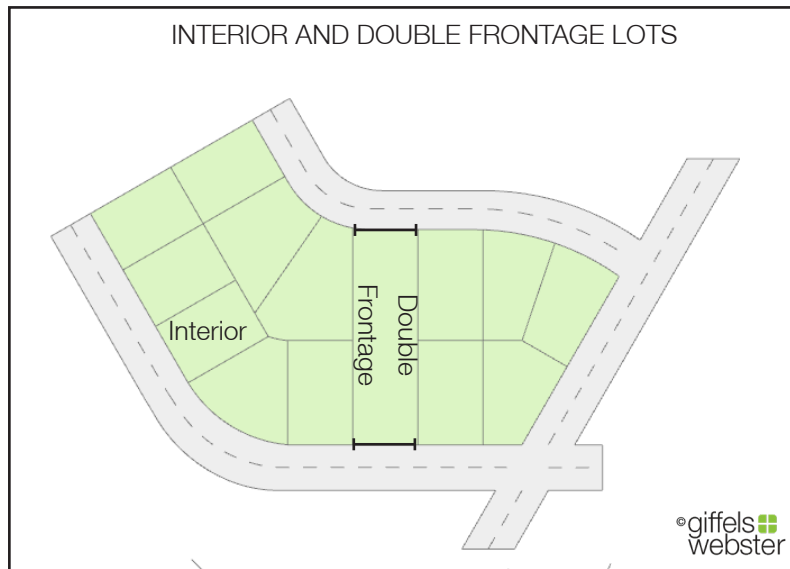
LOT DEFINITIONS.

- A. **LOT AREA.** The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.
- B. **LOT.** A place or parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this Ordinance. A lot need not be a lot of existing record or otherwise specifically so designated on any public record.
 - 1. **OF RECORD.** A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Branch County, or a lot or parcel described by metes and bounds, the accuracy of which may be attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.
 - 2. **CORNER.** A lot abutting two (2) intersecting streets. 

2.2 Definitions L



3. **DEPTH.** The average horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.
4. **DOUBLE FRONTAGE.** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one (1) or both of the streets, the required front yard setback shall be observed on those streets where structures presently front. ✂
5. **INTERIOR.** An interior lot is a lot other than a corner lot with only one lot line fronting on a street. ✂

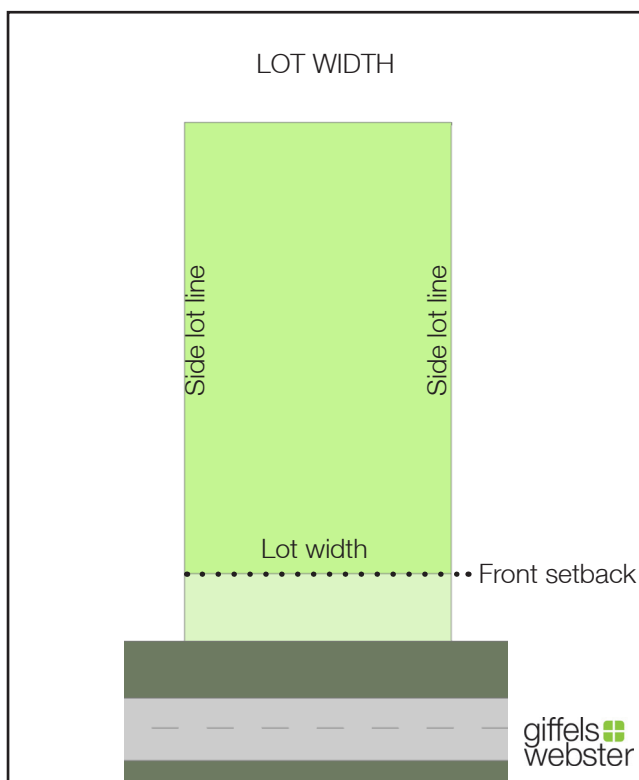


2.2 Definitions L

6. **WATERFRONT.** A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage percent of the required lot width.

LOT WIDTH AND LINES.

- A. **WIDTH.** The horizontal distance between the side lot lines, measured at the two (2) points where the required front yard setback line intersects the side lot lines. For lots fronting on the turn around of a cul-de-sac street the minimum straight line distance between the side lot lines may be reduced to eighty (80%). ✍
- B. **LOT LINES.** Any line dividing one (1) lot from another or from a right-of-way, and thus constitutes the property lines bounding a lot. ✍



- C. **FRONT.** In the case of an interior lot, abutting upon one (1) public street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit (see Double Frontage Lot and Waterfront Lot). In the case of a corner lot having frontage on more than one (1) street, the corner lot shall be considered as having a front yard for each street front, one designated as the Primary Front Yard and the other designated as the Secondary Front Yard.

Section 2.2 Definitions L

- D. **REAR.** Ordinarily, that lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line 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 Planning Commission shall designate the rear lot line. (See “Double Frontage Lot” and “Waterfront Lot”)
- E. **SIDE.** Any lot line, not a front lot line, or a rear lot line. A side lot line separating a lot from a street is considered a front yard. A side lot line separating a lot from another lot or lots is an interior side lot line.
- F. **STREET OR ALLEY.** A lot line separating the lot from the right-of- way of a street or an alley, respectively.

MAJOR STREET OR THOROUGHFARE PLAN means the part of the Master Plan, which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

MANUFACTURED HOUSING means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing the seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code or the State of Michigan Construction Code.

MARIHUANA ADULT USE ESTABLISHMENT or ADULT USE MARIHUANA ESTABLISHMENT means a marihuana grower, marihuana safety compliance establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed to operate by the Marihuana Regulatory Agency as authorized by the MRTMA. As used in this ordinance the following terms are defined:

- A. **EXCESS MARIHUANA GROWER** means a special license issued under the Rules promulgated by the Marijuana Regulatory Agency that authorizes the holder of five (5) stacked class C marihuana grower licenses issued by the Agency under the MRTMA and at least two (2) grower class C licenses issued by the Agency under the MMFLA.
- B. **MARIHUANA GROWER** means a person fully licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- C. **MARIHUANA MICROBUSINESS** means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments.

Section 2.2 Definitions L - M

- D. **MARIHUANA PROCESSOR** means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- E. **MARIHUANA RETAILER** means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.
- F. **MARIHUANA SECURETRANSPORTER** means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- G. **MARIHUANA SAFETY COMPLIANCE ESTABLISHMENT** means a person licensed to test marihuana, including certification for potency and the presence of contaminants. All marihuana related terms utilized in these zoning ordinances shall have the same meaning as provided in the MRTMA unless the term is otherwise defined in this Chapter or the context requires a different meaning.

MARIHUANA ESTABLISHMENT SPECIAL LAND USE APPROVAL or APPROVAL, unless the context requires a different meaning, means special land use approval that is issued pursuant to this Chapter that allows the licensee to operate a Marihuana Establishment as specified in the Marihuana Establishment Special Land Use Approval which may include the following as specifically allowed in specified zoning districts:

- A. Marihuana Grower.
- B. Marihuana Processor.
- C. Marihuana Secure Transporter.
- D. Marihuana Retailer.
- E. Marihuana Microbusiness.
- F. Marihuana Safety Compliance Establishment.
- G. Excess Marihuana Grower.

MARIJUANA REGULATORY AGENCY OR “AGENCY” OR “MRA”, means a Type I agency within the Department of Licensing and Regulatory Affairs (the “Department”) with the powers as set out in MCL 333.27001, including but not limited to, all of the authorities, powers, duties, functions, and responsibilities of the Department, including its Bureau of Marihuana Regulation, under the MRTMA, 2018 IL 1, MCL 333.27951 to 333.27967.

MASTER PLAN means the comprehensive land use plan for the City, also known as the “Master Plan for Future Land Use,” including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings and all physical developments of the City, including any unit or part of such Plan separately adopted, and any amendment to such Plan or parts thereof adopted by the Planning Commission.

Section 2.2 Definitions M

MINI-STORAGE means a building or group of buildings which contain varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares.

MOBILE HOME means a structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes or travel trailers.

MOBILE HOME PARK means a parcel or tract of land under the control of a person, upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as a seasonal trailer park pursuant to M.C.L.A. 125.2301 et.seq.

MODULAR HOME means a dwelling constructed in conformity with the City's adopted Building Code, which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

MOTEL means groups of furnished rooms or separate structures providing sleeping and parking accommodations for transients, commonly known as tourist cabins or motor courts, as distinguished from furnished rooms in an existing residential building.

MUNICIPAL MARIHUANA LICENSE means a license issued by the City of Coldwater pursuant to Chapter 880, Marihuana Establishments, Part Eight: Business Regulation and Taxation Code of the Code of Ordinances of the City of Coldwater.

MUNICIPAL PLANNER OR PLANNER means the staff planner or consulting planner of the Municipality.

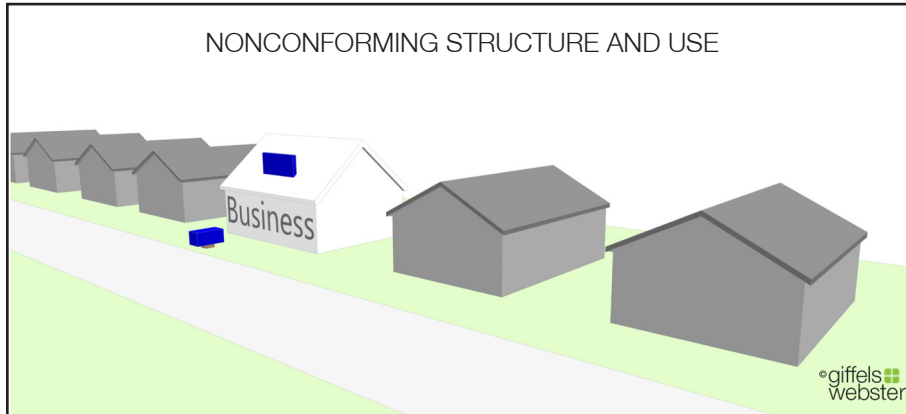
MUNICIPALITY means the City of Coldwater.

MUSEUMS, ART GALLERIES AND OTHER SPECIAL PURPOSE CULTURAL INSTITUTIONS means a public or private facility operated as a repository or a collection of natural, scientific, or literary curiosities, works of art, or objects of interests. [Activities may include the holding of meetings and social events and the sale of related objects and services with such sales area limited to no more than ten (10) percent of the floor area].

Section 2.2 Definitions N - P

NONCONFORMING STRUCTURE means a structure lawfully existing at the time of the adoption of this Zoning Code, or any amendment thereto, and which does not conform to the regulations of the district in which it is located. ✍

NONCONFORMING USE means a use which was lawfully made of a structure or land at the time of the adoption of this Zoning Code, or any amendment thereto, and which does not conform to the regulations of the district in which it is located. ✍



PARCEL/TRACT means a continuous area or acreage of land, which can be described as provided for in the Land Division Act. See 560.103, Section 102, Definitions, paragraph (g).

PARKING AREA means an open area, other than a street or other public way, used for the parking of motor vehicles and available for use whether for a fee or as an accommodation for clients, customers, residents or occupants.

PERSON means an individual, partnership, firm, corporation, limited liability company, or association and also the entities included in the definition of "person" in the MRTMA.

Section 2.2 Definitions P

PERSONAL SERVICE ESTABLISHMENT means those that perform services on the premises including dry cleaning drop-off stations (without on-site processing), self-service laundries, dressmakers and tailors, shoe repair shops, beauty/barber shops, tailors, photographic studios and similar establishments.

PLANNED UNIT DEVELOPMENT (PUD) means a form of development usually characterized by the flexible application of zoning district regulations and unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which the City will have considerable involvement in determining the nature of the development.

PLANT means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

PLANTING STRIPS (REAR AND SIDE) means any unpaved area along a side or rear property line, external to a parking area.

PLAT means a map or chart of a subdivision of land. In addition:

- A. PRELIMINARY PLAT (STAGE ONE)** means a map indicating the proposed layout of a subdivision in sufficient detail to provide an adequate basis for review and to meet the requirements and procedures set forth in the Subdivision Regulations and this Zoning Code.
- B. PRELIMINARY PLAT (STAGE TWO)** means a map showing all requisite details of a proposed subdivision submitted to an approving authority for the purposes of preliminary consideration, prepared in conformity with the Subdivision Act.
- C. FINAL PLAT** means a map of all or part of a subdivision providing substantial conformity with the preliminary plat (stage two) of the subdivision, prepared in conformity with the requirements of the Subdivision Act and the Subdivision Regulations and suitable for recording by the County Register of Deeds.

PRINCIPAL USE means the primary or predominant use of any lot.

PRIVATE CLUB OR LODGE means a building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

Included are eleemosynary or philanthropic institutions organized or operated for the purpose of carrying on a trade or business and no part of the net earnings of which are for the benefit of any individual.

PROPRIETOR means a natural person, firm, association, partnership, corporation or combination of any of them, which may hold any ownership interest in land, whether recorded or not.

Section 2.2 Definitions P - R

PUBLIC UTILITY means a person, firm or corporation, or a Municipal department, board or commission, duly authorized to furnish, under Federal, State or Municipal regulations, to the public, gas, steam, electricity, sewage disposal, communication or telegraph service, transportation or water.

PUBLIC WALKWAY means a right of way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets or a street and a public land parcel.

RECREATIONAL EQUIPMENT means a vehicle or equipment designed or constructed for the transportation of people, primarily for recreational purposes with or without the benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain, including, but not limited to, multi wheel drive or low-pressure tire vehicles, motorcycles and related two-wheeled vehicles and amphibious machines which derive motorized power from a source other than muscle or wind, three- or four-wheel all-terrain vehicles, track-laying vehicles such as snowmobiles, mechanically motorized vehicles for water recreation and vehicles designed and constructed for temporary occupancy thereof as a dwelling for sleeping purposes, such as, but not limited to, motor homes, campers, camper trailers and utility trailers.

RESTAURANT means a business establishment in which a patron purchases food or beverages, which are then prepared upon the patron's order, on the premises, and which are thereafter consumed by the patron while seated in the restaurant.

- A. DRIVE-THROUGH** means a restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.
- B. RESTAURANT, FAST FOOD CARRYOUT** means a business establishment wherein food is prepared or cooked on the premises, to be sold in disposable containers or wrappers to patrons, and which is not intended to be consumed on the premises or within a motor vehicle parked on the premises.
- C. FAST FOOD SITDOWN** means a business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which are served in disposable containers or wrappers and which the patron consumes while seated in the restaurant.

RETAIL SALES means the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

Section 2.2 Definitions R - S

RULES means rules promulgated pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCLA 24.201 to 24.328, by the Department in consultation with the Agency to implement this Act, which shall include, but is not limited to, the Emergency Rules issued under the Administrative Procedures Act on July 3, 2019.

SCHOOL, ELEMENTARY means any school licensed by the state and which meets the state requirements for elementary education.

SCHOOL, PRIVATE OR PAROCHIAL means any building or group of buildings the use of which meets State requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

SCHOOL, SECONDARY means any school licensed by the State and which is authorized to award diplomas for secondary education.

SCHOOL, VOCATIONAL means a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the State requirements as a vocational facility.

SETBACK means the minimum required horizontal distance between a building or structure, and the front, side and rear lot lines.

SIGN means a structure that consists of any letter, figure, character, mark, point, illustration, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever to direct attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, or idea, and which is visible from any street, right of way, sidewalk, alley, park or other public property. This definition includes the base, frame, and support members of the structure. Customary displays of merchandise or objects and material within an enclosed building or placed behind a store window are not signs.

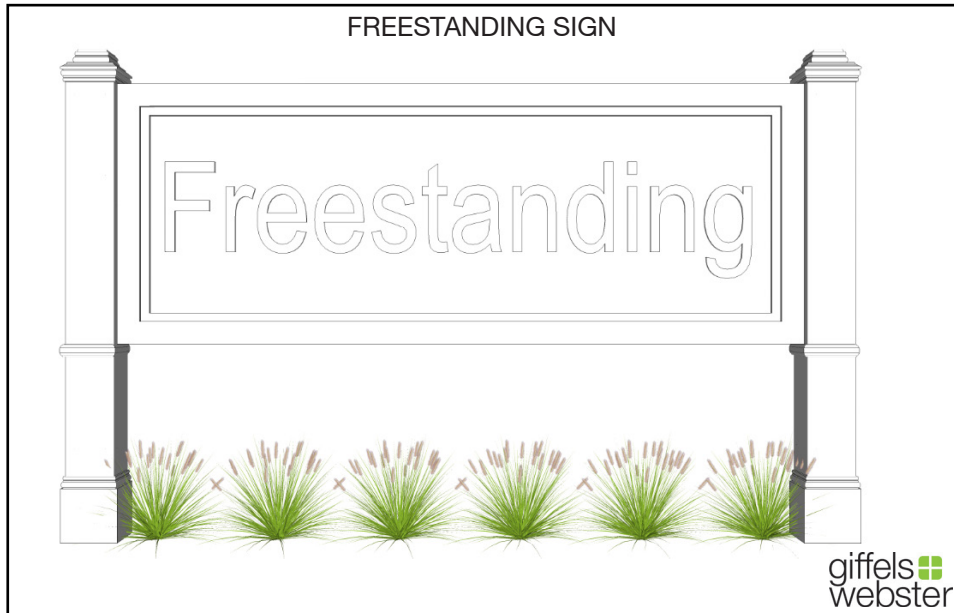
- A. ABANDONED SIGN.** A sign which, for sixty (60) consecutive days, fails to direct a person to or advertise a business, tenant, owner, product, or activity conducted, or product available on the premises where such a sign is displayed. Any sign, or any structure designed to support a sign, not repaired or maintained properly, after notice, pursuant to the terms of [Section 5.1.H](#), shall also be considered abandoned.
- B. ANIMATED SIGN.** Any sign that uses movement or change of lighting to depict or create a special effect or scene.
- C. AWNING SIGN.** A sign that is printed or otherwise affixed to an awning that may be rolled or folded up against the wall to which it is attached. ✍
- D. BALLOON SIGN.** Any air or gas-filled object used as a temporary sign to direct attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any festival or entertainment.

Section 2.2 Definitions S

- E. BANNER SIGN.** A sign constructed of cloth, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display.
- F. BILLBOARD.** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-premise sign) and is regulated in accordance with the Highway Advertising Act, P.A. 106 of 1972 as amended.
- G. BOX SIGN.** A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.
- H. BUSINESS CENTER.** A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs.
- I. CANOPY SIGN.** Any sign attached to or constructed on a canopy. A canopy is a permanent roof-like shelter extending from part of or all of a building face.
- J. CHANGEABLE COPY SIGN.** A sign or portion thereof with characters, letters, or illustrations that can be physically or manually changed or rearranged without altering the structural integrity of the sign. A sign on which the message changes at a rate of eight (8) seconds or more shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.
- K. COMMERCIAL MESSAGE.** Any sign that contains wording, a logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.
- L. CONSTRUCTION OR DEVELOPMENT SIGN.** A temporary sign that bears the names and addresses of a development, contractors, architects, developers, planners, financial institutions, engineers engaged in the construction project and/or a graphic representation of such development.
- M. DIRECTIONAL SIGN.** Any sign which serves solely to direct traffic movement onto or off a premise. Such signs include entrance, exit, or street number.
- N. ELECTRONIC MESSAGE SIGN.** A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.
- O. FLASHING SIGN.** Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

Section 2.2 Definitions S

- P. FREESTANDING SIGN.** A sign supported directly by the ground or with support provided by uprights, braces, pylons or poles anchored in the ground that are independent from any building or other structure. For purposes of this ordinance, freestanding or monument/ground signs shall include: billboards, monolith, subdivision entranceway, and business signs. ✍



- Q. INCIDENTAL SIGN.** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- R. INTEGRAL SIGN.** A sign that may contain the name of the building, date of erection, or take the form of a monumental citation or commemorative tablet. The sign is often carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- S. ILLUMINATED SIGN.** A sign, which is lit by the use of internal or external electrical means, electrical devices and/or wiring. This includes signs with internal lighting, or signs illuminated by the use of attached or unattached external floodlights or light bulbs of any type.
- T. MARQUEE.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. ✍

Section 2.2 Definitions S

- U. **MARQUEE SIGN.** A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line. ✍



- V. **MENU BOARD.** A sign that is intended to service patrons using a drive-through facility.
- W. **MONOLITH SIGN.** A three-dimensional, self-supporting, base-mounted, freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A monolith sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.
- X. **MONUMENT OR GROUND SIGN.** A freestanding sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone or concrete, with no separations between the sign and base. ✍



Section 2.2 Definitions S

- Y. NAMEPLATE.** Contains the name of the occupant, address of the premises, and sometimes, in the case of a home occupation the “occupation.” This sign type is attached to a wall and directs traffic to a specific entrance.
- Z. NEON SIGN.** A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.
- AA. NON-CONFORMING SIGN.** Signs that are prohibited under the terms of this Ordinance but were in use and lawful at the date of enactment of this Ordinance.
- AB. OFF-PREMISES SIGN.** A third-party sign that advertises goods, products, services, or facilities or that directs persons to a different location from where the sign is installed. Does not include billboards regulated in accordance with the Highway Advertising Act, P.A. 106 of 1972 as amended.
- AC. POLITICAL SIGN.** A temporary sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.
- AD. PORTABLE SIGN.** A sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to: signs designed to be transported, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- AE. PROJECTING SIGN.** A display sign which is attached directly to the building wall or is attached directly to a fence or on the surface of masonry, concrete, frame and which extends more than fifteen (15) inches from the face of the fence or wall. A projecting sign is perpendicular or nearly perpendicular to the building surface.
- AF. REAL ESTATE SIGN.** A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
- AG. ROOF SIGN.** Any sign erected that extends above the eave of a building.

AH. SANDWICH OR A-FRAME SIGN. An unattached sign that is comprised of two (2) advertising boards joined at the top by a hinge to form a single sign that is usually set outside on the ground in front of a place of business. ✍

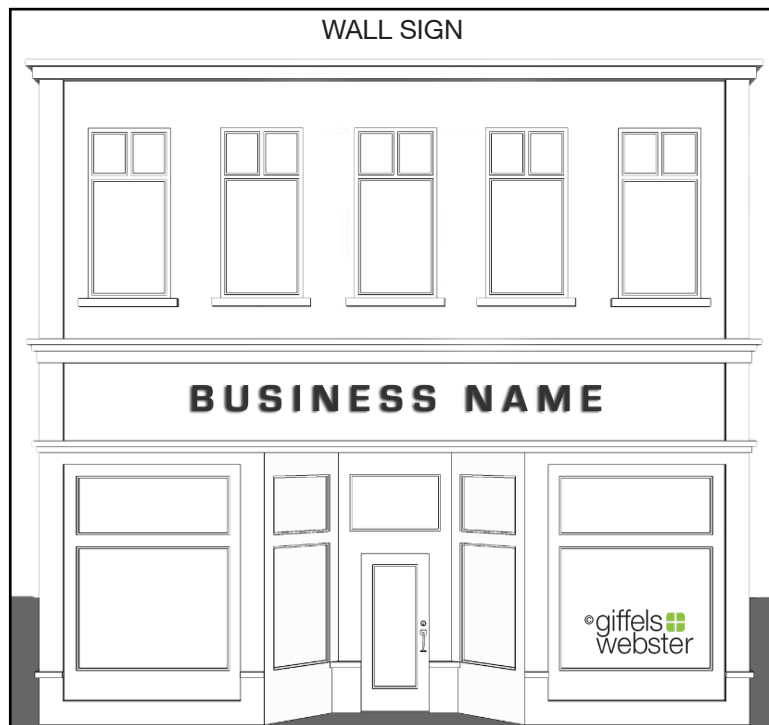
SANDWICH/A-FRAME SIGN



- AI. SIGN AREA.** The area of a sign shall mean the area expressed in square feet, within a single continuous rectilinear perimeter of straight lines enclosing the extreme limits of writing, representations, emblems or figures of a similar character, together with all material or color forming an integral part of the display or used to differentiate the design from the background against which it is placed, provided that:
1. In the case of a sign designed with more than one exterior face, the area shall be computed as including only the maximum single displayed surface, which is visible from any ground position.
 2. The supports, uprights or structure on which any sign is supported shall not be included in determining the surface display area, unless such supports, uprights or structure are designed in such a manner as to form an integral background of the display.
- AJ. STREET FURNITURE SIGN.** A sign structure that by its design invites, entices, encourages or makes itself convenient or available to use by the general public for something more than mere visual attraction to its message. Street furniture signs include but are not limited to signage on benches and on table umbrellas used for outdoor, cafe-style dining.

Section 2.2 Definitions S

- AK. SUBDIVISION ENTRANCEWAY SIGN.** A sign depicting the name of a residential, office/service, commercial or industrial subdivision, located at the entrance to such subdivision.
- AL. SUSPENDED SIGN.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- AM. TEMPORARY SIGN.** Any sign, banner, pennant, valance, balloon, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only. For purposes of this ordinance, temporary signs may also include: construction signs, political signs, real estate signs, and decoration displays for holidays or public demonstrations.
- AN. WALL SIGN.** Any sign attached to any part of a building, projecting not more than 6 inches from the surface. The exposed face of the sign must be in a plane parallel to the wall of the building. The sign must not extend above the height of the wall. For purposes of this ordinance, wall signs shall include: awning/canopy signs, identification signs, marquee signs, roof and integral roof signs, wall, window, and suspended signs. ✍



Section 2.2 Definitions S

AO. WINDOW SIGN. Any sign that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. ~~z~~



SINGLE OWNERSHIP means a lot of record on or before the adoption of this Zoning Code, in separate and distinct ownership from an adjacent lot or adjacent lots where such adjacent lot or lots were not at that date owned by the same owner or by the same owner in joint tenancy or tenancy in common with any other person or persons.

SITE CONDOMINIUM means a condominium development containing residential, commercial, office, industrial, multiple uses or other structures, or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

A. BUILDING ENVELOPE means an area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built. A "building envelope" can also be a condominium structure.

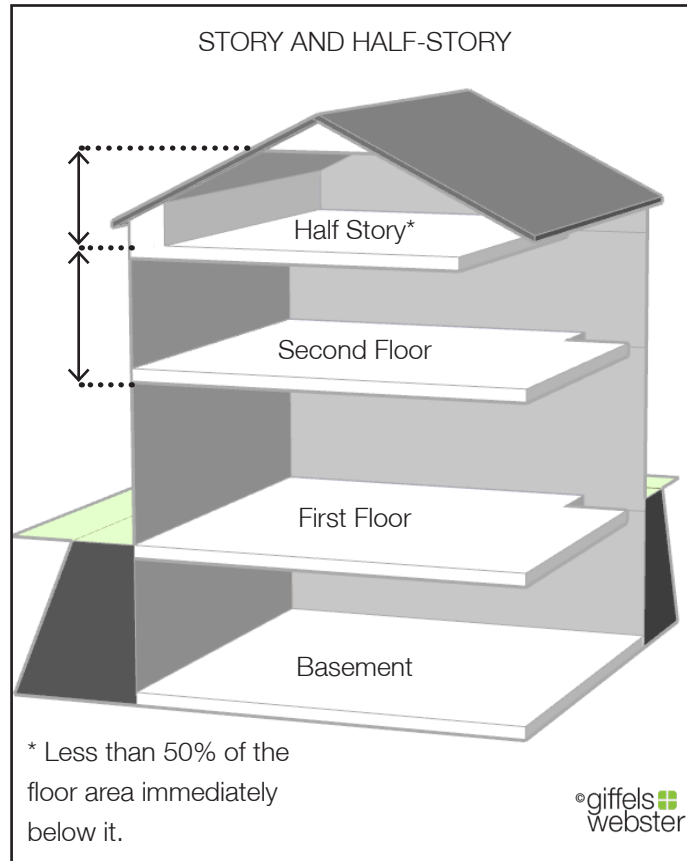
Section 2.2 Definitions S

- B. BUILDING SITE** In the context of a site condominium project, “building site” is the functional equivalent of a “lot” and is that portion of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the project’s master deed. “Building site” shall be further defined as:
1. A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by the City of Coldwater Zoning Code; or
 2. The contiguous limited common element under and surrounding a condominium unit or units that is or shall be assigned to the owner(s) of the condominium unit(s) for the owner’s exclusive use and which, together with the condominium unit or building envelope, meets the minimum area and yard requirements for lots as required by the City of Coldwater Zoning Code as amended.
- C. CONDOMINIUM ACT**, Act 59, Public Acts of 1978, as amended.
- D. CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
- E. CONDOMINIUM LOT.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of “lot” as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- F. CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- G. GENERAL COMMON ELEMENTS.** The common elements other than the limited common elements.
- H. LIMITED COMMON ELEMENTS.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- I. 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 subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

STORY means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. *z*

Section 2.2 Definitions S

STORY, HALF means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this Zoning Code, the usable floor area is only that area having at least four feet clear height between floor and ceiling. ✎



STREET, PRIVATE means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

STREET, PUBLIC means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or Municipal roadway; a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns. In addition:

Section 2.2 Definitions S

- A. **BOULEVARD STREET** means a street developed to two two-lane, one-way pavements, separated by a median.
- B. **COLLECTOR STREET/SECONDARY THOROUGHFARE** means a street used primarily to carry traffic from minor streets to major thoroughfares.
- C. **CUL-DE-SAC STREET** means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
- D. **LOCAL STREET** means a street of limited continuity used primarily for access to abutting residential properties, as indicated in the City's Master Plan for Future Land Use.
- E. **LOOP STREET** means a minor street of short length with two openings to traffic beginning from the same street, projecting parallel to each other and connecting at their termination by a loop.
- F. **MAJOR THOROUGHFARE** means an arterial street of greater continuity which is intended to serve as a large volume traffic way for both the immediate Municipal area and the region beyond, which may be designated on the City's Major Street or Thoroughfare Plan as a major thoroughfare, parkway or expressway, or an equivalent term to identify those streets comprising the basic structure of the street plan.
- G. **MARGINAL ACCESS STREET** means a minor street, parallel and adjacent to a major thoroughfare, which provides access to abutting properties and protection from through traffic.
- H. **MINOR STREET** means a street of limited continuity used primarily for access to abutting residential properties.
- I. **TURN-AROUND** means a short boulevard street permanently terminated by a vehicular turn-around.

STRUCTURAL CHANGES OR ALTERATIONS means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

STRUCTURE means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

SUBDIVISION means the partitioning or dividing 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, lease of more than one year, or building development, where the act of division creates five or more parcels of land, each of which is ten acres or less in area; or where five or more parcels of land, each of which is ten acres or less in area, are created by successive divisions within a period of ten years.

SUBDIVISION ACT means the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

Section 2.2 Definitions T - W

TRAILER SALES AREA, BOAT SALES AREA AND FARM EQUIPMENT SALES AREA means areas for the display and retail sale or rental of the described items where no repair work is done, and, in the case of trailers, where trailers are not used as living quarters.

TURNABOUT means an approved circular driveway extending from an authorized curb cut to another such curb cut and including auxiliary parking spaces in excess of those required by this Zoning Code.

WIND TURBINES.

- A. ANEMOMETER — A device used to measure wind speed.
- B. BUILDING-MOUNTED WIND TURBINE — Equipment that converts wind energy into electricity that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A building-mounted wind turbine is attached to a structure’s roof, walls, or other elevated surface. The total height of a building-mounted wind turbine must not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
- C. DECIBEL — The unit of measure used to express the magnitude of sound pressure and sound intensity.
- D. HEIGHT — The distance measured from ground level to the highest point of the wind turbine generator including the top of the blade in its vertical position.
- E. IEC — International Electrotechnical Commission.
- F. NACELLE — The protective casing of a wind turbine, covering the gearbox, generator, blade hub, and other parts.
- G. ROTOR — An element of a wind energy turbine that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- H. SCADA TOWER — A free-standing tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
- I. SHADOW FLICKER — Alternating changes in light intensity caused by the moving blade of a wind energy turbine casting shadows on the ground and stationary objects, such as a window at a dwelling.
- J. SMALL TOWER WIND TURBINE — A type of wind turbine that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, transformer, vane, inverter, batteries, or other components. The total height does not exceed 100 feet.
- K. SOUND PRESSURE — Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measure at a receiver.
- L. SOUND PRESSURE LEVEL — The sounds pressure mapped to a logarithmic scale and reported in decibels (dB).

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



Section 2.2 Definitions W

- M. **TIP HEIGHT** — When referring to a wind turbine, the distance measured from ground level to the furthest vertical extension of the rotor.
- N. **UTILITY-GRID WIND ENERGY SYSTEM** — A system of wind turbines that is designed and built to provide electricity to the electric utility grid.
- O. **WIND SITE ASSESSMENT** — An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy turbine.

WIRELESS COMMUNICATION FACILITIES means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals shall be Wireless Communication Facilities. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

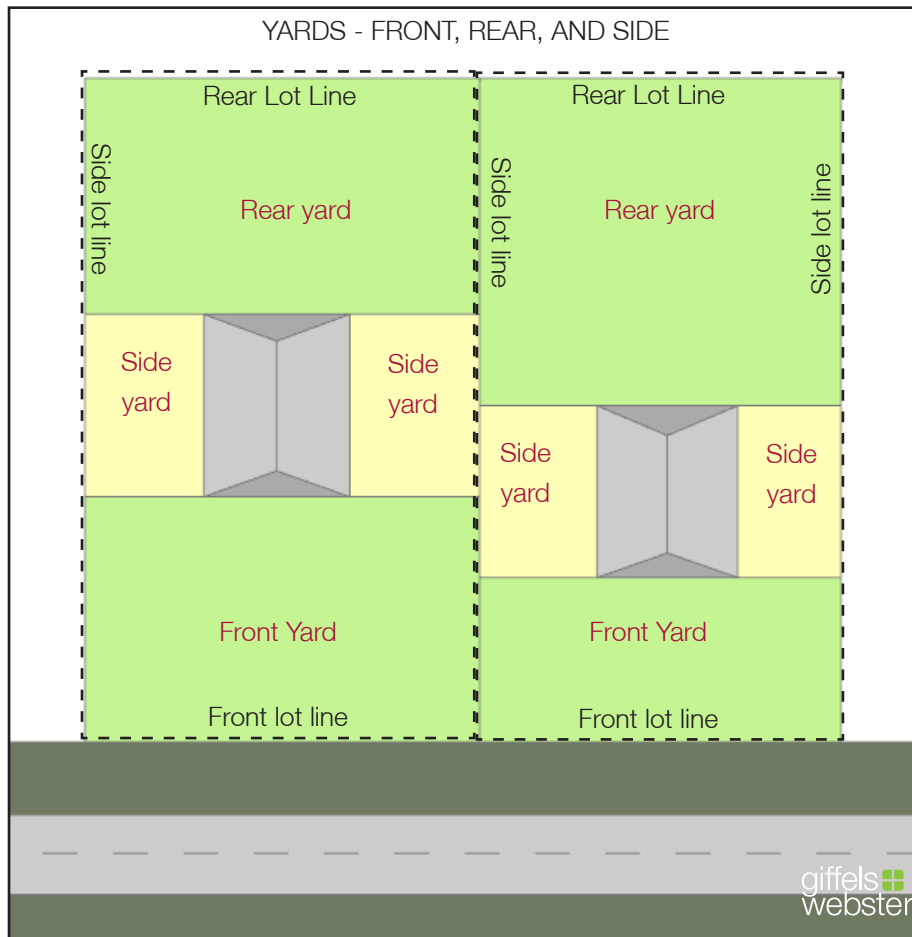
- A. **ATTACHED WIRELESS COMMUNICATIONS FACILITIES** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- B. **WIRELESS COMMUNICATION SUPPORT STRUCTURES** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- C. **CO-LOCATION** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

YARDS.

- A. **FRONT YARD.** The minimum distance between the front line of a building, excluding steps, and the street line, unoccupied and extending for the full width of the lot.
 - 1. **PRIMARY FRONT YARD.** On a corner lot, the front yard with the address (main entrance) facing the front street and opposite the rear yard. On a double frontage lot, the front yard with the address (main entrance) facing the front street. A lot shall have no more than one Primary Front Yard.
 - 2. **SECONDARY FRONT YARD.** On a corner lot or double frontage lot, any front yard other than the Primary Front Yard.

Section 2.2 Definitions Y - Z

- B. **REARYARD.** The minimum distance between the rear lot line and the rear line of the principal building, unoccupied and extending for the full width of the lot, except for that area occupied by an accessory building.
- C. **SIDEYARD.** The minimum distance between the side lot line and the side line of the principal building, unoccupied and extending for the full length of the lot, except for the area occupied by an accessory building.



ZONING CODE means the City of Coldwater's Zoning Code.

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Zoning Ordinance | Article 3

Zoning Districts

Article 3 - Zoning Districts

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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3.2	Zoning Map	3-28
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Section 3.1

3.1 Established Districts

For the purpose of this chapter, the City of Coldwater is hereby divided into the following zones.

AA	One-Family Agricultural Residential District
R-3	One-Family Residential District
A-1	One-Family Residential District
A-2	One and Two-Family Residential District
A-3	Multi-Family Residential District
OS	Office Service District
C-1	Community Business District
C-2	Central Business District
C-3	Highway Commercial District
C-4	General Business District
D-1	Light Industrial District
D-2	Heavy Industrial District







AA One-Family Agricultural Residential

A. Purpose and Intent









This Zoning District is designed for large lot residential and agricultural use.

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

B. Permitted Uses

1. [Single-family dwellings](#)  §4.1
2. [Farming, Greenhouses and Nurseries](#)  §4.2
3. [Accessory buildings and structures](#)  §5.14
4. Existing railroad rights-of-way
5. [Essential services](#)  §5.11
6. Family child care home
7. Adult foster care family home (6 persons or less) 
8. [Wireless communication facilities](#)  §4.3 (less than 150 ft. in height)

C. Special Land Uses

1. Public, parochial and private schools 
2. Public libraries, public museums, public art galleries, Municipal, County, State or Federal administrative buildings, public parks, public playgrounds, community centers and fairgrounds
3. [Home occupations](#)  §4.4
4. [One-family cluster developments](#)  §4.5
5. [Manufactured \(mobile\) home parks](#)  §4.11
6. Kennel, commercial 
7. [Removal of natural resources](#)  §4.7
8. Places of worship
9. [Campgrounds](#)  §4.6
10. [Wireless communication facilities](#)  §4.3 (more than 150 ft. in height)

Section 3.1.1

D. Development Standards

Lot Size

Minimum lot area: 35,000 sq. ft.
 Minimum lot width: 165 ft.

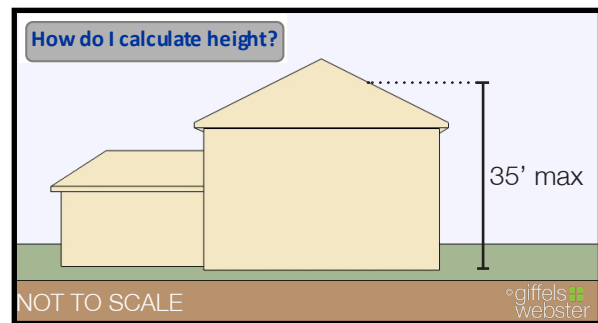
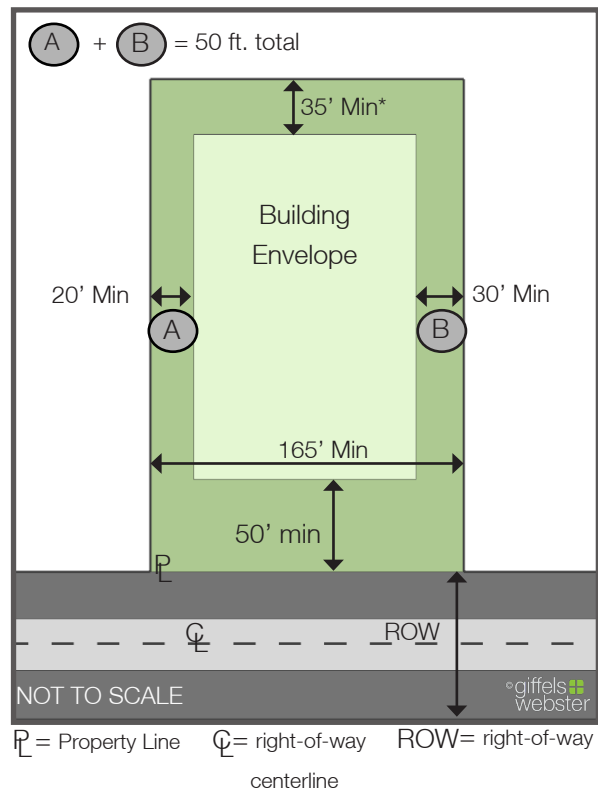
Setbacks

Minimum front yard setback: 50 ft.
 on corner or double-frontage lots (secondary front yard): 35 ft.
 Minimum rear yard setback: 25 ft.
 if principal structure exceeds 25 ft. in height: equal to height of principal building
 Minimum side yard setback: 50 ft. total, 20 ft. on least side

Building Height

Maximum building height: 2.5 stories or 35 ft. whichever is less

- See Additional Requirements below for applicability.



E. Additional Requirements

Article 5

Required Area or Space and Exceptions §5.7
 Splitting of Platted and Unplatted Parcels §5.9
 Height Exceptions §5.10
 Essential Exceptions §5.11
 Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1
 Special Land use Procedure §6.2
 Planned Unit Development §6.3
 Open Space Preservation Option §6.4





R-3 One-Family Residential

A. Purpose and Intent




The R-3 District, as herein established, is intended to permit a limited mix of detached single-family dwellings in an area possessing an orientation to both seasonal as well as permanent dwelling unit types, on land characterized by small lot parcels.

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

B. Permitted Uses

1. [Single-family dwellings](#)  §4.1
2. Adult foster care family home 
3. [Accessory buildings and structures](#)  §5.14
4. Existing railroad rights of way (excluding switching, storage, freight yards, and sidings)
5. [Essential services](#)  §5.11

C. Special Land Uses

1. Public, parochial and private schools  §
2. Public libraries, public museums, public art galleries, Municipal, County, State or Federal administrative buildings, public parks, public playgrounds, community centers and fairgrounds
3. Places of worship
4. [Home occupations](#)  §4.4
5. [One-family cluster developments](#)  §4.5

Section 3.1.2

D. Development Standards

Lot Size

Minimum lot area:	None
Minimum lot width:	None

Setbacks

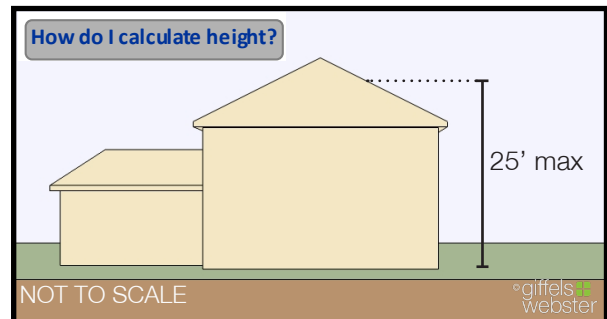
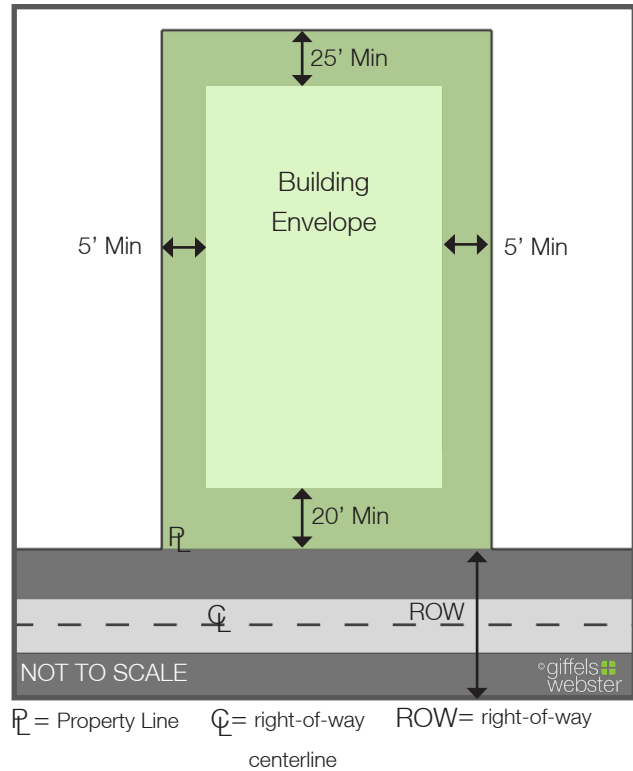
Minimum front yard setback:	20 ft.
on corner or double-frontage lots (secondary front yard):	20 ft.
Minimum rear yard setback:	25 ft.
for mobile homes:	15 ft.
Minimum side yard setback:	5 ft.
for the side entry of mobile homes:	10 ft.

*For more information regarding lot area and setbacks, see [Section 3.5 One and Two-Family Residential District Standards](#)

Building Height

Maximum building height: 2 stories or 25 ft.

- See Additional Requirements below for applicability.



E. Additional Requirements

Article 3

One-Family Residential District Standards §3.5

Article 5

Required Area or Space and Exceptions §5.7
 Splitting of Platted and Unplatted Parcels §5.9
 Height Exceptions §5.10
 Essential Exceptions §5.11
 Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1
 Special Land use Procedure §6.2
 Planned Unit Development §6.3
 Open Space Preservation Option §6.4





A-1 One-Family Residential

A. Purpose and Intent




This Zoning District is designed to be a large lot single-family residential district intended to provide a low-density environment of predominantly single-family dwellings.

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

B. Permitted Uses

1. [Single-family dwellings](#)  §4.1
2. Adult foster care family home 
3. [Accessory buildings and structures](#)  §5.14
4. [Essential services](#)  §5.11
5. Existing railroad rights-of-way
6. Agricultural crops conducted in accordance with State of Michigan's GAAMPs (generally accepted agricultural management practices).

C. Special Land Uses

1. Public, parochial and private schools 
2. Public libraries, public museums, public art galleries, Municipal, County, State or Federal administrative buildings, public parks, public playgrounds, community centers and fairgrounds
3. [Home occupations](#)  §4.4
4. [One-family cluster developments](#)  §4.5
5. Places of worship
6. [Child group day care home, more than six but less than 13.](#) §4.8

Section 3.1.3

D. Development Standards

Lot Size

Minimum lot area: 7,800 sq. ft.
 Minimum lot width: 65 ft.

Setbacks

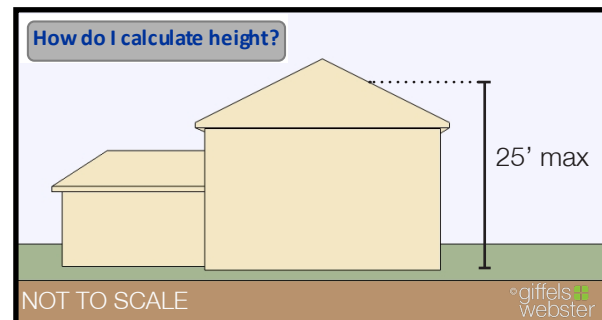
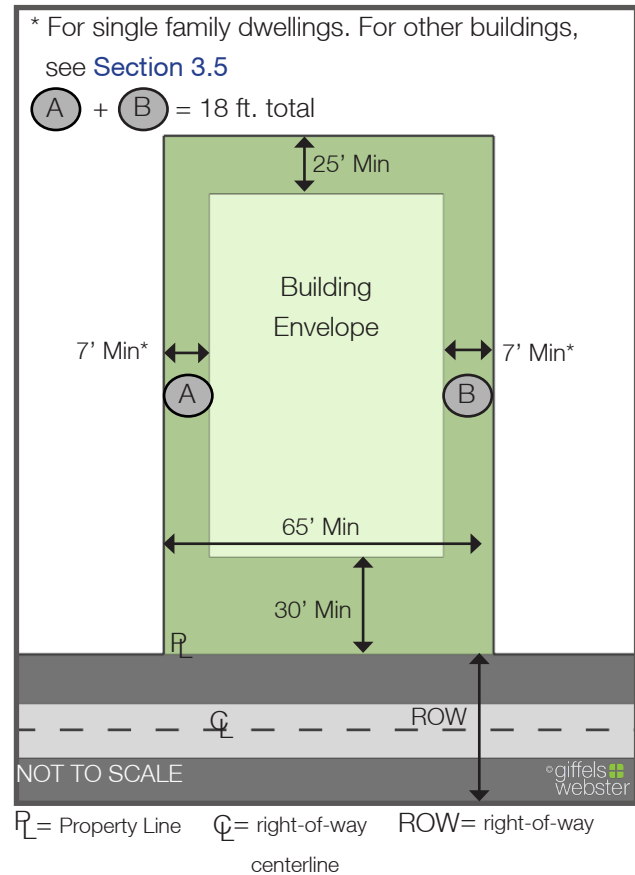
Minimum front yard setback: 30 ft.
 on corner or double-frontage lots (secondary front yard): 20 ft.
 Minimum rear yard setback: 25 ft.
 Minimum side yard setback: 18 ft. total, 7 ft. on the least side*

*For more information regarding lot area and setbacks, see [Section 3.5](#)

Building Height

Maximum building height: 2.5 stories or 25 ft.

- See Additional Requirements below for applicability.



E. Additional Requirements

Article 3

One-Family Residential District Standards §3.5

Essential Exceptions §5.11
 Accessory Buildings and Structures §5.14

Article 5

Required Area or Space and Exceptions §5.7
 Splitting of Platted and Unplatted Parcels §5.9
 Height Exceptions §5.10

Article 6

Site Plan Review §6.1
 Special Land use Procedure §6.2
 Planned Unit Development §6.3
 Open Space Preservation Option §6.4





A-2 One and Two-family Residential

A. Purpose and Intent







This Zoning District is designed primarily for one and two-family residences.

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

B. Permitted Uses

1. [Single-family dwellings](#)  §4.1
2. [Accessory buildings and structures](#)  §5.14
3. Existing railroad rights-of-way
4. [Essential services](#)  §5.11
5. Adult foster care family home 

C. Special Land Uses

1. Public, parochial and private schools 
2. Two-family dwellings 
3. Public libraries, public museums, public art galleries, Municipal, County, State or Federal administrative buildings, public parks, public playgrounds, community centers and fairgrounds
4. Offices and centers for providing client services of not-for-profit and public social service agency providers
5. Parking lots on parcels directly adjacent to property zoned for commercial or industrial use
6. [Home occupations](#)  §4.4
7. Funeral homes and mortuaries
8. [One-family cluster developments](#)  §4.5
9. Bed and breakfasts 
10. [Adult and Child Foster Care Group Home](#)  §4.8
11. Places of worship
12. [Single-story residential senior adult foster care homes](#) §3.5

Section 3.1.4

D. Development Standards

Lot Size

Minimum lot area

- for single-family dwellings: 6,600 sq. ft. *
- for two-family dwellings: 4,300 sq. ft. per family *

Minimum lot width: 65 ft. *

Setbacks

- Minimum front yard setback: 25 ft. *
 - on corner or double-frontage lots (secondary front yard): 20 ft.
- Minimum rear yard setback: 25 ft. *
- Minimum side yard setback: 13 ft. total, 5 ft. on least side *
 - for non-dwelling buildings: 20 ft. *

*For more information regarding lot area and setbacks, see [Section 3.5](#)

Building Height

Maximum building height: 2.5 stories or 35 ft., whichever is less

- See Additional Requirements below for applicability.

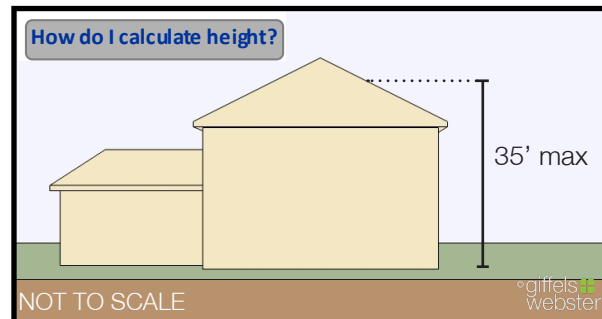
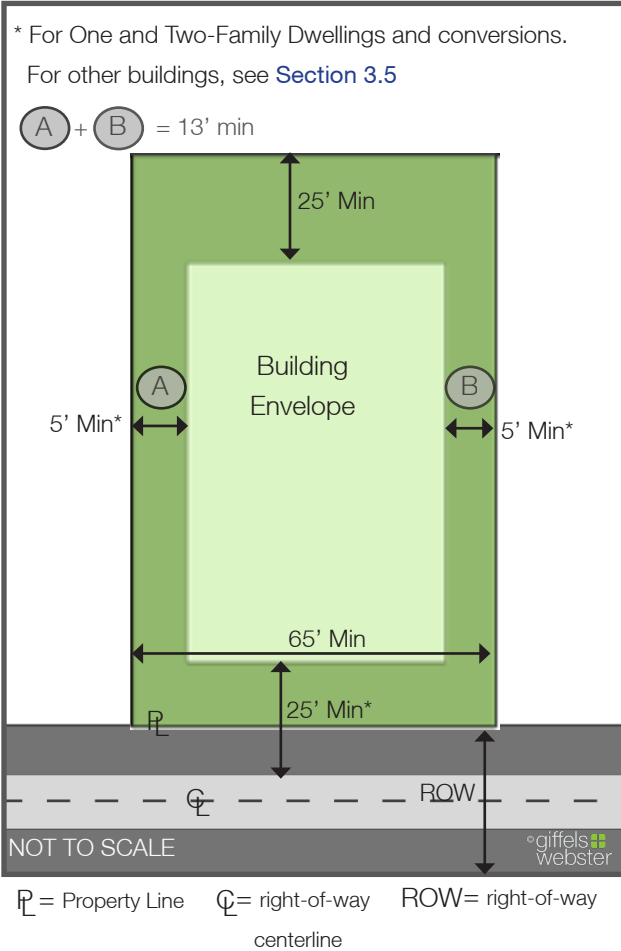
E. Additional Requirements

Article 3

One and Two-Family Residential District Standards §3.5

Article 5

- Required Area or Space and Exceptions §5.7
- Splitting of Platted and Unplatted Parcels §5.9
- Height Exceptions §5.10
- Essential Exceptions §5.11
- Accessory Buildings and Structures §5.14



Article 6

- Site Plan Review §6.1
- Special Land Use Procedure §6.2
- Planned Unit Development §6.3
- Open Space Preservation Option §6.4






A-3 Multiple-family Residential

A. Purpose and Intent






This Zoning District is designed primarily for apartments, dwelling groups, and one and two-family residences.

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

B. Permitted Uses

1. [Single-family dwellings](#)  §4.1
2. [Two-family dwellings](#) 
3. [Multifamily dwellings](#) §3.6
4. [Accessory buildings and structures](#)  §5.14
5. Existing railroad rights-of-way
6. [Essential services](#)  §5.11
7. Adult foster care family home 
8. Agricultural crops conducted in accordance with State of Michigan's GAAMPs (generally accepted agricultural management practices).

C. Special Land Uses

1. [Public, parochial and private schools](#) 
2. [Public libraries, public museums, public art galleries, Municipal, County, State or Federal administrative buildings, public parks, public playgrounds, community centers and fairgrounds](#)
3. [Home occupations](#)  §4.4
4. [Institutional offices, funeral homes/mortuaries and nonprofit clubs](#)
5. [Rooming or boarding houses, or other transient housing](#) §3.6
6. [Adult and Child Foster Care Group Home](#)  §4.8
7. [Parking lots on parcels directly adjacent to property zoned for commercial or industrial use](#)
8. [Bed and breakfasts](#) 
9. [Places of worship](#)
10. [Senior housing](#) §3.6
11. [Hospitals](#)
12. [Institutions of a charitable or philanthropic nature](#) 

Section 3.1.5

D. Development Standards

Lot Size

Minimum lot area per unit for

buildings 2 stories or less:	3,000 sq. ft.
buildings pf 3 or 4 stories:	2,000 sq. ft.

Minimum lot width: 55 ft.

Lot Coverage

Maximum lot coverage: 70%

Setbacks

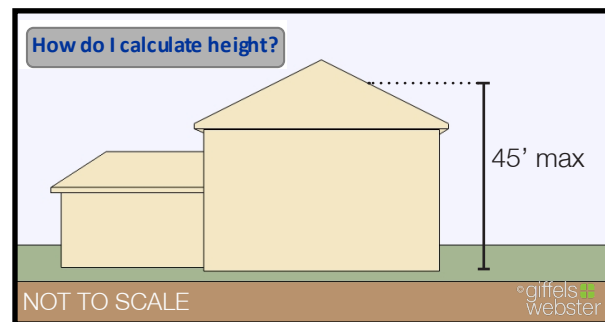
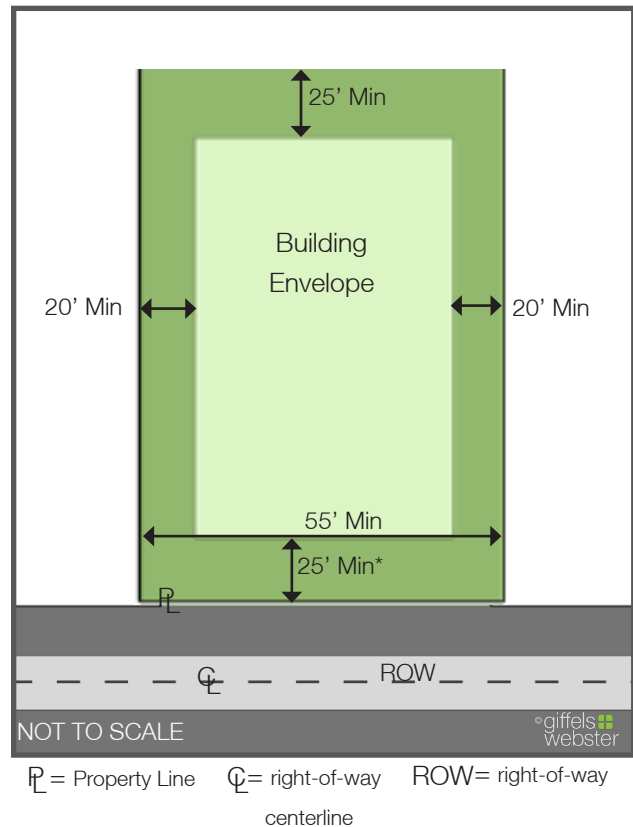
Minimum front yard setback:	25 ft.*
Minimum rear yard setback:	25 ft.*
Minimum side yard setback:	20 ft.*

*If the building exceeds 25 ft. in height, each setback shall be equal to the building height.

Building Height

Maximum building height: 4 stories or 45 ft.

- For additions to the above requirements, refer to [Section 3.6 Multiple-Family Residential \(A-3\) District Standards](#)
- See Additional Requirements below for applicability.



E. Additional Requirements

Article 3

Multi-Family Residential (A-3) District Regulations §3.6

Article 5

Required Area or Space and Exceptions §5.7

Splitting of Platted and Unplatted Parcels §5.9

Height Exceptions §5.10

Essential Exceptions §5.11

Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1

Special Land use Procedure §6.2

Planned Unit Development §6.3

Open Space Preservation Option §6.4


OS Office Service

A. Purpose and Intent

The OS Office Service District is designed and intended to accommodate limited office use of the personal, administrative or professional type of services. These uses are further intended typically to be small office buildings serving as transitional uses between more intensive land uses and/or nonresidential zoning districts and the less intense, more restrictive Residential Districts.

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

B. Permitted Uses

1. Offices of executive, administrative, professional, accounting, clerical, stenographic, writing or drafting use
2. Medical offices
3. Banks, credit unions, savings and loan associations
4. Health institutes and physical development facilities
5. [Accessory structures](#)  §5.14
6. Residential units
7. Parking lot

C. Special Land Uses

1. Hospitals and sanitariums
2. Funeral home or mortuary
3. Publicly owned buildings
4. [Multiple dwelling units](#) §4.14
5. Senior Housing
6. Ambulance service
7. Adult and Child Day Care Centers
8. Public, private and parochial schools
9. Youth activity and recreational centers
10. Places of worship
11. [Unclassified uses](#) §4.12
12. [Cafes and restaurants when constructed as part of a permitted, multiple-unit, attached, office complex](#) §4.15

Section 3.1.6

D. Development Standards

Setbacks

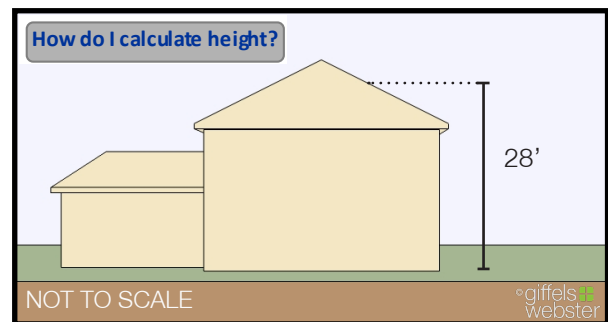
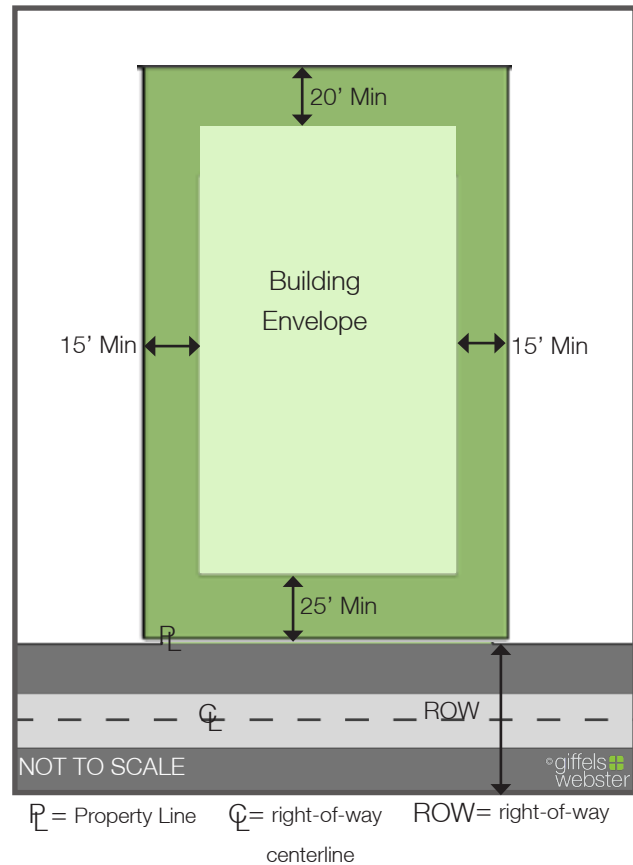
Minimum front yard setback:	25 ft.
Minimum rear yard setback:	20 ft.
Minimum side yard setback:	15 ft.

Building Height

Maximum building height: 2 stories or 28 ft.*

*Except residential units, which shall comply with the requirements of Section 3.1.6 A-3 Multiple-Family District.

- See Additional Requirements below for applicability.



E. Additional Requirements

Article 5

- Required Area or Space and Exceptions §5.7
- Splitting of Platted and Unplatted Parcels §5.9
- Height Exceptions §5.10
- Essential Exceptions §5.11
- Accessory Buildings and Structures §5.14

Article 6

- Site Plan Review §6.1
- Special Land use Procedure §6.2
- Planned Unit Development §6.3
- Open Space Preservation Option §6.4

C-1 Community Business

A. Purpose and Intent








This Zoning District is established to meet the day-to-day convenience shopping and service needs of persons residing in the nearby area.

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

B. Permitted Uses

1. Banks and savings and loan offices, including drive-in facilities
2. Restaurant (including fast food, sitdown, or carryout establishments)
3. Personal service establishments
4. Business or professional offices
5. Retail sales and service shops
6. Parking lot

C. Special Land Uses

1. [Automobile \(car\) wash establishments](#)  §4.9
2. [Gasoline service stations](#)  §4.10
3. [Minor automotive repair establishments](#)  §4.10
4. Drive-In
5. Drive-Through Restaurant
6. Public, private and parochial schools, where located at least fifty feet from any other lot or property line 
7. Adult and child day care centers
8. Youth activity and recreation centers
9. Places of worship
10. [Single-family dwellings](#)  §4.1
11. [Unclassified uses](#)  §4.12
12. Motor vehicle sales
13. [Outdoor sales, storage and displays](#)  §4.17, when associated with and operated by the principal permitted use

Section 3.1.7

D. Development Standards

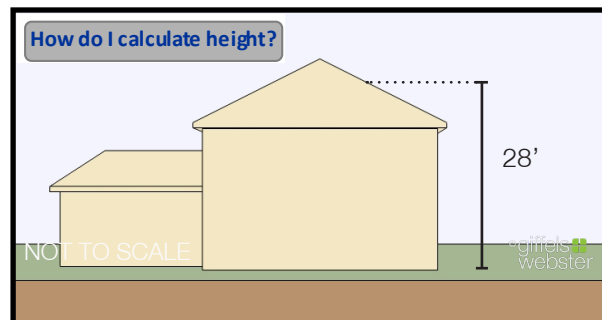
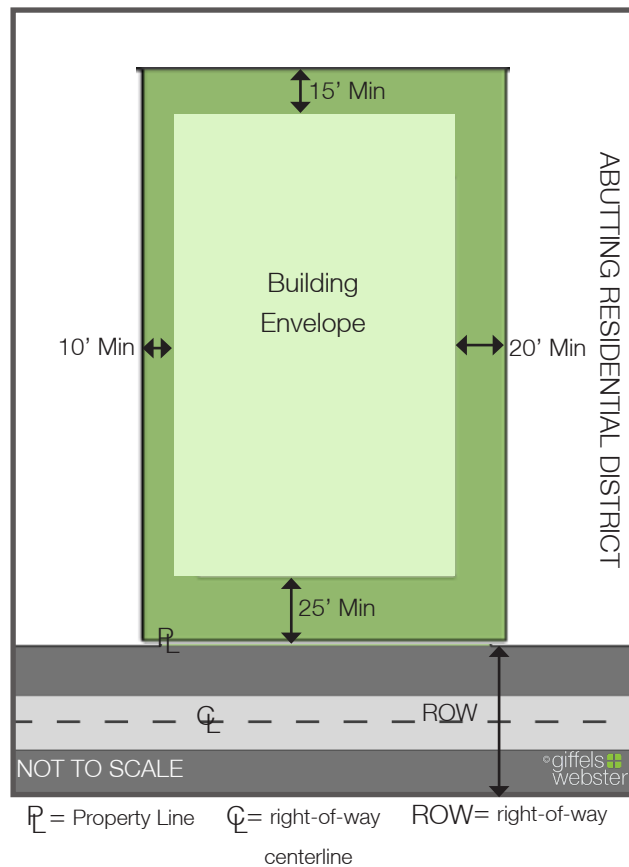
Setbacks

Minimum front yard setback:	25 ft.
Minimum rear yard setback:	15
Minimum side yard setback:	10 ft.
abutting residential:	20 ft.

Building Height

Maximum building height:	2 stories or 28 ft, whichever is less.
--------------------------	---

- For additions to the above requirements, refer to [Section 3.7 Community Business \(C-1\) District Standards](#)
- See Additional Requirements below for applicability.



E. Additional Requirements

Article 3

Community Business (C-1) District Standards §3.7

Article 5

Required Area or Space and Exceptions §5.7

Splitting of Platted and Unplatted Parcels §5.9

Height Exceptions §5.10

Essential Exceptions §5.11

Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1

Special Land use Procedure §6.2

Planned Unit Development §6.3

Open Space Preservation Option §6.4


C-2 Central Business

A. Purpose and Intent






This Zoning District is intended to serve the entertainment, meeting, and centralized shopping and merchandising activities of the community, together with limited residential and office needs.

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

B. Permitted Uses

1. Bowling alleys and billiard halls
2. Hotels and motels
3. Banks (no drive-through), offices, professional and trade
4. Restaurant (including fast food or sitdown establishments)
5. Personal service establishments, but not tattoo parlors
6. Retail sales and service shops
7. Government offices and post offices
8. Parking lots
9. Fraternal lodges or similar civic or social clubs
10. Museums and art galleries
11. Theaters and other public entertainment
12. [Accessory residential dwelling units](#)  §4.16.A

C. Special Land Uses

1. [Automotive repair, minor](#)  §4.10
2. Banks (drive-through)
3. Multi-family dwelling as primary use
4. [Unclassified uses](#)  §4.12
5. [Gasoline service stations](#)  §4.10
6. [Outdoor sales, storage, displays](#)  §4.17
7. [Residential housing](#)  §4.16.B

Section 3.1.8

D. Development Standards

Setbacks

Minimum front setback: 0 ft.*
Minimum rear setback: 0 ft.*
Minimum side setback: 0 ft.

* The minimum front and side setbacks shall be 0 ft, if two thirds (2/3s) of the buildings on either side of the block have front and/or side setbacks of 0 ft.

Building Height

Maximum building height: 60 ft.*

* The minimum height shall be at least two (2) stories if two thirds (2/3s) of the buildings on either side of the block are two (2) stories.

- See Additional Requirements below for applicability.

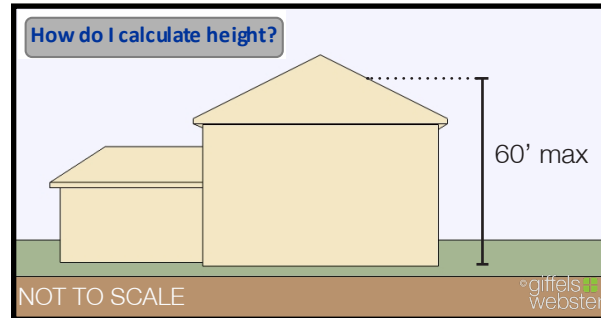
E. Additional Requirements

Article 5

Required Area or Space and Exceptions §5.7
Splitting of Platted and Unplatted Parcels §5.9
Height Exceptions §5.10
Essential Exceptions §5.11
Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1
Special Land use Procedure §6.2
Planned Unit Development §6.3
Open Space Preservation Option §6.4



C-3 Highway Commercial

A. Purpose and Intent





This Zoning District is intended to meet the needs of highway-oriented business requiring high visibility and relatively large land area.

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

B. Permitted Uses

1. Offices of executive, administrative, professional, accounting, clerical, stenographic, writing or drafting use
2. Medical offices
3. Banks, credit unions, savings and loan associations
4. Health institutes and physical development facilities
5. [Accessory structures](#)&§5.14
6. Banks and savings and loan offices, including drive-in facilities
7. Restaurant (including fast foot, sitdown, or carryout establishments)
8. Retail sales and service shops
9. Bowling alleys and billiard halls
10. Hotels and motels
11. Personal service establishments
12. Government offices and post offices
13. [Parking area](#)
14. Fraternal lodges or similar civic or social clubs
15. Museums and art galleries
16. Theaters and other public entertainment
17. [Accessory residential dwelling units](#)&§5.14
18. [Trailer sales](#)&
19. [Boat sales](#)&
20. [Farm and construction equipment sales](#)&§4.2
21. Motor vehicle sales
22. [Outdoor sales, storage and displays](#)  §4.17 (less than 10% of floor area)

C. Special Land Uses

1. Automobile (car) wash establishments
2. [Gasoline service stations](#)  §4.10
3. [Automotive repair, minor](#)  §4.10
4. Commercial mini-storage facilities
5. Drive-In
6. Drive-Through Restaurant
7. Public, private and parochial schools 
8. Animal care services
9. Adult and child day care centers 
10. Youth activity and recreation centers
11. [Single-family dwellings](#)  §4.1
12. [Unclassified uses](#)  §4.12
13. Motor vehicle sales.
14. Places of worship
15. [Outdoor sales, storage and displays](#)  §4.17 (more than 10% of floor area)
16. Multi-family dwelling as primary use
17. [Residential housing](#)  §4.16.B

Section 3.1.9

D. Development Standards

Setbacks

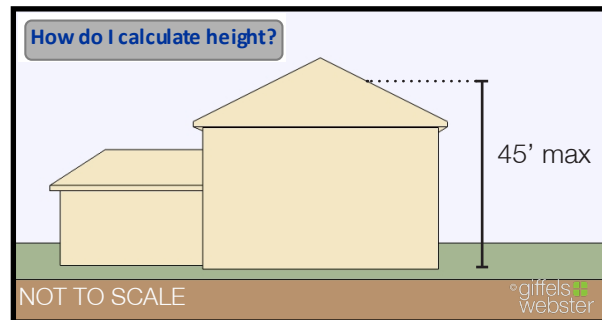
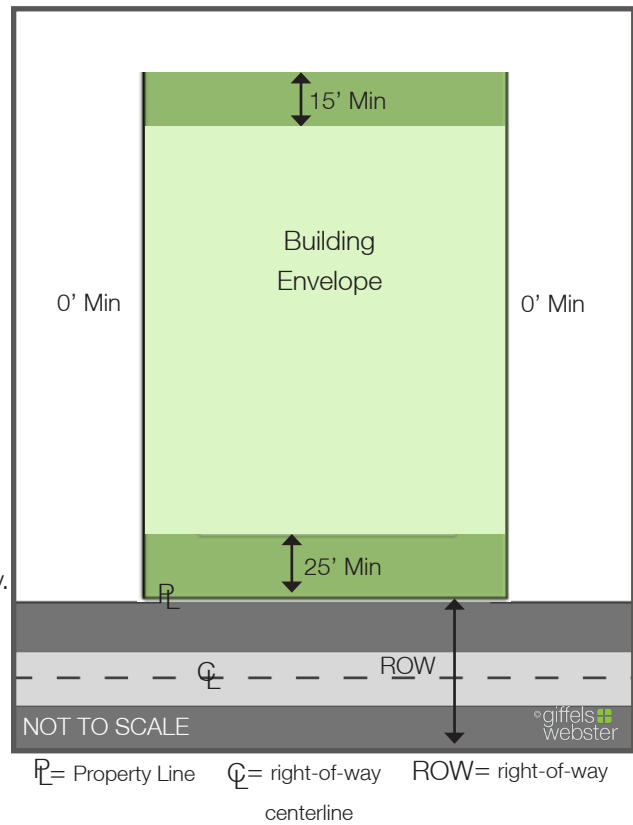
Minimum front setback:	25 ft.*
Minimum rear setback:	15 ft.*
Minimum side setback:	0 ft.*

For additional setback requirements and exceptions, see [Section 3.8](#)

Building Height

Maximum building height:	4 stories or 45 ft.
--------------------------	------------------------

- See Additional Requirements below for applicability.



E. Additional Requirements

Article 3

Highway Commercial (C-3) District Standards §3.8

Article 5

Required Area or Space and Exceptions §5.7

Splitting of Platted and Unplatted Parcels §5.9

Height Exceptions §5.10

Essential Exceptions §5.11

Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1

Special Land use Procedure §6.2

Planned Unit Development §6.3

Open Space Preservation Option §6.4

C-4 General Business

A. Purpose and Intent

This Zoning District is intended to satisfy the land needs for a wide range of business uses and to cater to the needs of a larger consumer population than is served by the other commercial business districts.

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

B. Permitted Uses

1. Athletic and racquet clubs
2. Banks and savings and loan offices, without drive-in facilities
3. Bowling alleys and billiard halls
4. Hotels and motels
5. Bus and parcel pickup stations
6. Dance studio, musical instrument sales and lessons
7. Funeral homes or mortuaries
8. Lodge hall, private clubs, and veteran's clubs
9. Day care center
10. Offices and studios - professional, business, administrative, medical, dental and service
11. Parking lots and accessory structures and uses customarily incidental to the uses permitted in this District
12. Pet shops, not including treatment and boarding
13. Personal service establishments
14. Public buildings
15. Radio, television, shoe and small engine repair shops
16. Restaurants (including fast food, sitdown, or carryout establishments)
17. Retail sales and service shops
18. [Service stations, gasoline and lubrication, including minor repair](#)&§4.10
19. Taxidermy
20. Theaters

C. Special Land Uses

1. Lumber yards and new building material sales
2. Outdoor recreation centers and arcades
3. [Adult entertainment establishments](#)&§4.13
4. [Dwelling conversion to bed and breakfast, multifamily or commercial use](#)&§7.8
5. [Unclassified uses](#)&§4.12
6. Drive in and drive-through facilities
7. New or used automobile and equipment sales and major repair and service
8. Manufactured home, recreational vehicle, boat and trailer sales and service [☐](#)
9. Commercial mini-storage facilities
10. [Outdoor sales, storage and displays](#) [☐](#) §4.18
11. [Marihuana Retailer](#) [☐](#) or [Marihuana Microbusiness](#) [☐](#) subject to all separations and conditions specified in Section 4.21 of these Ordinances. §4.21
12. Multi-family dwelling as primary use
13. [Residential housing](#) [☐](#) §4.16.B

Section 3.1.10

D. Development Standards

Lot Size

Minimum lot width: 150 ft.

Setbacks

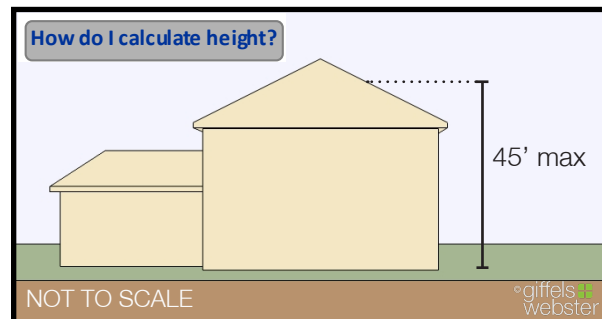
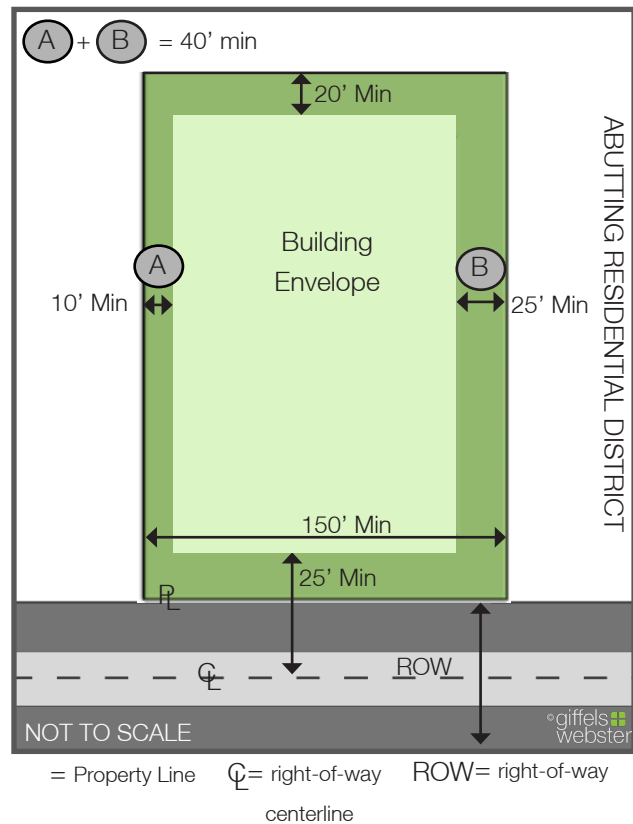
Minimum front setback: 25 ft.*
 Minimum rear setback: 20
 Minimum side setback: 40 ft. total, 10 ft. on least side, 25 ft. abutting residential

*See Section 3.9 for additional setback requirements.

Building Height

Maximum building height: 4 stories or 45 ft.

- See Additional Requirements below for applicability.



E. Additional Requirements

Article 3

General Business (C-4) District Standards §3.9

Article 5

Required Area or Space and Exceptions §5.7
 Splitting of Platted and Unplatted Parcels §5.9
 Height Exceptions §5.10
 Essential Exceptions §5.11
 Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1
 Special Land use Procedure §6.2
 Planned Unit Development §6.3
 Open Space Preservation Option §6.4

D-1 Light Industrial

A. Purpose and Intent

This Zoning District is intended to serve the light industrial needs of the community along with certain associated accessory uses.

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

B. Permitted Uses

1. Light Industrial [i](#)
2. Boat, cabinet or furniture manufacturing
3. Food processing and packaging (not including the slaughter of animals)
4. Automotive Repair - Major
5. Paper or cardboard fabrication
6. Plastic fabrication and molding
7. Textile manufacture and fabrication
8. Retail and wholesale commercial/ industrial sales and rentals
9. [Wireless communication facilities](#) [i](#) §4.3
10. Life science technology and medical laboratories
11. [Outdoor storage yards](#) [i](#) §4.18 for permitted uses
12. Design and development of computer hardware and software
13. Research, design, engineering, testing, diagnostics and pilot or experimental product development
14. Warehousing
15. [Off-street parking and loading](#) §5.2
16. [Truck terminals and freight terminals](#) §3.10

C. Special Land Uses

1. Indoor ice-skating rinks, indoor tennis courts and indoor roller skating rinks
2. Employee credit unions, and offices of a savings and loan or bank [i](#)
3. Trade schools and technical training institutions [i](#)
4. Kennel, commercial [i](#)
5. [Unclassified uses](#) [i](#) §4.12
6. [Removal of topsoil, sand, gravel, or other such natural materials](#) [i](#) §4.7
7. Bowling alleys (including ancillary or accessory uses such as restaurants, taverns, game rooms and related office activities enclosed within the same facility as the primary use).
8. Offices of public and private employment agencies
9. Commercial fueling operations
10. Offices of executive, administrative or professional activities
11. Adult and child group day-care centers
12. Funeral home or mortuaries
13. Places of worship
14. Fraternal lodges or similar civic or social clubs
15. [Wireless communication facilities](#) [i](#) §4.3 (with monopole support structures greater than 150 feet in height)
16. Convalescent care facilities

Section 3.1.11

D. Development Standards

Setbacks

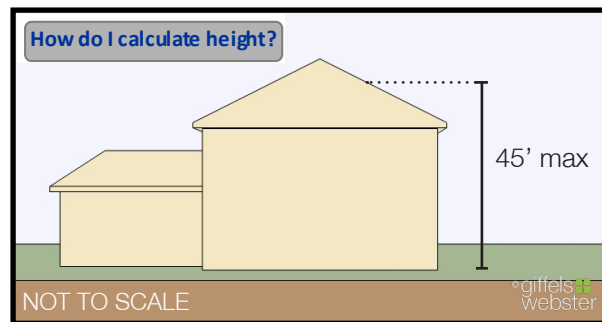
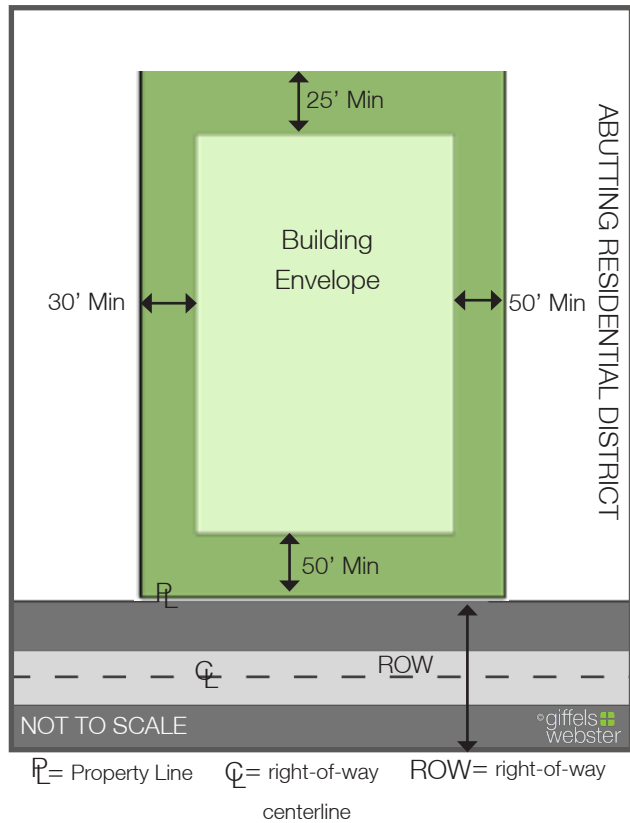
Minimum front setback:	50 ft.
Minimum rear setback:	25 ft.
Minimum side setback:	30 ft.
abutting residential:	50 ft.

*See [Section 3.10](#) for additional setback requirements.

Building Height

Maximum building height:	45 ft. except otherwise provided by this Zoning Code.
--------------------------	---

- See Additional Requirements below for applicability.



E. Additional Requirements

Article 3

Light Industrial (D-1) District Standards §3.10

Article 5

Required Area or Space and Exceptions §5.7

Splitting of Platted and Unplatted Parcels §5.9

Height Exceptions §5.10

Essential Exceptions §5.11

Accessory Buildings and Structures §5.14

Article 6

Site Plan Review §6.1

Special Land use Procedure §6.2

Planned Unit Development §6.3

Open Space Preservation Option §6.4


D-2 Heavy Industrial

A. Purpose and Intent




This Zone District is intended to satisfy the land needs for heavy industrial uses, along with the light industrial uses allowed in the D-1 Light Industrial District.

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

B. Permitted Uses

1. Light Industrial 
2. Heavy Industrial 
3. Boat, cabinet or furniture manufacturing
4. Food processing and packaging (not including the slaughter of animals)
5. Automotive repair-Major
6. Retail and wholesale commercial/ industrial sales and rentals
7. [Wireless communication facilities](#)  §4.3
8. Life science technology and medical laboratories
9. Design and development of computer hardware and software
10. Research, design, engineering, testing, diagnostics and pilot or experimental product development
11. Assembly, heavy
12. Greenhouses, industrial

C. Special Land Uses

1. Indoor ice-skating rinks, indoor tennis courts and indoor roller skating rinks
2. Employee credit unions and offices of a savings and loan or bank
3. Trade schools and technical training institutions.
4. [Unclassified uses](#)  §4.12
5. [Removal of topsoil, sand, gravel, or other such natural materials](#)  §4.7
6. Bowling alleys
7. Offices of public and private employment agencies.
8. Crematoriums
9. Places of worship
10. Fraternal lodges or similar civic or social clubs.
11. [Outdoor storage yards accessory to a principal use](#) §4.18
12. Outdoor storage yards for pallet operations
13. [Wireless communication facilities](#)  §4.3 (with monopole support greater than 150 ft. in height)
14. [Marihuana grower[&], processor[&], secure transporter[&], safety compliance establishment[&] and excess marihuana grower[&]](#) §4.21

Section 3.1.12

D. Development Standards

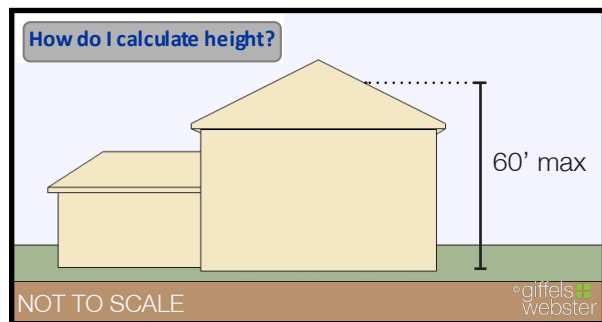
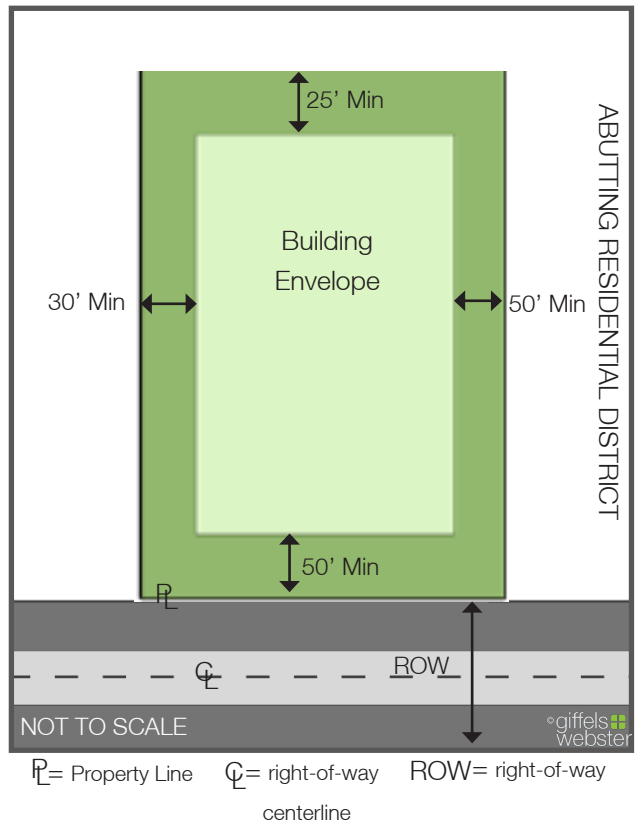
Setbacks

Minimum front setback:	50 ft.
Minimum rear setback:	25 ft.
Minimum side setback:	30 ft.
abutting residential:	50 ft.

Building Height

Maximum height of any structure:	60 ft. except otherwise provided by this Zoning Code.
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- See Additional Requirements below for applicability.



E. Additional Requirements

Article 5

Required Area or Space and Exceptions	§5.7
Splitting of Platted and Unplatted Parcels	§5.9
Height Exceptions	§5.10
Essential Exceptions	§5.11
Accessory Buildings and Structures	§5.14

Article 6

Site Plan Review	§6.1
Special Land use Procedure	§6.2
Planned Unit Development	§6.3
Open Space Preservation Option	§6.4

Section 3.2 - 3.5.B

3.2 Zoning Map

- A. The boundaries of the districts established in [Section 3.1](#) are hereby established as shown on a map entitled “The Zoning Map of the City of Coldwater, Michigan,” as amended, which is hereby made a part of this Zoning Code as if the same were set forth herein in full. Such Zoning Map is on file in the City Building and copies of the same may be obtained, at cost, from the Zoning Administrator.
- B. Except where referenced on said Map to a street line or other designated line by dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this Zoning Code; but where a district line does not coincide with such lot lines or such street center lines, or where it is not designated by dimensions, it shall be deemed to be 150 feet back from the nearest parallel street line.

3.3 District Boundaries

Where a district boundary line, as established in this chapter or as shown on the Zoning Map, divides a lot or lots in common ownership and of record at the time of the enactment of this Zoning Code, the district boundary shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty- five feet of said dividing district boundary line. The uses so extended shall be deemed to be conforming.

3.4 Areas Not Included Within a District

In every case where property has not been specifically included within a district, the same is hereby declared to be in the AA, One-Family Agricultural Residential District. Such provisions shall apply pending the promulgation and adoption of the new City zoning regulations for such property in the manner prescribed by law.

3.5 R-3, A-1 and A-2 One and Two-Family Residential District Standards

- A. Lot area.
 - 1. In all one- and two family residential districts, the required lot area must be measured within 120 feet from the front street line.
 - 2. In the A-2 District, the lot area of two-family dwellings shall be measured within 132 feet of the front street line.
- B. Front yard setback. There shall be a front yard setback of not less than 30 ft, provided that if forty percent or more of all the frontage on one side of a street between two intersecting streets has been developed with one-family houses, the front yard so established shall prevail. This section shall not permit any new house to be closer than twenty feet to the front lot line, or permit a front yard setback of more than fifty feet from the front lot line. On a corner lot or double frontage lot, the secondary front yard shall have a setback of no less than twenty feet.

Section 3.5.C - 3.6.F

- C. Side yards in the A-1, and A-2 Districts. All non single-family dwellings shall have minimum side yards of twenty feet on each side.
- D. Conversions of Existing Buildings in the A-2 District. Conversions of existing buildings into additional residential units are not permitted on lots less than fifty-five feet wide or with an area of less than 6,000 square feet. The maximum ratio for converted units shall be one dwelling unit for each 3,000 square feet of lot area to a total of not more than two units. For the purpose of this section, all lot area shall be measured within 110 feet of the front street line.
- E. Where single-story residential senior adult foster care homes, senior citizen assisted- living facilities are permitted, the following standards shall apply for each resident:
 - 1. A floor area, exclusive of attic or basement space, of 200 square feet shall be provided.
 - 2. A lot area of 1,500 square feet shall be provided.
 - 3. One off-street parking space shall be provided for each three such persons.

3.6 A-3 Multi-Family Residential District Standards

- A. Building Separation. Where more than one multiple dwelling or apartment house is constructed on a single lot or parcel of land, each such building shall have the same front, side and rear yards as would be required were each such building constructed upon a separate lot or parcel, measured, however, horizontally at right angles from the front, rear and sides of the building. For the purpose of this subsection, the owner may designate the front, rear and sides of each building, provided, however, that the front and rear yards shall be adjacent to the longest dimension of the building. Area included within the required yards for the entire lot or parcel may also be included as part of the yards required by this subsection, but no area may be used to fulfill yard requirements for more than one building.
- B. Street Fronting. Every building in a multiple dwelling complex shall front on either a street or permanent public open space, common yard or outer court at least fifty feet wide, and every multiple dwelling structure shall be within 500 feet of a public street.
- C. Building Length. No single multiple dwelling structure or combination of attached structures shall exceed its width by more than six times.
- D. Lot width. No lot with an average width of less than sixty-six feet may be used for more than single family use.
- E. Conversions of Existing Buildings. Conversions of existing buildings into additional residential units are not permitted on lots less than fifty-five feet wide or with an area of less than 6,000 square feet. The maximum ratio for converted units shall be one dwelling unit for each 3,000 square feet of lot area to a total of not more than two units. For the purpose of this section, all lot area shall be measured within 110 feet of the front street line.
- F. Public, private or parochial schools within this district shall be located at least 50 ft. from any other property line.

Section 3.7 - 3.9

- G. Rooming or boarding houses, or other transient housing. For each roomer, boarder or student:
 - 1. A floor area, exclusive of basement or attic space, of 200 square feet shall be provided.
 - 2. A lot area of 1,200 square feet shall be provided.
- H. Senior Housing: Independent living, assisted living, nursing homes, dementia units, and skilled nursing facilities shall not exceed four (4) stories, or forty-five (45) feet, in height. For each resident:
 - 1. A floor area, exclusive of attic or basement space, of 200 square feet shall be provided.
 - 2. A lot area of 1,500 square feet shall be provided.
- I. For the class of multiple family buildings designed and used primarily for non-transient persons sixty-two or more years of age, and/or for a family consisting of a husband and wife either of whom is sixty-two or more years of age, a lot area of not less than 1,000 square feet for each dwelling unit shall be provided.

3.7 C-1 Community Business District Standards

- A. Front Yard Setback. Where an existing setback line has been established by existing commercial buildings occupying forty percent or more of the business-zoned frontage within the same block, such established setback shall apply.
- B. Side Yard Setback abutting Residential Districts. A twenty foot yard is required, unless an existing setback line of less than this required distance has been established by existing commercial buildings occupying forty percent or more of the business-zoned frontage within the same block, in which case the established setback shall apply.
- C. Rear yard Setback. Where an alley exists or is provided at the rear of the building, the full width of the alley may be counted as part of the required rear yard setback.

3.8 C-3 Highway Commercial District Standards

- A. Front Yard Setback. Where an existing setback line has been established by existing commercial buildings occupying forty percent or more of the frontage within the same block, such established setback shall apply.
- B. Side Yard Setback. If walls of structures facing such interior side lot lines contain openings, side yards of not less than ten feet shall be provided. Where a side yard adjoins a Residential District or side street, a twenty-foot yard is required, unless an existing setback line of less than this required distance has been established by existing commercial buildings occupying forty percent or more of the frontage on the same side of the street in the same block, in which case the established setback shall apply.
- C. Rear Yard Setback. In those instances where a proposed building is located on land adjacent to a Residential District and the building would exceed twenty-five feet in height, the setback shall be at least equal to the height of the building. Where an alley exists or is provided at the rear of the building, the full width of the alley may be counted as part of the required rear yard setback.

Section 3.10

3.9 C-4 General Business District Standards

- A. Front Setback. The first ten feet of the front setback shall be devoted to improved landscaping.
- B. Rear Yard. The rear yard setback shall be a minimum of twenty-five feet if the rear yard abuts a Residential District.

3.10 D-1 Light Industrial District Standards

- A. Required Conditions.
 - 1. Fire and Explosion. Subject to Section 6.1 of the Code of Ordinances, every use, which may, by reason of flammability or explosive hazard, become dangerous, shall be approved by the Director of Police and Fire Services or his or her designated representative.
 - 2. Radioactivity. Any use of radioactive substances, isotopes or products shall avoid endangering the health, safety or property of others.
 - 3. Smoke or Dust. Every use shall prevent smoke or dust from becoming dangerous and from affecting adjoining properties and shall be approved by the Branch County District Health Department.
 - 4. Liquid or Solid Industrial Wastes. Subject to Section 6.1 of the Code of Ordinances, every use shall avoid the discharge of industrial wastes of any kind in such manner that they tend to discolor, poison or otherwise pollute water or land beyond the property line of the parcel devoted to such use.
 - 5. Vibration. Every use shall avoid causing vibrations of the land or air to such an extent as to interfere with the reasonable enjoyment of any present or prospective legally conforming use of adjoining or nearby premises.
 - 6. Noise. Every use shall avoid the emission of noise of such pressure, loudness, pitch or frequency of occurrence, or any combination thereof, which would interfere with the reasonable enjoyment of any present or prospective legally conforming use of adjoining or nearby premises.
 - 7. Odor. Every use shall avoid the emission of odorous gases or matter, in such quantities as to be noxious, offensive or injurious, beyond the property line of the parcel devoted to such use, to any present or prospective legally conforming use.

Section 3.11

- B. Side Yard Setback. If the lot has an average width of less than 200 feet, the side yard shall not be less than fifteen percent of such average width, except that in no case shall any side yard adjacent to a Residential District be less than fifty feet.
- C. Rear Yard Setback. Where a rear alley or railroad right of way abuts the rear of the property, such space may be counted as a part of the required rear yard.
- D. Truck terminals and freight terminals may be permitted in the D-1 district, provided that they are located on a major street and not less than 300 feet distant from a Residential District.

3.11 Heavy Industrial (D-2) District Standards

- A. Front Yard Setback. Where forty percent of the frontage of the same block has been developed with existing buildings with setbacks of less than fifty feet, the established setback shall apply.
- B. Side Yard Setback. If the lot has an average width of less than 200 feet, the side yard shall not be less than fifteen percent of such average width, except that in no case shall any side yard adjacent to a Residential District be less than fifty feet.
- C. Rear Yard Setback. Where a rear alley or railroad right of way abuts the rear of the property, such space may be counted as a part of the rear yard.
- D. Production and Manufacturing uses in this district shall be located not less than 500 feet from any Residential District and not less than 300 feet from any other district.

Zoning Ordinance | Article 4

Use Standards

Article 4 - Use Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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4.1 Single Family Dwellings Outside of Mobile Home Parks

All dwelling units located outside of mobile home parks shall comply with the following requirements:

- A. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one half feet, or, if a mobile home, shall meet the requirements of Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended, being a standard of the United States Department of Housing and Urban Development.
- B. The minimum width of any single-family dwelling unit in the R-3 District shall be fourteen feet. In all other Residential Districts the minimum width shall be twenty-two feet. Such width shall be maintained for at least sixty-seven percent of its length, measured between the exterior part of the walls having the greater length.
- C. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with Chapter 1428 of the Code of Ordinances, and the area between the grade elevation of the lot and structure shall have a wall of the same perimeter dimensions as the dwelling and shall be constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions, shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission, and shall contain a perimeter wall as required in subsection (e) hereof.
- D. If a dwelling is a mobile home, as defined herein, it shall be installed with the wheels removed. Additionally, no such dwelling shall have any exposed towing mechanisms, undercarriage or chassis.
- E. If a dwelling is a mobile home, as defined herein, it shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. Such skirting shall be a minimum of twenty-six gauge metal with ribbing, or of other accepted building materials having similar design and durability. Brick or concrete block wall construction may be permitted as skirting. The skirting shall be securely attached and sealed to the mobile home body and shall contain a rat proof wall or slab to prevent the entrance of rodents and other animals underneath the mobile home. One access door shall be permitted in the skirting, and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more than twenty feet to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times. Unprotected flammable materials, including hay bales and newspaper, shall not be allowed as skirting for mobile homes.
- F. All dwellings shall be connected to an approved sewer system and water supply system.
- G. All dwellings shall provide steps or porch areas, permanently positioned in the ground or permanently attached to the foundation, where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.

Section 4.1.H - 4.2

- H. All additions to dwellings shall meet all of the requirements of this Zoning Code.
- I. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang of not less than six inches on all sides, or, alternatively, with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwellings. The front door of said dwellings shall be located on the front façade of the building, that which faces the public street. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of mobile home parks within 750 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.
- J. Prior to issuance of a building permit for any dwelling unit, construction plans at a scale of no less than one quarter inch to one foot, including a plot plan, adequate to illustrate compliance with the requirements of this Zoning Code, shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes as set forth in subsection K hereof.
- K. All mobile homes shall meet the standards for mobile home construction contained in Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended, being a standard of the United States Department of Housing and Urban Development. All other dwellings shall meet the requirements of the construction code adopted by the City.
- L. A minimum of 100 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Building Inspector.

4.2 Farming, Greenhouses, Nurseries and Orchards

- A. The parking or storage of trucks and farm machinery shall be kept at least 100 feet from the front lot line.
- B. Due to the conflicting nature of such activities within the incorporated limits of the City, fur farms, poultry farms or any activity entailing the confined feeding and/or production of livestock or the pasturing of livestock at densities that exceed four animals per net acre, is prohibited.
- C. The sale of farm produce may be permitted, provided that:
 - 1. The produce was raised primarily on the property, and
 - 2. Not more than one person not a resident of the principal dwelling or premises is employed in such sales.

4.3 Wireless Communication Facilities

- A.** Permitted as Principal Uses. In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval as provided in [Section 6.1](#), Site Plan Review, and also subject to the conditions set forth in subsection D hereof:
1. Attached wireless communication facilities within all districts where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed;
 2. Collocation of an attached wireless communication facility, which has been previously approved for collocation by the Planning Commission;
 3. Wireless communication facilities attached to a utility pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and or result in an impairment of sight lines or other safety interests; or
 4. Wireless communication facilities with monopole support structures of no more than 150 feet in height within the AA, D-1, and D-2 Zoning Districts.
- B.** Permitted as Special Land Uses. Where permitted, Wireless communication facilities with monopole or lattice tower support structures with a height of greater than 150 feet shall be subject to the standards of [Section 6.2 Special Land Uses](#) except that they shall not be located within 500 feet of any A-1 or A-2 Zoning District, or within a distance equal to the height of the support structure from the right-of-way line of any interstate or limited-access highway or other major thoroughfare. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.
- C.** Permitted as Special Land Uses in Other Districts. If an applicant can demonstrate to the satisfaction of the Planning Commission that a location permitted in subsections A and B above cannot reasonably meet the coverage and/or capacity needs of the applicant, and the applicant can demonstrate that it has reasonably exhausted all efforts to locate its facility in accordance with subsections A or B above, a wireless communication facility with a monopole support structure may be permitted as a special land use or a special accessory use within all other zoning districts, subject to the standards of [Section 6.2 Special Land Uses](#) and further subject to the following conditions:
1. Such wireless communication facilities shall be located on a priority basis only on the following sites:
 - a. Governmentally owned sites;
 - b. Religious or other institutional sites;
 - c. Public or private school sites; or
 - d. Public park and other large permanent open space areas, when compatible.
 2. Wireless communication support structures in such locations shall be of an alternative or stealth design such as (without limitation) a steeple, bell tower, tree, or other form which is compatible with the existing character of the proposed site, the adjacent neighborhoods, and the general area, as approved by the Planning Commission.

Section 4.3.D - 4.3.D.1.f

D. Required Standards for Wireless Communication Facilities in All Districts.

1. Required information.

- a. Site plan. A site plan prepared in accordance with [Section 6.1 Site Plan Review](#) also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.
- b. Demonstration of need. Demonstration of the need for the proposed wireless communication support structure due to a minimum of one of the following:
 - I. Proximity to an interstate or limited-access highway or major thoroughfare.
 - II. Proximity to areas of population concentration.
 - III. Proximity to commercial or industrial business centers
 - IV. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
 - V. Other specific reasons.
- c. Service area and power. As applicable, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
- d. Map of other facilities nearby. A map showing existing or proposed wireless communication facilities within the City of Coldwater and Branch County, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the County, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If the information is on file with the City, the applicant shall update as needed. A written request for confidentiality must be prominently stated by the applicant.
- e. Data on other facilities nearby. For each location identified by the applicant/provider, the application shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain such information:
 - I. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - II. Evidence of property owner approvals.
 - III. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility. If the location cannot be used, a disclosure of the technological considerations involved shall be provided, with specific reference to how use of the location would prohibit the applicant/provider from providing services.
- f. Fall zone certification. To determine the required setbacks, a Michigan registered engineer shall submit a determination and certification regarding the manner in which the proposed structure will fall. The fall zone or collapse distance as cited in the certification shall therefore be the minimum setback required. However, in the absence of an engineer's certification, the minimum setback shall be equal to the total height of the tower. Furthermore, in no case shall the minimum setback from a property line be less than seventy-five feet.

Section 4.3.D.1.g - 4.3.D.1.l

- g.** Description of security for removal. A financial security (performance guarantee) may be required for the wireless communication support structure to ensure removal and maintenance, in accordance with this section. The security shall be required at the discretion of the Planning Commission and shall be in the form of a performance bond or dedicated escrow account placed with the City for coverage of stated purposes. The security shall be a promise of the applicant and owner of the property to timely remove the facility as required, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the City of Coldwater in securing removal.
- h.** Data on FCC and FAA approval. Due to the proximity of the Branch County Memorial Airport to the western corporate limits of the City of Coldwater, an application for a wireless communication installation shall have first been submitted for review and have been approved for such facility before the Branch County Airport Zoning Board. A copy of the application submitted to the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) detailing technical parameters authorization for the facility shall be submitted to the City as part of the City's required application packet. Approved facilities shall be subject to all FAA and FCC requirements for placement, maintenance, and operation.
- i.** Minimum lot size; access to right-of-way. All wireless communication facilities shall be located on a minimum of a one-acre parcel and shall have direct or deeded access to a public road right-of-way. Verification of said access shall be provided upon application for approval.
- j.** Vegetation. All existing vegetation shall be shown on the submitted site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping shall be required in accordance with the provisions of [Section 5.3 Landscape Requirements](#).
- k.** Visual analysis. A visual analysis shall be conducted with simulated photos, graphic renderings, or similar visual aids provided to show the proposed appearance of the site from a distance upon completion of the tower installation.
- l.** Fencing. The perimeter of all wireless communication sites shall be fenced with appropriate material with a minimum height of six feet and a maximum height of nine feet. All support structures, wires, and accessory buildings shall be located within the fenced area.

Section 4.3.D.2 - 4.3.D.8

2. Compatibility of support structures. Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.
3. Maximum height. The maximum height of wireless communication support structures shall be: A. 250 feet; or B. the minimum height demonstrated to be necessary by the applicant; or C. such lower heights as required and approved by the Federal Aviation Administration (FAA). The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs, which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within respective zoning districts.
4. Setbacks from nonresidential districts. Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for the principal buildings for the zoning district in which the support structure is located.
5. Variances. The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure to accommodate a change that would reduce its visual impact or to meet the required standards of paragraph D.10 hereof. The Zoning Board of Appeals may also grant variances for the height of a support structure of up to fifty feet only in cases where a variance would permit additional collocations.
6. Compatibility of accessory structures. Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms to all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
7. Appearance of support structures. The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with its surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition, as well as maintaining the safety of the site and structural integrity of any structures.
8. Federal and State requirements. The requirements of the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC) and the Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. Furthermore, if more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the City. The cost for testing and verification of compliance shall be borne by the operator of the antenna.

Section 4.3.D.9 - 4.3.D.10.b.IV

- 9. Lighting. Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration (FAA). The applicant shall propose a height reduction to eliminate the need for lighting, or shall submit detailed technical data demonstrating the need for the requested height, including an analysis demonstrating that other sites are unavailable or inadequate for the applicant’s purposes.

- 10. Collocation. All wireless communication support structures shall accommodate no more than six attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights.
 - m. When collocation is not feasible. Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:
 - I. The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by a licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - II. The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
 - III. Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
 - IV. Other unforeseen reasons that make it infeasible to locate the planned communication equipment upon an existing support structure or other structure.
 - n. Determining feasibility of collocation. Collocation shall be deemed to be feasible when all of the following are met:
 - I. The applicant/provider will pay market rent or other market compensation for collocation.
 - II. The site is able to provide structural support, considering reasonable modification or replacement of a facility.
 - III. The collocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
 - IV. The height of the structure necessary for collocation will not be increased beyond maximum height limits.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



Section 4.3.D.10.c - 4.3.D.10.g

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement

- o.** Refusal to permit collocation. If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a feasible collocation, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- p.** Refusal of collocation constitutes violation. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this section of the Zoning Code.
- q.** Violation resulting in prohibition of new structures. Consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new support structure within the City of Coldwater for a period of five years from the date of the failure or refusal to permit the collocation.
- r.** Appeal of prohibition; variance. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.
- s.** Offer of collocation required. An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. The list of potential users shall be provided by the City of Coldwater based on those entities who or which have requested approval of a wireless communication facility, current FCC license holders, and other entities requesting to be on the list. If, during a period of thirty days after the notice letters are sent to potential users, a user requests, in writing, to collocate on the new support structure, the applicant shall accommodate the request(s), unless collocation is not feasible based on the criteria of this section.

Section 4.3.D.11 - 4.3.D.13

11. Removal. When a wireless communication facility has not been used for ninety days, or ninety days after new technology is available which permits the operation of a facility without the requirement of a wireless communication support structure, all or parts of the wireless communication facility shall be removed by the users and owners of the facility and owners of the property. The removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communication facility is required may be applied and limited to a portion of the facility.
 - t. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communication facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition or removal, restoring the condition which existed prior to the construction of the facility.
 - u. If the required removal of the wireless communication facility or a portion thereof has not been lawfully completed within sixty days of the applicable deadline, and after at least thirty days written notice, the City of Coldwater may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility or, if necessary, through appropriate judicial remedies.
12. Radio frequency emission standards. Wireless communication facilities shall comply with applicable Federal and State standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.
13. Effect of approval.
 - v. Subject to paragraph 13.b below, final approval for a wireless communication support structure shall be effective for a period of six months.
 - w. If construction of a wireless communication support structure is commenced within two miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six-month period of effectiveness, the approval for the support structure that has not been commenced shall be void thirty days following written notice from the City of Coldwater of the commencement of the other support structure. Such voiding shall apply unless the applicant granted approval for the support structure, which has not been commenced, demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

4.4 Home Occupations

- A. Accessory uses are permitted when located on the same lot with the principal use, including customary home occupations, if the dwelling conforms to all of its zoning district requirements, provided that no more than one person, not a resident in said dwelling, is employed in said dwelling, that no more than one-half of the floor area of one story of the dwelling or an accessory building or garage is devoted to such use, that no stock in trade is kept or commodities sold, that no mechanical or electrical equipment which will create a nuisance to the adjacent neighborhood is used, and that adequate parking in accordance with [Section 5.2 Off-Street Parking and Loading](#) is provided.
- B. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the character thereof, and shall not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like. No article or service shall be sold or offered for sale on the premises, except that which is customarily incidental to such occupation. The occupation shall not require internal or external alterations or construction, which alters the residential character of the dwelling. The occupation shall not require machinery, outdoor storage, off-street parking or outdoor advertising, all of which are not customarily allowed in residential areas.

4.5 One-Family Cluster Option

- A. One-Family Clustering Option. The intent of this subsection is to permit the development of one-family residential patterns, which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of site planning in situations where the conventional subdivision of land would be otherwise unreasonable. To accomplish this, it is the intent of this option that development of this nature be done through site planning and not by subdividing the land in the conventional manner. The subdividing of land to contain single dwelling units on individual lots shall not be permitted under this option. The following modifications to the one-family residential standards shall be permitted subject to the conditions herein imposed.
 - 1. In those single-family Residential Districts permitted in this section, the site planning of one-family clustering may be permitted in those areas possessing at least one of the following characteristics:
 - a. An unsubdivided area which the Planning Commission finds to be of such unusual shape, or which is found to contain unsuitable or generally unbuildable soil conditions over a significant portion of the site, or which has unusually severe topographic conditions, or which is characterized by some other unusual physical or developmental factor, extending over a significant portion of the site, as would make sound physical development under the normal subdivision approach impractical.
 - b. An unsubdivided area which the Planning Commission finds to be characterized by major stands of trees or streams or other watercourses which extend across a significant portion of the site, and which, as significant natural assets, ought to be preserved, such conditions making sound development of the site under normal subdivision approaches impractical, or where the Planning Commission finds it desirable to preserve open space.



Section 4.5.A.2 - 4.5.A.8

2. The area in open space (meaning the site’s recreation areas and open spaces, including usable on-site water impoundments) accomplished through the use of one-family clusters shall represent at least fifteen percent of the horizontal development area of a one-family cluster development. This entire area may be used in computing density when preserved as open space.
3. The overall permitted dwelling unit density within those parcels which qualify for cluster development shall not exceed the following number of dwelling units per acre by zoning district (including all residential streets):

TABLE 4.5.A.3	
PERMITTED DWELLING UNIT DENSITY	
DISTRICT	NUMBER OF DWELLING UNITS PER ACRES
A-1	5.6
AA	1.2

4. Under this section, the attaching of one-family homes in clusters shall be permitted when said homes are attached either through a common party wall or garage wall which does not have over fifty percent of an individual wall or more than twenty-five percent of the total exterior walls of a home in common with the wall or walls of the adjoining home, or by means of an architectural detail which does not form interior room space, or through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit.
5. Under this section, the detaching of one-family homes in clusters shall be permitted, provided the space between individual structures within a cluster of detached homes shall be no less than six feet apart and no greater than ten feet apart, except that where an opposing wall between two dwelling structures within a cluster contains openings, that wall shall be separated from any other opposing wall by ten feet.
6. The maximum number of homes in a cluster shall be subject to review by the Planning Commission, but in no case shall a cluster contain less than two dwelling units, nor more than four dwelling units.
7. No structure shall be located closer to a street right of way or service drive than twenty feet.
8. Each cluster of one-family homes shall be separated from any other cluster of one-family homes by a minimum distance determined by the number of homes in opposing clusters as regulated in the following scale. However, when it can be shown that compliance with the scale would create an adverse relationship between clusters or force the destruction of a natural amenity, the Planning Commission, after review, may modify the minimum distance between clusters to better fit the characteristics of the site. Total homes in two opposing clusters-minimum distance (in feet): 8 homes with 50-foot minimum, 7 homes with 45-foot minimum, 6 homes with 40-foot minimum, 5 homes, with 35-foot minimum, and 4 homes with 30-foot minimum.



9. In reviewing the plans and approving the application of this section to a particular site, the Planning Commission shall require the following:
 - c. All clusters that abut major thoroughfares shall have a rear yard or side yard relationship to said thoroughfares.
 - d. A landscaped berm, at least five feet high, shall be provided along the entire property line abutting the major thoroughfares. This berm may be included within a required side or rear yard. The Planning Commission shall find that the slopes on said berms are gentle enough so as not to erode when planted in grass, and it shall review the design of the berm as it relates to street intersections, finding that the horizontal view of oncoming traffic is not obscured. The Planning Commission may permit an optional landscape treatment in lieu of a landscaped berm when a landscaped berm is not practical due to site conditions.
 - e. Street ingress and egress to the major thoroughfares shall be kept to a minimum.
 - f. Any area to be used for private park recreation or open space purposes as a result of the application of this section shall be subject to review and approval of the Planning Commission for minimum size, shape, location, access, the character of any improvements and assurance of the permanence of the open space and its continued maintenance.
10. In submitting a proposed site plan layout under this section, the sponsor of the development shall include, along with the site plan, the proposed building elevations and typical floor plans, an indication of existing and proposed public easements, topography drawn at a two-foot contour interval, all computations relative to acreage and density, details relative to the proposed berm, and any other details which will assist in reviewing the proposed plan.
11. Approval of a site plan under this section shall be effective for a period of one year. Development not started in this period shall be considered as abandoned and authorization shall expire, requiring that any proposed development thereafter shall be reviewed and approved by the Planning Commission. Any proposed change in the site plan or building plans, after approval has been received, shall require review and approval by the Planning Commission prior to effecting said change.
12. The Planning Commission shall hold a public hearing for the purpose of reviewing the plans and approving an application for a one-family clustering option in accordance with M.C.L.A. 125.3502.

4.6 Campgrounds

- A. Campgrounds, including recreational areas incidental thereto, must contain at least five acres in area. Said five acres are not to include environmentally sensitive land such as wetland, floodplain, and/or forest.
- B. Campgrounds shall be located at least 300 feet from the following Residential Districts: R-3 One Family, A-1 One Family, A-2 One and Two Family, and A-3 Multi-Family.

Section 4.6.C - 4.7.A.1.I

- C. The present and future ability of the City and County to provide adequate vehicular access, public safety and other necessary public services to the proposed campground should be considered.
- D. When the site is wooded or has other natural or historical features, which in the opinion of the Planning Commission, should be preserved or protected, restrictions on the alteration of these natural features may be required as a condition of approval.
- E. Any sale of foodstuff or merchandise shall be clearly incidental to the needs of the occupants and users of the campground and recreation areas while therein and shall consist of packaged merchandise only.
- F. Activities shall be adequately screened from adjoining residentially developed or residentially zoned property by an evergreen planting of at least five feet in height at the time of planting.
- G. Campgrounds shall comply with all applicable state licensing standards and state regulations.

4.7 Mining and Extraction Operations

- A. These regulations are designed to provide for the regulation of earth removal, quarrying, gravel processing, mining, and related mineral extraction activities and to specify the conditions and circumstances under which such a use may be developed in order to protect the health, safety, and general welfare of Coldwater residents, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse impact upon the safety, health, and welfare of the City. Prior to Planning Commission approval of a special use for earth removal, quarrying, gravel processing, mining, and related mineral extraction activities, the Planning Commission shall be satisfied that the following conditions and limitations are, or shall be strictly complied with, in addition to any other requirements contained in the zoning ordinance or in any other City ordinance controlling such operations:
 - 1. Location.
 - I. All such operations shall be located on a primary road, as defined by the County of Branch, for Ingress and Egress there to or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the applicant may be required to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operation and for the purpose of routing traffic around residential areas and preventing the breaking up of existing road which are not "ALL WEATHER ROADS".

- II. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operations shall be permitted closer than one hundred (100) feet to interior boundary lines of the property, or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operations then the Planning Commission may reduce, or eliminate the required setback or temporarily reduced to fifty (50) feet if reclamation of the land is promptly affected to increase to at least one hundred (100) feet in accordance with the reclamation plan approved by the Planning Commission, and adequate lateral support as set forth is at all times maintained.
 - III. No such excavation operation shall be permitted within fifty (50) feet of adjoining public right-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights- of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
 - IV. The permanent processing plant and its accessory structure shall not be located closer than one hundred fifty (150) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
 - V. No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission of such state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.
2. Sight Barriers. Sight barriers shall be provided along all boundaries of the site, which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - a. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees, or shrubs.
 - b. Plantings or evergreen trees or shrubbery in row parallel to the boundaries, of the property not less than four (4) feet in height at the time of planting and which grow to not less than eight (8) feet in height at maturity and sufficiently spaced to provide effective sight barriers within six (6) feet in height.
 - c. Masonry walls or attractive solid fences made of uniform new materials constructed to a height or not less than six (6) feet and maintained in good repair.

3. Nuisance Abatement.
 - d. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
 - e. Air pollution in the form of dust and dirt shall also be kept a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
 - f. Hours - The operation shall be restricted to the hours of 7:00 o'clock a.m. until 7:00 o'clock p.m. and no operations shall be allowed on Sundays.
 - g. Fencing - All dangerous excavations, pits, pond areas, bands of slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
4. Reclamation of Mined Areas.
 - h. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effective within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
 - i. The following standards shall control reclamation and rehabilitation.
 - I. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-combustible solids to insure:
 - i. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - ii. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - II. The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.

- III. The type of mining, extraction, or related activity proposed to be conducted and the nature of the equipment to be used.
 - IV. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - V. Soil boring test shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. Said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the City Engineer. The written consent the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within Ordinance to the boundaries of the site.
 - VI. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations including the proposed uses then contemplated for the land, future lakes, and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans devastated and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
6. Hearing.
- I. After receiving the Special Use application for an earth removal, quarrying, gravel processing, mining and related mineral extraction operation accompanied by the required plans and specifications and permit fee, the Planning Commission shall hold a public hearing upon such application.
 - m. Opportunity shall be given to all present to be heard at such hearing.
 - n. Following such hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
 - I. The most advantageous use of the land, resources and property.
 - II. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - III. Conservation of property, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - IV. The protection and preservation of the general health and safety and welfare of the City.
 - V. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - VI. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.



VII. In making any decisions, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners.

VIII. The Planning Commission may also limit the length of times its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial renewal and not less than thirty (30) days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.

IX. The operator shall be required to pay an annual fee to cover the cost of the inspectors and additional meetings of the Planning Commission as may be established by the City Council.

7. Liability Insurance. All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one persons' property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon the properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Clerk.

4.8 Adult and Child Group Day Care Home

A. Adult and child group day care homes (those caring for seven or more individuals), subject to the following provisions:

1. Fencing shall be required and have a minimum height of five feet around all outdoor areas accessible to the day user.
2. The property shall be maintained in a manner, which maintains compatibility with the existing character of the neighborhood.
3. If a day care operation, the hours of operation of the use shall be limited to sixteen hours per twenty-four hour day.
4. If applicable, the use shall be licensed by the Department of Human Services, State of Michigan.

5. If a day care center, as defined, the minimum lot area shall be 20,000 square feet.
6. If a day care center, as defined, a drop-off/pick-up area shall be provided for motorists off the public street.
7. For each operation, there shall be a contiguous open space of a minimum of 5,000 square feet provided on the subject parcel. Said open space shall not be located within a required front setback area. This requirement may be waived if public open space is available within 500 feet of the subject parcel.

4.9 Car Wash Establishments

- A. For stacking capacity see [Section 5.2.V Off-Street Stacking Space for Drive-Through Facilities](#)
- B. Vacuuming activities, if outdoors, shall be at least one hundred feet from any Residential District lot line or residential use. Wash bays for self-service washes shall be located at least fifty (50) feet from any Residential District lot line or residential use.
- C. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened or buffered as required by the Planning Commission

4.10 Gasoline Service Stations and Minor Repair

- A. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- B. Inoperative vehicles left on the site shall be stored overnight within an enclosed building or in an area screened by an opaque fence not less than six feet in height.
- C. There shall be no storage of loose body parts, trash, tires, supplies or equipment outside of an enclosed building.
- D. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
- E. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five feet is maintained, and provided, further, that the fascia of such canopy is a minimum of ten feet above grade.
- F. Outdoor storage or display of merchandise is not allowed unless approved as part of the special use permit and site plan review.

4.11 Mobile Homes

All mobile homes located outside of mobile home parks shall be installed as provided in [Section 4.1 Single-Family Homes Outside of Mobile Home Parks](#) or as approved within a licensed manufactured home park. No mobile home shall be parked or stored in any zone in the City for any period exceeding seventy-two hours unless in an approved mobile home sales area.

4.12 Unclassified Uses

Where a proposed use of land or use of a building is not contemplated or specified by this Zoning Code or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Zoning Code, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Zoning Code, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use as a special use, but only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of this Zoning Code and the Master Plan are not impaired by permitting such use at the proposed location.

4.13 Special Controlled Adult Uses

A. Adult Uses.

1. Intent. In the development and execution of these zoning regulations, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move from or to avoid the community, increase crime and contribute a blighting effect on the surrounding area. This section describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.
2. Applicability. The uses defined in [Section 2.2 Definitions](#) as “adult regulated uses” shall be subject to the generally applicable provisions and procedures set forth in these Codified Ordinances for obtaining such special use permits, and subject to the licensing and other requirements of the Part 8 of the Codified Ordinances, and subject to the following location requirements and specific design standards:

Section 4.13.A.2.a. - 4.13.C

- a. Required spacing. Adult regulated uses shall be located no less than 500 feet from the boundary of a residential district and 500 feet from a residential use, regardless of whether the residential district or use is located in or outside of the City. Adult regulated uses shall be spaced at least 1,000 feet from the following uses: any other adult regulated use; child day care homes; nurseries; primary or secondary schools; churches; convents; temples and similar religious institutions; and public parks, community centers, movie theaters, ice or roller skating rinks and other places of public assembly frequented by children and teenagers, regardless of whether such use is located in or outside of the City. The distance shall be measured horizontally between the nearest point of each property line. Upon denial of any application for a special use permit under this section, the applicant may appeal for a waiver of the above location requirements to the Zoning Board of Appeals. The Zoning Board of Appeals may waive the location requirements set forth in this section following a public hearing provided in the manner described in [Section 7.7 Public Notice](#) of this Zoning Ordinance, upon a finding that the proposed use will not be contrary to any other provision of this Zoning Code or injurious to nearby properties and will not enlarge or encourage the development of a “skid row” or “strip.”
 - b. Special Site Design Standards.
 - I. The building and site shall be designed, constructed and maintained so that material such as a display, decoration or sign depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this Zoning Code) cannot be observed by pedestrians and motorists on a public right of way or from an adjacent land use.
 - II. The site shall have access only onto an arterial street.
 - c. Conditions of approval. A Special Use Permit, approved hereunder, shall be conditioned upon the applicant obtaining and maintaining a license under the Chapter 804 of these Codified Ordinances.
 - d. Minors on premises. No person operating, assisting in the operation of, or an employee of, an adult regulated use, shall permit any person under the age of 18 years of age to be on the premises of such business, either as an employee or customer.
- B.** Application of Section. The provisions of this section shall be applicable to all zoning districts unless otherwise specified in this section.
- C.** Procedure for Processing Applications. All applications to establish an adult regulated use shall be processed as a special use in accordance with the provisions and procedures set forth in this Zoning Code including but not limited to [Section 6.2 Special Land Uses](#). In addition, the Planning Commission shall adhere to the following procedures when reviewing a special use application for an adult regulated use:

Section 4.13.C.1 - 4.13.E.2.a

1. If the Planning Commission determines that a special use application for an adult regulated use is not complete when it is first presented to the Commission, it shall provide written notice by first class mail within five business days of such determination detailing the items required to complete the application.
 2. If the Planning Commission determines that the application is complete, it shall, within 90 days of such determination, make and adopt specific findings with respect to whether the adult regulated use is in compliance with the approval standards for special use permits and the design standards set forth in this chapter. If the Planning Commission has not made and adopted findings of fact with respect to a proposed adult regulated use and either approved or denied the issuance of a special use permit for the same within 90 days of its determination that a completed application has been filed, then the special use permit shall be deemed to have been approved.
- D.** Limit on Reapplication. No application for such use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.
- E.** Appeal from Adverse Decision.
1. In the event that an application is denied, the applicant shall be entitled to prompt review by the Zoning Board of Appeals as a means to exhaust local remedies and to be consistent with the intent of *Paragon Properties Co. v. Novi*, 206 Mich. App. 74; 520 N.W.2d 344 (1994). The applicant shall file an appeal with the City Clerk within five business days of the denial of the special use permit application by the Planning Commission. The review shall, upon the applicant's request, be conducted at a special Zoning Board of Appeals meeting convened for such purposes within 15 business days of receipt of such a request. The Zoning Board of Appeals shall review the record of proceedings conducted before the Planning Commission and determine whether the Commission's decision was based upon competent material and substantial evidence and otherwise review the determination to ensure that it complies with all requirements of both the Michigan and United States Constitutions.
 2. If the Zoning Board of Appeals affirms denial of the special use permit, then the applicant shall be entitled to prompt judicial review by submitting a written request to the City Clerk. Such written request must be received by the City Clerk within 30 business days of the date of the decision of the Zoning Board of Appeals. The City shall, within five business days of receipt of such written request do the following:
 - a.** File a petition in the Circuit Court for the County of Branch seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the adult regulated use in violation of this section.

- b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five business days or as soon as thereafter possible. In the event that the applicant appears at or before the time of such show cause hearing, waives the notice otherwise provided by Michigan Court Rule and requests that at the time set for such hearing the court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the City shall be required to waive its application for preliminary injunction and shall join such request. In the event that the applicant does not waive notice and/or does not request an early hearing on the City's application for permanent injunction, it shall nevertheless be the duty of the City to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.
- c. The filing of written notice of intent to contest the City's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the permit automatically approved if, within 15 days of the filing of the petition, a show-cause hearing has not been scheduled.

4.14 Multiple Dwelling Units within A Principal Office Structure

Dwelling units shall not be located below the second floor, except that in the case of a one-story structure, one dwelling unit may be permitted on the first floor if occupied by the owner of the premises or by the proprietor or the manager of the office use established in the building.

4.15 Cafes and Restaurants within A Principal Office Structure or Complex

- A. Cafeterias and related ancillary dining facilities associated with hospitals and sanitariums, schools, adult and child care facilities, and vending facilities within professional offices (for the exclusive use of the tenants of said professional offices) are excluded from the following provisions of this subsection. Such uses shall be considered ancillary to the primary use to which they are associated and shall be subject to review and approval accordingly.
- B. The gross area of building space devoted to permitted offices shall be not less than 5,000 square feet in order for a cafe or restaurant to be established within the office complex.
- C. The gross floor area of the cafe or restaurant shall not exceed twenty percent of the gross floor area of the overall office complex or a gross floor area of 2,000 square feet maximum.
- D. Drive-through and walk-up (window) facilities and services shall not be provided.

Section 4.15.E - 4.16.A.8

- E. Only one cafe or one restaurant shall be constructed per office complex.
- F. The cafe or restaurant shall be designed and constructed as an integral part of the office complex. The cafe or restaurant must be located within, or physically attached to, the office complex.
- G. Direct entry to the cafe or restaurant from the outside, if provided, shall not face a Residential District.
- H. Parking for the cafe or restaurant shall be based on the parking standards of [Section 5.2.R Number of Spaces by Use](#), as delineated for establishments for the sale and consumption, on the premises, of food or refreshments.
- I. Signs for the cafe or restaurant shall be based on the sign standards of [Section 5.1 Signs](#).
- J. The cafe or restaurant shall not sell alcoholic beverages.
- K. The cafe or restaurant shall not provide live entertainment.
- L. The cafe or restaurant may provide recorded music, provided that said music is not audible beyond the walls of the cafe or restaurant.
- M. The cafe or restaurant shall be subject to a fire safety and building code inspection conducted by the city's Neighborhood Services Department prior to occupancy and opening.

4.16 Residential Dwellings and Dwelling Units within A Principal Commercial Use

- A. Residential Dwelling Units as an accessory use to a commercial building.
 - 1. No dwelling unit shall occupy a basement or ground floor.
 - 2. No dwelling shall be located on the same floor or on a floor lower than a business located in the same building.
 - 3. Each dwelling shall contain a minimum of 300 square feet.
 - 4. Each dwelling shall be provided with at least one and one-half off- street parking spaces, which shall require City Council, approval if a Municipal lot is involved.
 - 5. If facing a street, window air conditioning units shall not project beyond the face of the building.
 - 6. Provisions for rubbish storage and collection shall be provided to the rear or alley-side of the building only.
 - 7. The external hanging of laundry from, between and adjacent to buildings is prohibited.
 - 8. Dwelling units shall have access that is separate from the businesses located in the same building.

- B. Residential dwellings permitted by special land use within the C-2 District shall meet the following conditions:
 - 1. Two thirds (2/3s) of either side of the block in which the housing is proposed is currently in residential use.
 - 2. Conversions of existing buildings into additional residential units are not permitted on lots that are less than fifty- five feet wide or that have an area of less than 6,000 square feet. The maximum ratio for converted units shall be one dwelling unit for each 3,000 square feet of lot area to a total of not more than four units.
 - 3. Lot area shall be measured within 110 feet of the front street line .

4.17 Outdoor Sales, Storage and Displays

Where permitted, the outdoor sales, storage or display or merchandise shall be associated with and operated by the principal permitted use of the property on which it's located.

4.18 Outdoor Storage Yards Accessory to a Heavy Industrial Use

- A. In the D-2 District. Outdoor storage yards located in the front or side yards shall be subject to special land use approval and are subject to the following provisions:
 - 1. The materials stored outdoors shall be intended for and consistent with the manufacturing and operations occurring only within an enclosed building located on the property which the storage is located. Utilization of the outdoor storage area for manufacturing and operations is not permitted.
 - 2. Outdoor storage areas shall be located at least 300 feet from any Residential or Agricultural Residential District.
 - 3. The outdoor area devoted to storage cannot exceed 25% of the total lot area. The location and use of outdoor storage shall be limited to the designated areas on the approved site plan.
 - 4. The outdoor storage material must be stored in an orderly manner such that all building, fire, and other applicable codes are met (including, but not limited to access lanes) and access to all areas of the yard is possible.

5. All areas of outdoor storage of junk shall be effectively screened from public view. No outdoor storage shall be permitted until the approved screening is installed. Stored materials may not be stacked or otherwise arranged above the height of the approved screening. If a vehicle, piece of equipment, or other individual stored item exceeds the height of the fence, it shall be stored not less than fifteen (15) feet from any residential property. Effective screening shall include either a fence or vegetation, or a combination thereof, in accordance with one of the following provisions:

- a. The area to be used for outdoor storage may be screened by a solid (opaque) wooden fence or masonry wall, chain link with privacy slats and/or screening, or other screening material acceptable to the Planning Commission. The fence or wall shall be a minimum of six (6) feet in height. All fencing shall be of sound construction and shall be maintained neatly and in good repair. Such fence shall not be used for advertising signs or other displays.
- b. A combination of shrubs, hedges (minimum five (5) gallon), and large trees (minimum fifteen (15) gallon) with thick, broad canopies may be installed around all areas to be used for outdoor storage. Any vegetation used for screening shall be of sufficient density so that it effectively screens the area from view. The allowable amount and height of items being stored will be determined based upon the current height and density of vegetation at a given time. All landscape materials required by this section shall be installed in accordance with standard practices of horticultural professionals. The vegetation shall be maintained in a strong and healthy condition, free from refuse, debris, weeds, and insects and shall be maintained by the property owner in good condition. Any damaged or dead vegetation shall be replaced promptly.

6. The surface of the area to be used for outdoor storage shall be paved with a non-permeable material such as asphalt or concrete or covered with a material acceptable to the administrator which will control fugitive dust. Driving aisles and aprons shall be paved with asphalt or concrete and must be provided where there is vehicle movement. All areas shall be graded and drained so as to dispose of all surface water consistent with applicable ordinances.

- B. Outdoor storage yards for pallet operations, when located in the front or side yard, are subject to the following conditions:
 - 1. Outdoor storage must be accessory to the principal use.
 - 2. Must be located 300 feet from any Residential or Agricultural Residential District.
 - 3. Outdoor storage must be adequately screened by an approved wall, fence, and/or landscaping. Chain link fencing with plastic or metal inserts shall be permitted.

4.19 Small Wind Turbines

- A. Purpose and Intent. The purpose of this section is to establish zoning guidelines for small wind energy turbines in the City that:
 - 1. Promotes the development of a clean renewable energy resource;
 - 2. Establishes safe, effective, and efficient use of small wind energy turbines;

Section 4.19.A.3 - 4.19.B.2.a.IV

- 3. Minimizes potential adverse impacts between land uses; and
- 4. Establishes standards and procedures for the site placement, design, engineering, installation, operation, maintenance, and decommissioning of small wind energy turbines.

B. Permitted Uses.

- 1. A building-mounted wind turbine (building mounted) and a small tower wind turbine (small tower) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this section unless a building permit has been issued to the owner(s) or operator(s).
- 2. All building-mounted and small tower turbines are subject to the following minimum requirements:
 - a. Site placement and design requirements.
 - I. Visual appearance.
 - i. A building-mounted or small tower turbine, including accessory buildings and related structures, shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The Zoning Administrator may require a photo of a small wind energy system of the same model that is the subject of the landowner’s application adjacent to a building or some other objects illustrating scale (e.g. manufacturer’s photo). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the building mounted or small tower turbine.
 - ii. A building-mounted or small tower turbine shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - iii. Building-mounted or small tower turbine shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
 - iv. The visual impact of all electrical and mounting components of the wind energy turbine shall be kept to an absolute minimum at all times.
 - II. Ground clearance. The lowest extension of any blade or other exposed moving component of a building-mounted or small tower turbine shall be at least 20 feet above the ground (at the highest point of the natural grade within 30 feet of the base of the tower) and, in addition, at least 20 feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the building-mounted or small tower turbine.
 - III. Noise. Audible sound due to small wind turbine operations shall not exceed 55 decibels for any sustained period of time, when measured at the property line. The only times this level may be exceeded are during short-term events such as utility outages and/or severe windstorms.
 - IV. Vibration. Vibrations shall not be produced which are humanly perceptible beyond the property on which a building-mounted or small tower turbine is located.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
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Section 4.19.B.2.a.V. - 4.19.B.2.a.VIII

- V.** Guy wires. Guy wires shall not be permitted as part of the building-mounted or small tower turbine.
- VI.** Shadow flicker. Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses.
- VII.** Building-mounted turbines. In addition to the site placement and design requirements listed previously, the building-mounted turbine shall also be subject to the following:
 - i.** Height: The height of a building-mounted turbine shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
 - ii.** Setback: The setback of the building-mounted turbine shall be a minimum of 40 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the building-mounted turbine is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of 40 feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - iii.** Location: The building-mounted turbine shall not be affixed to the wall of a structure facing a road.
 - iv.** Quantity: For one-family homes, two-family homes, and multiple-family dwellings in any zoning district, no more than one building-mounted turbine shall be installed on any parcel of property. In all other zoning districts, no more than two building-mounted turbines shall be installed on any parcel of property.
 - v.** Separation: If more than one building-mounted turbine is installed, a distance equal to the height of the highest building-mounted turbine must be maintained between the base of each building-mounted turbine.
- VIII.** Small tower turbines. In addition to the site placement and design requirements listed previously, the small tower turbine shall also be subject to the following:
 - i.** Height: The maximum total height of a small tower turbine shall be equal to the distance from the location of the small tower turbine to the nearest property line, or up to 100 feet, whichever is smaller. Any small tower turbine shall be in compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines.
 - ii.** Location: Small tower turbines shall only be located in a rear yard of a property that has an occupied building.
 - iii.** Occupied building setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of 1.1 times the total height of the turbine, as measured from the base of the tower.

Section 4.19.D.4 - 4.19.E

4. Documented compliance with the noise requirements set forth in this section.
5. Documented compliance with applicable local, State and Federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
6. Proof of applicant's liability insurance.
7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
8. Other relevant information as may be reasonably requested.
9. Signature of the applicant.
10. In addition to the permit application requirements previously listed, the application shall also include the total proposed number of building-mounted turbines, if applicable, or in the case of a small tower turbine, a description of the methods that will be used to perform maintenance on the small tower turbine and the procedures for lowering or removing the small tower turbine in order to conduct maintenance.

E. Safety requirements.

1. If the building-mounted or small tower turbine is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting Federal, State, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The building-mounted or small tower turbine shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. A clearly visible warning sign regarding voltage shall be placed at the base of the building-mounted or small tower turbine.
4. The structural integrity of the building-mounted or small tower turbine shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
5. On-site wind energy systems shall comply with all applicable State and local construction and electrical codes, Michigan Public Service Commission requirements and Federal Energy Regulatory Standards.
6. The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

- F. Signal interference. The building-mounted or small tower turbine shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
- G. Decommissioning.
 1. The building-mounted or small tower turbine owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or assigns of the building-mounted or small tower turbine, and for a good cause, the City Council may grant a reasonable extension of time. The building-mounted or small tower turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months as evidenced by the appearance of missing turbine parts, poor aesthetics, or a deteriorated condition. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
 2. If the building-mounted or small tower turbine owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the City Council may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises.
 3. In addition to the decommissioning requirements listed previously, the small tower turbine shall also be subject to the following:
 - a. Decommissioning shall include the removal of each small tower turbine, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade.
 - b. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

4.20 Boarding Homes

Boarders requiring medical attention shall be allowed only where professional care is given.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
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4.21 Adult Use Marihuana Establishments

- A.** Purpose and Intent. The purpose of this section is to protect the public health, safety, and welfare, and neighborhood character, minimize negative community impacts, and enact effective regulatory and enforcement controls through minimum land use requirements for City permitted Marihuana Establishments in the City of Coldwater. Marihuana Establishments permitted as a Special Land Use under this section shall be only those whose applicants have previously obtained a Municipal Marihuana License as authorized in Chapter 880, Marihuana Establishments, Part Eight: Business Regulation and Taxation Code of the Code of Ordinances of the City of Coldwater. The purpose for allowing Marihuana Retailer only as an accessory use to a Marihuana Processor or Marihuana Grower in the D-2 Heavy Industrial District is to preserve the industrial and agricultural character of the D-2 Heavy Industrial District. This section is to be construed to protect the public over Marihuana Establishments and licensee interests. Operation of a Marihuana Establishment is a revocable privilege and not a right in the City. There is no property right for a person or entity to engage in or obtain a license to engage in any marihuana commercial enterprise within the boundaries and jurisdiction of the City.
- B.** Marihuana Special Land Use Approval Required.
1. It shall be unlawful for any person to operate an Adult Use Marihuana Establishment in the City without obtaining Marihuana Establishment Special Land Use Approval pursuant to the requirements of this section, together with a Municipal Marihuana License as required in Chapter 880, Marihuana Establishments, of the City of Coldwater Code of Ordinances, and any other licenses or permits required by any other federal, state, or local agency having jurisdiction.
 2. The issuance of Marihuana Establishment Special Land Use Approval pursuant to this section does not create an exception, defense, or immunity to any person in regard to any potential civil or criminal liability.
 3. Marihuana Establishment Special Land Use Approval shall be required for each separate Marihuana Establishment licensed or to be licensed to operate by the MRA pursuant to the MRTMA and for each location of any permitted Marihuana Establishment.
- C.** Application Requirements. An application for Marihuana Establishment Special Land Use Approval shall be accompanied by a site plan if required pursuant to Section 6.1, Site Plan Review, together with any additional information necessary to describe the proposed establishment. At the time of submitting the application for Marihuana Establishment Special Land Use Approval, the applicant must have submitted a completed application for a Municipal Marihuana License as set forth in Chapter 880 and received a Municipal Marihuana License issued provisionally under that Chapter. At a minimum, the following materials shall be submitted as part of a Marihuana Establishment Special Land Use Approval application, in addition to the site plan review application requirements of Section 6.1.

Section 4.21.C.1 - 4.21.D.1

1. Verification. A signed statement by the applicant indicating the proposed Marihuana Establishment type or types.
 2. Consent. A notarized statement by the property owner that acknowledges use of the property for the specified Marihuana Establishment and an agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a Marihuana Establishment. Written consent shall also include approval by the owner and the operator of the Marihuana Establishment for the City to inspect the establishment at any time during normal business hours to ensure compliance with applicable laws and regulations.
 3. State License Documents. A copy of official paperwork issued by MRA as follows:
 - a. For Marihuana Grower, Processor, Retailer, and Microbusiness special land use applications, all paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use.
 - b. For Marihuana Secure Transporter and Safety Compliance Establishment applications, all paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with MRA, including all necessary application fees.
 - c. For all Marihuana Establishment applications, MRA required marihuana facility plans and security plans shall be submitted. Copies of all documents submitted to MRA in connection with the initial license application, subsequent renewal applications, or investigations conducted by MRA shall be made available upon request when such information is necessary and reasonably related to the application review.
 4. Proof of Insurance. Evidence of a valid and effective policy for general liability insurance within minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least B++ shall be produced that includes the name/s of the insured, effective and expiration dates, and policy number. The City of Coldwater and its officials and employees shall be named as additional insureds. The City shall be notified of any cancellation, expiration, reduction in coverage, or other policy changes within five (5) business days of the event.
- D. Additional Requirements.** In addition to the site plan requirements as set forth in Chapter 6.1 of these Ordinances and as otherwise specified in this section, the following information shall also be submitted as part of the application for Marihuana Establishment Special Land Use Approval:
1. A map, drawn to scale, showing all then existing K-12 public or private schools near the proposed Marihuana Establishment location and a 500-foot isolation radius drawn around the proposed location to show the required separation distance.

2. For a Marihuana Retailer or Marihuana Microbusiness seeking Marihuana Establishment Special Land Use Approval in the C-4 General Business District, the map shall show all City approved special land use Marihuana Retailers and Marihuana Microbusinesses in the district..
 3. A narrative describing how the enclosed areas with marihuana have been secured and how approved individuals will be given access.
 4. A detailed security plan that addresses security measures at the marihuana establishment, such as surveillance methods, access control strategies, maintenance, the applicant's closing procedures after the cessation of business each day, and safety for customers, employees, and neighbors.
 5. A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with Section 5.2.S and any and all other applicable City requirements.
 6. A floor plan of the Marihuana Establishment detailing the locations of the following:
 - a. All entrances and exits to the establishment;
 - b. The location of any windows, skylights, and roof hatches;
 - c. The location of all cameras, and their field of view;
 - d. The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
 - e. The location of the digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and
 - f. Restricted and public areas.
 7. The applicant's procedures for accepting delivery of marihuana at the establishment, including procedures for how and where it is received, where it is stored, and how the transaction is recorded.
 8. A plan for facility inspection by the City, which shall include no less than an annual comprehensive fire and security inspection.
- E.** General Provisions. Marihuana Establishments shall be subject to the following requirements:
1. Building Required. Marihuana Establishments must be within an enclosed, secured building.
 2. Separation distances.
 - a. The distances described in this subsection shall be computed by measuring a straight line from the closest point on the closest property line of the land proposed to be used as a Marihuana Establishment to the closest point on the closest property line of the parcel of an existing public or private K-12 School, and property within the AA, A-1, A-2, A-3, or R-3 District.

Section 4.21.E.6 - 4.21.F

6. Waste. A Marihuana Establishment shall be operated and maintained at all times so that any by-products or waste of any kind shall be properly and lawfully kept and disposed of so as to preclude any risk of harm to the public health, safety, or welfare.
 7. A Marihuana Establishment shall not be operated out of a residence or any building used wholly or partially for residential purposes.
 8. Any portion of the Marihuana Establishment structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations.
 9. A Marihuana Establishment shall not be operated from a business which also sells alcoholic beverages or tobacco products.
 10. No drive-through facilities shall be approved.
 11. A Marihuana Establishment shall comply at all times and in all circumstances with the MRTMA and the Administrative Rules promulgated by the MRA and Michigan Department of Licensing and Regulatory Affairs.
 12. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation, growing or harvesting of marihuana.
 13. Strict compliance with any applicable State law, rule, or regulation, this Ordinance, and Chapter 880, are required conditions of any special use permit issued under this section.
 14. In the event of any conflict between this Ordinance and State law, the terms of this Ordinance are preempted, and the controlling authority shall be the State law and the statutory regulations set forth by the MRTMA or the rules adopted by the Michigan Department of Licensing and Regulatory Affairs ("LARA" or "Department") to implement, administer, or enforce the MRTMA.
- F. Effect of Special Land Use Approval.**
1. Special land use approval for an Adult Use Marihuana Establishment is valid only for the location identified on the application and shall not be transferred to another location within the City.
 2. Special land use approval will not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the Act or other violations not protected by the Michigan Regulation and Taxation of Marihuana Act.
 3. Compliance with City ordinances and state statutes and all rules promulgated thereunder is a condition of continuance of Marihuana Establishment Special Land Use Approval. Marihuana Establishment Special Land Use Approval may be suspended or revoked pursuant to Section 8 if such ordinances and/or statutes and/or regulations are violated.
 4. Nothing contained herein is intended to limit the City's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by the Michigan Regulation and Taxation of Marihuana Act.

Section 4.21.G - 4.21.H

G. Denial of Special Land Use Application.

1. Applications for Marihuana Establishment Special Land Use Approval that are denied shall not be refunded the \$5,000 Municipal Marihuana License application fee required in Chapter 880, Marihuana Establishments, Part Eight: Business Regulation and Taxation Code of the Code of Ordinances of the City of Coldwater.
2. If the applicant chooses to re-submit an application, the re-submission shall be considered a new application.
3. Denial of Marihuana Establishment Special Land Use Approval may be appealed to the Zoning Board of Appeals in accordance with the provisions of this Zoning Code. Such appeal shall be filed within ten (10) days of the date of a final decision made by the Planning Commission. Review by the Zoning Board of Appeals shall be limited to Site Plan Conditions, and shall not include review of the Planning Commission's determinations as to the Basis of Determination as set forth in Section 6.2.D.

H. Violations. Failure to strictly comply with the requirements of this section 4.21, the MRTMA, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding marihuana, shall be considered a violation of the Zoning Ordinance.

1. A. Request for revocation of state operating license. If at any time an Adult Use Marihuana Establishment authorized pursuant to this section violates this Chapter or any other applicable City ordinance, the City may request that LARA revoke or refrain from renewing the establishment's state operating license.
2. Revocation of Special Land Use Approval. Any approval granted for a marihuana establishment as a special land use may be revoked or suspended automatically for any of the following reasons:
 - a. Revocation or suspension of the Licensee's authorization to operate by the state.
 - b. A finding by LARA that a rule or regulation has been violated by the Licensee. After an automatic revocation of special land use approval, a new Special Land Use Application shall be required for an establishment to commence operation at the same location.
 - c. Other violations of the zoning ordinance, special land use approval, or conditions imposed thereon by the Planning Commission.
3. Warnings. All special use permit holders under this subsection, and their employees and agents, are presumed to be fully aware of the applicable law; the City shall not be required to issue warnings before issuing citations or other enforcement measure for violations of the special use permit or any applicable City ordinance, or state law or rule.

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Zoning Ordinance | Article 5

Site Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement

Article 5 - Site Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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5.1 Signs

A. General Provisions.

1. No person shall erect, place or maintain a sign in the City, except in accordance with the provisions of this chapter.
2. The following types of signs are prohibited in all zoning districts:
 - a. Abandoned signs.
 - b. Air-filled or gas-filled balloon signs.
 - c. Animated signs and/or flashing signs (except traffic control devices).
 - d. Street furniture signs, except at bus stops.
 - e. Roof signs.
 - f. Off-Premise signs
 - g. Signs carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags, or other signage by persons participating in demonstrations, political rallies and similar events.
 - h. Signage on publicly owned land or inside street rights-of-way except those signs erected by the City, County, State or Federal Government.
 - i. Temporary or Portable signs, unless otherwise specified in the Ordinance.
 - j. Any sign not specifically permitted in each zoning district and/or designated use category, as described in [Sections 5.1.C, D, E, and F](#).
3. No person shall erect, display or maintain any sign which emulates or imitates, in size, color, lettering or design, any traffic sign or signal or any sign which by design or location may in any manner interfere with, mislead or confuse the public with respect to any traffic sign or signal or obstruct the public view thereof.
4. Exterior signs shall be located or erected in such a manner so as to not interfere with traffic visibility. In determining whether a sign may interfere with traffic visibility, the Zoning Administrator shall consider the following:
5. Height, area, supporting structure and the distance from ground level of the sign;
6. Lighting of the sign;
7. Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks and other vehicular or pedestrian access ways;
8. Location of the sign in relation to nearby buildings and structures; and
9. [Section 5.8 Traffic Visibility Across Corner Lots](#)

Section 5.1.A.12 - 5.1.A.15

10. No sign shall be located closer than two feet to a public street right of way, except in the C-2 District described in subsection F below.
11. No portion of any sign shall overhang a public street right of way, except in the C-2 District. No person shall erect any sign projecting over public property which at any point is less than twelve feet above the sidewalk grade, excepting wall signs or marquee signs, which shall be at least nine (9) feet above the sidewalk grade.
12. No exterior freestanding sign, signboard or billboard sign shall exceed fifteen feet in height.
13. The provisions of this section are not intended to conflict with provisions controlling signs regulated under the authority of M.C.L.A. 252.301 et seq., the Highway Advertising Act, as amended.
14. Unless otherwise specified by this chapter, all signs may be illuminated. Low- pressure sodium lighting is the preferred light source to minimize light emission. All lighting fixtures shall be of the downwardly directed type that shield the luminaire from sight. No sign regulated by this chapter shall utilize:
 - k. An exposed incandescent lamp* with an external reflector and without a sunscreen or comparable diffusion device.
 - l. Any exposed incandescent lamp* in excess of 160 watts, unless a screen or shield is installed so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane.
 - m. Any revolving beacon light.
 - * For the purpose of this chapter, quartz lamps shall not be considered an incandescent light source.
 - n. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs, but shall be installed in enclosed luminaries.
 - o. Glass tubes filled with neon, argon or krypton may be used, provided that they do not flash intermittently or create a visual effect of movement.
 - p. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture to traffic areas or residential areas.
 - q. No sign shall be illuminated by flashing, oscillating or intermittent lighting.
 - r. Burned out luminaires must be replaced within ten (10) business days.
15. Manual Changeable copy is limited to 50% of the total sign area. Automated changeable copy is permitted for the total sign area.

Section 5.1.B - 5.1.B.6.f

B. Permits for Erection of Signs.

1. No sign for which a permit is required by this chapter shall be erected or altered unless a permit shall have first been obtained from the Zoning Administrator for such erection or alteration.
2. Applications for sign permits shall be made upon forms provided for this purpose, and shall contain or be accompanied by such plans, drawings and specifications as are necessary to fully advise the Zoning Administrator and Building Inspector of the type, size, shape, location, construction and materials of such proposed sign and the building or structure upon which it is to be placed. Drawings are to be fully dimensioned, giving the weight of the sign, the size of the frame members, the anchorage, and the arrangement of guys.
3. A scale drawing of the outside dimensions of the sign, or the total area encompassed by a line around all lettering or symbols, shall be presented to the Zoning Administrator so that he or she may insure that the provisions of this section are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Zoning Administrator.
4. The City shall not be responsible for the design of any portion of any sign, for the meeting of specifications for loads or strength of materials, or for any computations in the design of any portion of the sign. All this shall be the full responsibility of the sign owner. The City may check any sign for design strength at any time and, if any member does not meet the specifications, the sign owner will make the necessary corrections within fifteen days after being notified in writing by the City Building Inspector.
5. Permits for the erection of signs shall be issued only to persons, firms or corporations licensed and qualified to carry on such work under the provision of this chapter; excepting, however, that individual property owners may, without bond or insurance, erect signs on their own premises, provided such signs do not hang over public property, and provided the permit therefore is first obtained and that work is done under the control of the City Building Inspector. Prior to the issuance of a sign permit all fees shall be paid.
6. Permit fees for the erection or construction of signs for which permits are required by this chapter shall be determined by City Council. The following do not require a permit unless otherwise specified herein, but must comply with the regulations concerning height, area, and location for the particular zoning district. No permit is required for the maintenance of a sign, replacement of a panel on an existing box sign, or for a change of copy on painted, printed or changeable copy signs.
 - a. Signs erected by the City, County, State or Federal Government for street direction or traffic control.
 - b. Governmental use signs, including integral signs, erected by governmental agencies to designate hours of activity or conditions, or use for parks, parking lots, recreational areas or other public spaces, or for governmental buildings.
 - c. Public organizations under the order and permission of Council.
 - d. Posting of legal notices as are required by law.
 - e. Signs designating sites recognized by the State Historical Commission as centennial farms or historic landmarks.
 - f. Real estate signs under six (6) square feet advertising premises for sale, rent, or lease.

Section 5.1.B.6.g - 5.1.C.6

- g.** Political signs, not to exceed a total of six square feet, are permitted in any zoned district, provided that all of said signs are located on private property and shall be removed within ten days after the date of said election. See Citation/Title 1983-1984 Mich. Op. Atty. Gen 411, 2244, 1983-1984 Mich. OAG No. 6258, November 26, 1984.
- h.** Placards posted to control and/or prohibit hunting within the City.
- i.** Essential service signs denoting utility lines, railroad lines, hazards and precautions, including portable flashing signs.
- j.** Integral signs which are either cut into the face of a masonry surface or constructed of bronze or other incombustible material when located flat on the face of a building.
- k.** Special decorative displays, signs, pennants, flags or banners used for holidays, public demonstrations for the promotion of civic welfare or charitable purposes wherein the same shall be used for not more than fourteen (14) days.
- l.** Temporary signs except for as provided for in each zoning district.

C. Sign Regulations for Residential Property. In the R (R-3) and A (AA, A-1, A-2, A-3) Districts, including property zoned or used for residential purposes, only the following exterior signs shall be permitted:

1. Directional/Regulatory. In parking areas, no signs other than directional or regulatory signs shall be permitted. If such signs are shown in connection with a site plan, the Planning Commission shall determine whether or not they are the correct size and if they are necessary for the public welfare. In all other cases, the Zoning Administrator shall make such determinations.
2. Non-Residential Use. One (1) monument sign is permitted and shall not exceed thirty-two (32) square feet in area with a maximum height of six (6) feet. The supporting base of the sign shall be a minimum twelve (12) inch vertical height.
3. Customary Farm and Crop. Customary farm and crop signs on active farms.
4. Subdivision Entranceway Sign. A permanent development entry sign which identifies subdivision by name, not to exceed thirty two square feet, design of which must be consistent with the design theme of the development and constructed of natural or approved man made materials, with the exception that plywood, chipboard and similar materials are not permitted.
5. Nameplate. One (1) nameplate which is not illuminated and does not exceed a total area of two (2) square feet is permitted for each dwelling unit. House numbers are not considered a part of this square footage.
6. Illumination. All lighting used to illuminate signs on property zoned or used for residential purposes is prohibited.

7. Temporary Signage.
 - a. Lease or Sale of Premises. One temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding six (6) square feet in total area and four (4) feet in height. Corner lots are permitted one (1) sign per street frontage. Up to three (3) off-site directional signs for open houses are permitted, and shall be placed the day of an open house event and must be removed no more than two (2) hours after an open house is held.
 - b. Garage Sale. One (1) temporary garage sale sign not to exceed six (6) square feet in area shall be placed within the property line of the premises on which said sale is conducted and shall be removed immediately after the completion of the garage sale. Any other sign pertaining to the garage sale is prohibited.
 - c. Temporary Construction Sign. One (1) temporary construction sign not to exceed twenty four (24) square feet which identifies the name of a residential development, the developer, the type of residential structures included in the development and/or a graphic layout of the lots, and which is harmonious in appearance with that of the vicinity. Said sign may be erected after the City Council has granted final approval and shall be removed when seventy-five (75) percent of the dwellings have been occupied.
- D. Signs in the C-1, C-3, C-4, D-1, and D-2 Districts. For non-residential properties in the C-1, C-3, C-4, D-1, and D-2 Districts, exterior signs as described in [Section 5.1.C](#) are permitted, together with those permitted as described below. Exterior signs in these districts for residential property are permitted only as described in [Section 5.1.C](#).
 1. Area, Signs in General. The area of all exterior attached wall and free-standing signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of lot width which faces one public street. For calculation purposes, corner lots shall use the side of the lot that fronts the addressed road. The maximum area for all exterior signs for each developed lot shall be two hundred (200) square feet, unless otherwise specified herein.
 - a. Each occupied parcel shall be permitted wall signage not to exceed fifteen percent of the wall area to be served and as otherwise permitted in subsection (a) hereof for total sign area. A business without ground floor frontage shall be allowed an exterior wall sign not to exceed twenty-four square feet in area
 - b. Each occupied parcel shall be permitted a maximum of seventy-five (75) square feet of sign for all exterior free-standing signs.

Section 5.1.D.2 - 5.1.D.7

2. Number of Signs. Each occupied parcel shall be permitted one (1) exterior on-site free-standing sign and one (1) wall sign per exterior façade of the building, providing the total area of all exterior signs does not exceed the total sign area permitted in [Section 5.1.D.1](#).
3. Height of Signs. No free-standing or monument sign shall exceed a height of fifteen (15) feet.
4. Business Center Signs. In a business center the following types and sizes of signs are permitted:
 - c. One freestanding sign not to exceed one hundred (100) square feet in size. A corner location may have one sign on each street with a maximum area of thirty-two (32) square feet each.
 - d. Individual establishments within the center are permitted one wall or marquee sign per exterior facade of the building, not to exceed fifteen percent (15%) of the wall area to be served. The wall or marquee sign permitted for an individual establishment shall be located on the portion of the business center that it occupies.
5. Incidental, Directional, Signs, Menuboard - Incidental signs, directional signs, and menu boards for fast food restaurants shall not be included in computing the total sign area. Menu boards must be located in the rear yard, and are limited to two (2) per establishment not to exceed thirty-six (36) square feet each.
6. Temporary Signage.
 - e. Temporary Commercial Message Sign/Pennant: One (1) temporary sign is permitted. Temporary signs shall not exceed twenty-four (24) square feet and are permitted for a period of not more than seven (7) days, not more than twelve (12) times per year. No temporary commercial message sign shall be displayed on the same premises until the expiration of an interim period of fifteen (15) days. They shall not be affixed to any light pole, etc. or obstruct any door, window or fire escape. Pennant flags/signs specifically for grand opening events are allowed for a period of not more than fourteen (14) days.
 - f. Real Estate Sign. One temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding twenty (20) square feet in total area and a maximum height of eight (8) feet.
 - g. Temporary Construction Sign. One (1) temporary construction sign, not to exceed twenty four (24) square feet, identifying the architects, engineers, contractors or other parties responsible for a project or identifying the intended purposes or uses of the building, providing sign is removed upon issuance of certificate of occupancy or 75% of parcels are developed.
7. Window Signs. Window signs shall be permitted and shall not be included in total sign area computation.

Section 5.1.E - 5.1.E.3

- E. Signs in the C-2 and OS Districts. For non-residential properties in the C-2 and OS Districts, exterior signs as described in Section 5.1.C are permitted, together with those permitted as described below. Exterior signs in these for residential property are permitted only as described in Section 5.1.C.
 1. Wall Signs. Each building may have one wall sign displayed on the exterior wall of that building. In the downtown area, wall signage is only permitted between the top of the windows on the first story, as defined in Section 5.1.G and the bottom of the lowest window on the second story. No single wall sign shall exceed the following square footage regulations. Total signage area may be calculated in either of the following methods:
 - a. Thirty-two (32) square feet for a single tenant, fifty (50) square feet total for two tenants and an additional fifteen (15) square feet for each additional tenant; or
 - b. One (1) square foot of sign area for each linear foot of building frontage with a maximum height of three (3) feet.
 2. In addition to the signs permitted in paragraphs Section 5.1.E.1 the following are also permitted:
 - c. Tenant Sign. A tenant sign with additional means of access or exterior wall facing directly onto a public alley, parking lot or street, shall be permitted as a twelve (12) square foot wall sign on that exterior wall.
 - d. Projecting Sign.
 - I. Sign area shall not exceed twelve (12) square feet in area or four (4) feet in width.
 - II. A projecting sign shall not have more than two (2) sign faces.
 - III. Each sign shall identify only one (1) business.
 - IV. The bottom of the projecting such sign shall be at least twelve (12) feet above the surrounding grade and shall not extend above the height of the wall.
 - V. Supporting brackets are to provide support and shall be designed to meet current building codes.
 - e. Window Signs. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceed a total of fifty (50) square feet for any one building. Window signs must be decorative vinyl lettering directly attached to window surface, neon, or some other professionally prepared sign material. Window signs made of temporary material such as cardboard, paper or handmade signs are not permitted.
 3. Monument Sign. For occupied parcels with lawn or parking areas sufficient to meet required setback requirements, one monument sign not to exceed thirty- two (32) square feet in sign area and six (6) feet in height is permitted. The supporting base of a monument sign shall be a minimum twelve (12) inch vertical height.

- 1. Purpose & Intent
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Section 5.1.E.4 - 5.1.F.7

4. Sandwich or A-Frame Sign. A sandwich or A-frame sign shall not be larger than thirty (30) inches wide by thirty-six (36) inches tall (7.5 square feet). In addition the following regulations apply:
 - f. Do not extend power cords and/or attach electric lights to the signs.
 - g. Locate signs in front of the sponsoring business.
 - h. Allow for 8 feet of clear passage on the sidewalk for pedestrians; and do not interfere with or attach signs to benches, trash receptacles, flowerpots, or loading zones.
 - i. Signs must be distinguishable by the cane of a visually impaired person.
 - j. Place only one sign per address. If more than one business shares an entrance, then signs can represent more than one business.
 - k. Signs are permitted to be displayed only during business hours
- F. Regulations of Billboards Adjacent to I-69. Billboards may be established in a zoning district adjacent to I-69, provided that they meet the following conditions:
 1. Not more than three billboards may be located per linear mile of highway within the City. The linear mile measurement shall include both sides of I-69 for determining a new sign within the City. Double-faced billboard structures (i.e. structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e. two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e. two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection 2 hereof.
 2. No billboard shall be located within 1,000 feet of another billboard abutting either side of the highway.
 3. No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, the required distance shall instead be 300 feet.
 4. No billboard shall be located closer than seventy-five feet from a property line adjoining a public right of way or ten feet from any interior boundary lines of the premises on which the billboard is located.
 5. The surface display area of any side of a billboard shall not exceed 300 square feet.
 6. The height of a billboard shall not exceed thirty feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is higher.
 7. A billboard may be illuminated, provided that such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any billboard

have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

8. A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard shall be maintained so as to assure proper alignment of its structure, continued structural soundness and continued readability of the message.
9. A billboard established within a business, commercial or industrial area, as defined in M.C.L.A. 252.301 et seq. (the Highway Advertising Act), bordering interstate highways, freeways or primary highways, as defined in said Act, shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated hereunder, as such may from time to time be amended.

G. Existing Signs.

1. Conforming signs, existing signage in conformance with this zoning code, are allowed to continue and shall not be changed to another type of sign that is not in compliance with this Zoning Code. After the activity, business or usage to which it relates has been discontinued for a period of thirty (30) days or longer, the message portion of the sign structure must be removed, obscured, or modified in such a way that also maintains the structural integrity of the existing supports and framing structure of the sign. When the message portion of a sign is removed, leaving only the supports, framing structure, and/or box of the conforming sign, the owner of the property where the sign is located, or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, replace the message portion of the sign with a panel, or similar replacement unit, that meets the construction and safety requirements of [Section 5.1.C](#). This requirement shall not be construed to alter the effect of [Section 5.1.H.2](#), which prohibits the replacement of a nonconforming sign. Nor shall this requirement be construed to prevent the changing of the message of a sign.
2. Non-conforming signage, an existing sign that is existing on the effective date of this chapter, or any amendment thereof, which does not, at that time, comply with all of the provisions of this chapter, including any amendment shall not be re- established and signage and related supports must be removed after the activity, business or usage to which it relates has been discontinued for a period of thirty
3. (30) days or longer. Nonconforming signs may not be repaired after damage or destruction if the Zoning Board of Appeals determines that the estimated cost of reconstruction exceeds fifty percent (50%) of the estimated replacement costs of the damaged portions in need of repair. All nonconforming signs shall conform to the requirements of [Section 7.9 Nonconforming Uses](#).
4. After the effective date of this chapter, an off-premise sign advertising a business, activity, or use that is not located on the premises for which that sign was initially intended to advertise shall be considered a nonconforming sign.

Section 5.1.H

5. All signs shall be kept in good repair as required by this chapter and applicable City ordinances.
- H. General Construction Requirements.**
1. All signs shall be professionally constructed and erected in a stable manner, and shall be thoroughly and securely anchored to the building or other support by means of chains, or bolts or screws of sufficient strength and size to support and hold in place at least four times the weight of the sign. All chains, cables, bolts or screws shall be galvanized cadmium-coated. Home made or hand drawn signs are not permitted.
 2. No sign shall be held in place by means of wedges drawn in between bricks or stones in masonry, but, in the case of masonry, bolts with expansion sleeves shall be used. Expansion bolts for the securing of projecting signs shall not be smaller in size than one-half inch by four inches for twelve by six-foot signs; one-half by three inches for ten by five-foot signs; and three-eighths inch by two inches for signs smaller than eight feet by four feet. Where brickwork is of poor quality or inadequately bonded, through bolts shall be used. Cross arms, clamps and connections on pole signs shall be made of sufficient strength and rigidity to withstand a wind load of thirty pounds per square foot on the face of the sign.
 3. All signs erected on or over public property shall be of metal or other noncombustible material approved by the American Insurance Association. All signs erected in the fire district, regardless of their location with respect to public property, shall be of metal or other noncombustible material, approved by the American Insurance Association. However, any sign in the fire district may contain wood panel, wood trim or wood letters, or any combination thereof, if said sign has no electrical connections. No signs shall be constructed in which the different parts of the metal are held in place by the use of solder only, and, where the splicing of two pieces of metal is necessary in the construction of a sign, such metals shall be fastened together by means of rivets, bolts or screws.
 4. No person shall erect, display or maintain any sign which obstructs any fire escape, building entrance, public passage, or the use of any fire hydrant, nor shall any sign be attached in form, shape or manner to any fire escape.
 5. All the several classes of signs may be inspected by the City Building Inspector at any time and, if found to be unsafe, insecure, corroded or subject to corrosion so that the sign may become unsafe or insecure before the expiration of the ensuing year and unable to withstand a horizontal wind pressure of thirty pounds per square foot besides its own weight, then the owner shall be required to make the sign safe and secure by causing such necessary repairs, additions, painting, etc., within one week from the time of notification in writing to that effect from the City Building Inspector. If said notice is not complied with within the time specified, the City Building Inspector shall cause the sign in question to be removed and the expense to be assessed in the same manner as taxes against such owner of the sign or real estate owner. It shall also be the duty of the City Building Inspector and Electrical Inspector to order the removal of an unsafe sign for which a permit and license are not herein required, and the maintenance of such sign in an unsafe condition after receipt of notice to remove or repair the same shall be a violation of this chapter.

- I. Licenses for Sign Erectors; Bond or Insurance Required.
 - 1. Every person, firm or corporation engaged in the business of erecting or installing signs for which permits are required by this chapter shall be licensed to conduct such operations.
 - 2. The license to engage in the business of erecting signs shall be known as a sign erectors license, and the same shall be issued only to those persons, firms or corporations who or which show sufficient knowledge and experience to satisfy the City Building Inspector as to their ability to erect signs in a safe and substantial manner in accordance with the provisions of this chapter. The sign erectors license fee shall be determined by the City Council.
 - 3. Prior to the issuance of a sign erectors license, the permit, firm or corporation desiring such license shall file with the City Building Inspector a good and sufficient bond, running to the City in the penal sum of five thousand dollars (\$5,000), to indemnify, save and keep harmless the City from any and all costs, damages or expenses of any kind whatsoever which may accrue against it by reason of the City's granting permission to erect a sign, or by reason of any acts or things done under or by authority or permission granted by an employee of the City to erect a sign in the City, or by reason of the negligence, failure or refusal of any person, firm or corporation to comply with all the provisions of this chapter applicable to signs. In lieu of said bond, said applicant may file with the Building Inspector a certificate of insurance showing public liability and property damage insurance in force and showing the expiration date thereof, in an amount of not less than ten thousand dollars (\$10,000) to fifty thousand dollars (\$50,000) public liability insurance, and not less than five thousand dollars (\$5,000) property damage insurance. Said sign erector and his or her insurer shall notify the City in the event of cancellation or change in terms of said policy.
 - 4. At any time the bond or insurance policy of a sign erector is permitted to lapse, his or her license shall automatically be revoked.
- J. Issuance of Civil Infraction Citations and Notices. The Zoning Administrator, or his or her designee, is hereby designated as the authorized City official to issue Municipal civil infraction citations (directing alleged violators to appear in court) or Municipal civil infraction violation notices (directing alleged violators to appear at the City of Coldwater Municipal Ordinance Violations Bureau) as provided in these codified ordinances.

5.2 Off-Street Parking and Loading

- A. General Requirements. There shall be provided in all districts, at the time of the erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a Zoning Compliance letter, as hereinafter prescribed.
- B. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot provided properties are located in the same zoning district. Ownership shall be shown of all lots and parcels intended for use as parking by the applicant.

Section 5.2.C - 5.2.N

- C. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway and garage, or any combination thereof, and shall be located on the premises they are intended to serve.
- D. Minimum required off-street parking spaces shall not be replaced by any other use unless and/or until equal parking facilities are provided elsewhere.
- E. Off-street parking existing on the effective date of this Zoning Code, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. Two or more buildings or uses may collectively provide the required off- street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except in the case of a planned commercial center containing a number of uses in one or more buildings, in which case the parking requirements for such use shall apply.
- G. In the instance of a dual function of off-street parking spaces where operating hours of buildings do not overlap, the Zoning Board of Appeals may grant an exception.
- H. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited on commercial/industrial off street parking lots.
- I. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the Planning Commission considers is similar in type.
- J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- K. For the purpose of computing the number of parking spaces required, the definition of “usable floor area” in [Section 2.2. Definitions](#) shall govern.
- L. The provisions of this section may be met by participation in a Municipal or community parking program designed to serve a larger area, provided plans for such community parking have been approved by the Planning Commission.
- M. Where, at the outset of development, a parking demand less than that required for the use by this Zoning Code, can be demonstrated, the full parking area shall be reserved, but the unused area may be placed in landscaping until such time as it may be needed.
- N. The establishment and operation of an off-street parking area accessory to a business, industrial or institutional use, in such parts of any Residential District that abut either directly or across the street or alley from a nonresidential zone, shall be permitted when such areas will extend continuously from a nonresidential zone for a distance not to exceed 132 feet. All such parking areas shall meet the requirements provided in [Section 5.2.S](#).

Section 5.2.O - 5.2.R

- O. All off-street parking areas shall be subject to the approval of the Zoning Administrator to insure adequacy relative to traffic safety, property protection and the requirements of this Zoning Code.
- P. Residential driveway areas shall not occupy more than fifty percent of the front yard. For the purpose of applying this standard, the front yard shall be all that area extending across the parcel from side to side and from the front property line to the nearest supporting member of the structure. Driveways shall be constructed of six inch thick concrete or two (2) inches of bituminous concrete (asphalt) placed on six (6) inches of gravel. Such turnabout shall be surfaced with concrete or asphalt, materials not less than six inches in compacted depth.
- Q. The parking of semi tractors only is permitted within residential neighborhoods under the same regulations as the parking for noncommercial vehicles. Parking of semi tractor-trailers within residential neighborhoods is absolutely prohibited.
- R. Number of Spaces by Use. The minimum number of off-street parking spaces by type of use (minimum parking spaces per unit of measure) shall be determined in accordance with the following schedule:

TABLE 5.2.R	
PARKING REQUIREMENTS BY USE	
USE	MIN NUMBER OF PARKING SPACES PER UNIT OF MEASURE
1. Residential	
a. One-family and Two-family	Two (2) for each dwelling unit.
b. Multiple-family.	One for each dwelling unit, plus one-half space for each bedroom.
c. Housing designed specifically for the elderly	One (1) for each 2 units. Should dwelling units revert to general occupancy, then multiple-family standards shall be met. A minimum of 1 visitor space shall be required for each 6 dwelling units. Plus one (1) space per employee
d. Dwelling units in the CBD.	One (1) for each dwelling.
e. Mobile home park/ manufactured housing community.	Two (2) for each mobile home and 1 for each 3 mobile homes for visitor parking.
2. Institutional	
f. Auditoriums, assembly halls, gyms, outdoor arenas for institutional uses, stadiums and sports arenas.	One (1) space per each 3 seats of permitted capacity or 1 space per 6 feet of bleachers, whichever is greater.
g. Places of worship.	One (1) for each 3 seats or 6 feet of pews in the main unit of worship

TABLE 5.2.R	
PARKING REQUIREMENTS BY USE	
USE	MIN NUMBER OF PARKING SPACES PER UNIT OF MEASURE
h. Elementary, Junior High Schools.	One (1) for each classroom and office, in addition to the requirements of the auditorium or gym or assembly hall.
i. Group day care home.	Two (2) in addition to the 2 required for the residence. Such additional spaces may be located in the front or side yard setback.
j. Homes for the aged, convalescent and retirement homes.	One (1) for each 2 units. Should dwelling units revert to general occupancy, then multiple-family standards shall be met. A minimum of 1 visitor space shall be required for each 6 dwelling units. Plus one (1) space per employee
k. Hospitals, including emergency rooms.	Two (2) spaces per each licensed bed; or 1 space per each 2 licensed beds, plus 1 space per each staff doctor and employee during peak shifts, plus 1 space for each 5 outpatients on a typical peak outpatient weekday
l. Municipal recreation centers.	Five (5) spaces per 1,000 square feet of floor area plus parking required for outdoor courts, fields and facilities, or .33 spaces per person of permitted capacity, whichever is greater.
m. Nursery Schools, Day Nurseries, or Child Care Centers.	One (1) per 350 square feet of usable floor space.
n. Private clubs or lodge halls.	One (1) for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes or 15 spaces per 1,000 square feet of usable floor area, whichever is greater.
o. Senior High Schools.	Four (4) for each classroom and 1 for each office, in addition to the requirements of the auditorium or gym or assembly hall.
3. Business and Commercial	
p. Auto Wash (automatic)	Auto washes (automatic): Four (4) per wash lane plus the stacking lane.
q. Auto wash (self-service or coin operated)	Two (2) for each washing stall in addition to the stall itself plus the stacking lane.
r. Automobile service stations	Two (2) for each service bay and 1 for each gasoline pump in addition to the requirements of a car wash and convenience store listed in this Section, if included.
s. Bars, nightclubs, lounges (majority of sales consist of alcoholic beverages)	One for each two persons allowed within the maximum occupancy load as established by the local fire marshal.

TABLE 5.2.R	
PARKING REQUIREMENTS BY USE	
USE	MIN NUMBER OF PARKING SPACES PER UNIT OF MEASURE
t. Beauty parlor or barber shop	Three (3) spaces for each of the first 2 beauty or barber chairs, and one and 1-1/2 spaces for each addition chair.
u. Bowling alleys	Five (5) for each 1 bowling lane, plus the requirements for accessory facilities such as bars and restaurants.
v. Bowling hardware and household equipment when not part of a department store. Otherwise see retail general.	One (1) space for each 500 square feet of gross floor area.
w. Club warehouses.	One (1) per 175 square feet of usable floor area.
x. Commercial outdoor recreation centers not specified elsewhere	To be determined by the Planning Commission in consideration of the expected types of activities, number of participants, spectators, accessory uses and occupants per vehicle.
y. Convenience store, with or without gasoline service	One (1) per 250 square feet of usable floor area, plus spaces required for an auto service station activities or gasoline sales.
z. Custom workshops such as furniture, refinishing or custom designed furniture manufacturing.	One (1) space for each 800 square feet of gross floor area, plus 1 space for each two (2) employees.
aa. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats.	One for each two persons allowed within the maximum occupancy load as established by the local or State Fire Prevention Code
ab. Discount store	Five (5) spaces per 1,000 square feet of usable floor area.
ac. Driving range	One (1) space per 2 tees plus parking required for any other uses.
ad. Dry cleaners, laundromat	One for each two washing and dry cleaning machines. plus 2 stacking spaces for each drive-through lane.
ae. Food stores/grocery stores	One (1) space per 250 square feet of usable floor area.
af. Funeral homes and mortuaries	One (1) space per 50 square feet of service parlors, chapels, and reception areas, plus 1 space per each funeral vehicle stored on the premises.
ag. General retail sales and service establishments, not elsewhere classified.	One (1) space per 200 square feet of usable floor area.

TABLE 5.2.R	
PARKING REQUIREMENTS BY USE	
USE	MIN NUMBER OF PARKING SPACES PER UNIT OF MEASURE
ah. Golf course, par 3.	Three (3) spaces per each course hole plus parking required for accessory uses such as arcades or batting cages, plus 1 space for each employee at the peak shift.
ai. Golf courses (public or private) except miniature or par 3 courses.	Four (4) spaces for each golf hole and 1 space for each employee. Plus any spaces required for banquet rooms, restaurant and other uses.
aj. Hypermarkets (combined grocery and department stores).	One (1) per 175 square feet of usable floor area.
ak. Marinas and waterfront developments.	One (1) space per boat slip and 1 space per 150 square feet of usable floor area of principal building
al. Mini-self-storage warehouses.	Minimum of 6 spaces.
am. Motels, hotels, or bed and breakfast inns.	One (1) for each one (1) occupancy unit, plus extra spaces for dining rooms, ballrooms, meeting rooms, etc., as required herein.
an. Motor vehicle sales and service establishments.	One (1) space per 200 square feet of usable floor space of salesroom and 1 spaces for each 1 auto service stall in the service room. The areas devoted to customer service and employee parking shall be clearly delineated on the parking plan and reserved for that purpose. Parking space is exclusive of the requirement for new vehicle storage and display.
ao. Oil change facilities	A minimum of 3 spaces for employees, and not less than 2 for each lubrication stall, rack, pit, or similar service area plus the stacking lane.
ap. Planned commercial or shopping centers in which the prime tenants are a supermarkets and/or department stores	One (1) per 150 square feet of usable floor space.
aq. Racquetball/tennis centers.	One (1) space per 1,000 square feet floor area or 6 spaces per court, whichever is greater.

TABLE 5.2.R	
PARKING REQUIREMENTS BY USE	
USE	MIN NUMBER OF PARKING SPACES PER UNIT OF MEASURE
ar. Restaurant (including restaurants with or without dancing, lounges, bars and entertainment facilities, which provide only seated table service).	One (1) space per 100 square feet of gross floor area, plus any spaces required for any banquet and meeting rooms.
as. Restaurant, family (without a bar or lounge area which provides food delivered to tables or dining counters and only incidental carry-out service).	One (1) space per 100 square feet of gross floor area plus any spaces required for any banquet or meeting rooms.
at. Restaurant, take out, fast food (including drive-through and drive-in, providing quickly or previously prepared foods. The patron typically carries the food out to separate indoor or outdoor seating area).	One (1) space per 100 square feet of gross floor area, plus 3 stacking spaces per order pick-up station, plus spaces for employees of a peak shift, minimum of 3 spaces
au. Shopping centers.	One (1) per 175 square feet of usable floor area, plus spaces restaurant, if included.
av. Swimming pools.	One (1) space per each 3 persons of capacity authorized by the Building Code.
aw. Theaters, cinemas, or auditoriums	One (1) space for each 3 seats or 6 feet of benches.
ax. Video arcades.	One (1) space per 50 square feet of usable floor area, with a minimum of 6 spaces required.
ay. Video rental establishments.	Fifteen (15) spaces per 1,000 square feet of usable floor area with a minimum of 6 spaces provided.
4. Office	
az. Branch banks, credit unions or savings and loans.	One (1) space per each 200 square feet of usable floor area plus 2 spaces per each 24-hour teller, plus 2 stacking spaces for each drive-up teller.
ba. Business and professional.	One (1) space per 200 square feet of usable floor space.
bb. Medical clinics: outpatient care centers, emergency care/24-hour med stations, etc.	Two (2) spaces per exam or outpatient procedure/operating room, plus 1 for laboratory or recovery room, plus 1 space for each 2 rooms for employee parking.

TABLE 5.2.R	
PARKING REQUIREMENTS BY USE	
USE	MIN NUMBER OF PARKING SPACES PER UNIT OF MEASURE
bc. Medical/dental offices.	One (1) space per 150 square feet of usable floor area.
5. Industrial	
bd. Light industrial, manufacturing, testing labs, research and development centers	One per 200 square feet of usable floor area, plus one for each company vehicle stored on the premises.
be. Wholesale/warehouse establishments (non-retail warehouse).	One per 2,000 square feet of usable floor space.

S. Off-street parking Space Layout, Construction and Maintenance. Whenever the off-street parking requirements in this section require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No new parking lot shall be constructed unless and until the Zoning Administrator issues a Zoning Compliance letter. Applications for approval, except for single-family, and two-family, layouts shall be submitted to the Planning Commission for its review and recommendation prior to the issuance of a Zoning Compliance letter for the parking. Copies of the site plan for the development and construction of the parking lot shall be submitted, showing that the provisions of this section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following requirements:

TABLE 5.2.S.2					
PARKING SPACE LAYOUT REQUIREMENTS					
PARKING PATTERN (DEGREES)	MANEUVERING LANE WIDTH	PARKING SPACE WIDTH	PARKING SPACE LENGTH	WIDTH OF ONE TIER OF SPACES + MANEUVERING LANE	WIDTH OF TWO TIERS OF SPACE MANEUVERING LANE
0 (parallel)	12	8	23	20	28
45	15	9	20	35	55
60	18	9	20	38	58
90	22	9	20	42	62

Section 5.2.S.3 - 5.2.S.12

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety-degree pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-four feet distant from adjacent property located in any single-family Residential District, and from any street corner.
7. All parking areas shall be landscaped and/or screened as outlined in [Section 5.3 Landscape Requirements](#).
8. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the City Engineer. The parking area shall be surfaced within eight months of the date the occupancy permit is issued.
9. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. All plans for surface water drainage shall be reviewed and approved by the City Engineer.
10. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
11. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
12. Required Greenbelts/Screening for Commercial/Industrial/Multi-Family Residential projects
 - a. Along the right-of-way lines of any street, road or highway, a front yard greenbelt of at least ten (10) feet in width shall be provided. Each parcel is required to have a side and rear greenbelt no less than four feet in width.
 - b. Off-street parking areas shall be effectively screened on any side which adjoins or faces premises situated in any Residential District or institutional premises by an opaque screening of evergreen hedge or other natural landscaping which is opaque in nature; provided, however, that if owners of adjacent residential properties request, in writing, screening shall be done by means of a solid uniformly constructed fence or architectural masonry wall, not less than four (4) or more than six (6) feet in height, maintained in good condition and neat and orderly in appearance.
 - c. No part of any off-street parking area shall be closer than ten (10) feet to any school, hospital or other institutional property line unless screened as provided in [Section 5.2.S.12.a & b](#).
 - d. Each required greenbelt must meet the landscaping requirements as provided in [Section 5.3 Landscape Requirements](#).

Section 5.2.T. - 5.2.T.2

T. Barrier Free Accessible Off-Street Parking.

1. Where parking is provided the following number of barrier free/accessible parking spaces will be provided.

TABLE 5.2.T.1	
PARKING SPACE LAYOUT REQUIREMENTS	
TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2% of total
More than 1,000	20 plus 1 for each 100 over 1,000
Van Spaces: For every fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space.	
Source: 2000 Michigan Building Code, Section 1106, Parking and Passenger Loading Facilities.	

2. Parking Space Requirements. Parking spaces for barrier free accessible parking shall be located as close as possible on the most direct route to barrier-free building entrances. Signs shall be provided to indicate the direction of the travel to barrier-free building approaches when the barrier-free entrance is not visible from the accessible parking space or spaces. Each accessible parking space shall have not more than a nominal three percent grade and be not less than twelve feet wide or be not less than eight feet wide and be adjacent to an access aisle which is not less than five feet wide and which is not a traffic lane. The parking space surface shall be stable and firm. There shall be a barrier-free route of travel from accessible parking spaces to the nearest barrier-free building approach.



Section 5.2.T.3 - 5.2.V.1.b.

3. Dispersal of Parking. In buildings that have multiple barrier-free building approaches, the required handicap accessible spaces shall be proportionately dispersed immediately adjacent to barrier-free building approaches. Dispersal may be accomplished in groupings of two spaces.
 4. Parking Spaces in Parking Garages. Handicap accessible parking spaces in parking garages and storage use groups shall have a barrier-free route of travel and shall otherwise conform to the off-street parking facilities and parking lot specifications set forth in this section.
 5. Minimum Height Requirements in Parking Structures. A vertical clearance of not less than seven feet shall be provided to and from the barrier-free parking spaces in parking structures.
 6. Signs. Each handicap accessible parking space shall be individually signed with the symbol of compliance. The sign shall be a minimum of twelve inches wide by eighteen inches in height and the bottom edge of the sign shall be located not less than six feet, eight inches above grade.
 7. Exception: Non-projecting wall-mounted signs shall be mounted not less than five feet above grade.
- U.** Off-street Loading Requirements. On the same premises with every building or structure, or part thereof, involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained, on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights of way. Such space shall be provided as follows:
1. Loading dock approaches shall be provided with asphalt or concrete pavement so as to provide a permanent, durable and dustless surface.
 2. Required Greenbelt, Setbacks, and Screening.
 - a. Off-street loading areas, including maneuvering lanes, shall not be located within the front yard. Off-street loading shall be permitted within the required side or rear yard setbacks, provided a minimum ten (10) foot setback is maintained between off-street loading and the abutting side and rear lot lines.
 - b. Off-street loading which abuts residentially zoned or used property shall be screened in accordance with [Section 5.2.S.1](#).
 3. Double Count. Off-Street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.
- V.** Off-street Stacking Space for Drive-through Facilities.
1. Drive-Through Facilities. In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobiles shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements:
 - a. Each stacking lane shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
 - b. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.

- c. Each drive-through facility shall have an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
- d. The number of stacking spaces per service lane shall be provided for the uses listed below. Each stacking space shall be computed on the basis of twenty feet in length. When a use is not specifically mentioned, the requirements for off street stacking space for a similar use shall apply.

TABLE 5.2.V.1.d	
REQUIRED STACKING SPACES	
USE	* STACKING SPACES PER SERVICE LANE
Banks	3
Pharmacy	4
Dry-Cleaning	4
Fast-Food Restaurants	6
Car Washes (Self-service)	
Entry	3
Exit	1
Car Washes (Automatic)	
Entry	10
Exit	2
Oil Changes facilities/service stations	2
*Additional stacking spaces may be required at the discretion of the Planning Commission	

- 2. Off-Street Waiting Space. Uses such as day cares, schools, hospitals, nursing homes and churches shall provide a safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces shall be clearly delineated so as to ensure the safety of pedestrians and motorists.
- W.** Storage and parking of recreational equipment within all residential zoning districts shall comply with the following:
- 1. Storage or parking shall not be permitted on vacant lots or parcels.
 - 2. All such equipment shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.
 - 3. Any recreational equipment shall be parked or stored, unless otherwise permitted hereafter:
 - a. In an enclosed building, such as a garage; or
 - b. In the rear yard, or the side yard, subject to the following limitations:

- I. The recreational equipment shall be parked or stored no closer than three (3) feet from any window or door of any residential building; and three (3) feet from the rear/side property lines;
 - II. The recreational equipment shall be parked completely within the boundaries of the lot and shall not block a public sidewalk where such public sidewalk exists.
4. No more than one (1) travel trailer or motor home shall be stored on a single lot.
 5. Recreational and camping equipment may be parked anywhere on the owner's premises for loading or unloading purposes for a period of not more than forty-eight (48) hours, so long as the equipment does not obstruct driveways or vehicular pedestrian traffic of adjoining properties.
 6. Recreational equipment must be kept in good repair and carry a prior or current year's license plate and/or registration. The storage of recreational equipment on a residential parcel shall be limited to only that of which is owned by, and licensed, and registered to, the occupant of the residential lot or parcel on which the equipment is stored.

5.3 Landscape Requirements

- A. Intent and Scope. Whenever any yard (front, side or rear) of a use, other than a single or two-family residential use, is not designated for building, off-street parking, loading or unloading, or other purpose required pursuant to the zoning district requirements, such yard shall be landscaped with either approved natural materials or living plant materials, including grass. To this end, a detailed landscape plan showing the names, both common and botanical, location, spacing, planting and size of all plantings to be installed, and the location and type of all materials proposed to be included in the landscape treatment areas, shall be submitted as part of the site plan approved under the provisions of [Section 6.1 Site Plan Review](#).
- B. Required Landscaping.
 1. All landscaping shall consist of approved natural materials or living plant materials.
 2. Existing significant trees, tree stands and natural vegetation shall be integrated into the landscaping plan to the extent possible.
 3. All existing and future landscaping and screening shall be maintained in a presentable condition and shall be kept free of refuse and debris. All existing and future plant and living materials shall be maintained in a sound, noxious weed-free, healthy and vigorous growing condition, and free of plant disease and insects.
 4. All landscaped areas shall be protected from the encroachment of vehicles.
 5. All parking lots shall provide and incorporate all of the following landscape items:
 - a. Interior Tree Planting Areas. Interior tree planting areas shall be at least eighty (80) square feet in size and no less than four (4) feet in width. One canopy (deciduous) tree or conifer type tree shall be provided at a rate of one (1) tree per eight (8) parking spaces, however, at least one tree must be provided per interior planting area.

- b. Planting Strips Rear and Side. Each side or rear yard planting strip shall be at least one-hundred (100) square feet in size and no less than five (5) feet in width. One canopy (deciduous) tree or conifer type tree shall be planted at a rate of one (1) tree per eight (8) parking spaces or one (1) for every thirty(30) lineal feet, whichever is greater. Ornamental trees may be provided at a rate of one tree per eight (8) parking spaces or one (1) tree per twenty (20) lineal feet, whichever is greater. In addition, six (6) deciduous or coniferous shrubs shall be provided for each thirty (30) lineal feet.
- c. Right of Way Front Yard. Along the right-of-way lines of any street, road or highway, a front yard planting strip at least ten feet in width shall be provided. Within the front yard planting strip at least one (1) deciduous canopy tree or coniferous tree shall be provided for each thirty feet of frontage. Ornamental trees may be provided at a rate of one (1) per 20 lineal feet of frontage. In addition, six (6) deciduous or coniferous shrubs shall be provided for each thirty (30) lineal feet of frontage. In addition to the required tree and shrubs, the remainder of the front yard planting strip shall be landscaped in grass, ground cover, and other natural landscape materials. Access drives from public rights-of-way through required front yard planting strips shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of plantings required.
- d. Trees and shrubs may be placed either symmetrically or asymmetrically throughout and around the parking area within planting strips and interior planting areas.
- e. Multiple interior planting areas may be grouped or combined.
- f. Interior tree planting areas and side and rear yard planting strips for multifamily residential and commercial activities shall be provided as follows:

TABLE 5.3.B.5.f	
INTERIOR PLANTING AREA REQUIREMENTS	
PARKING LOT SIZE	PLANTING AREA TO PARKING AREA
0 - 10 spaces	Side yard planting strips.
11 - 20 spaces	Side and rear yard planting strips.
21 - 40 spaces	Side and rear yard planting strips and 1 interior planting area per 4,500 square feet of paved parking area
over 40 spaces	Side and rear yard planting strips and 1 interior planting area per 4,000 square feet of paved parking area.

- g. Industrial projects shall not be subject to interior planting areas.

Section 5.3.C - 5.3.F.2

- C.** The Planning Commission may permit a screening wall, at least thirty (30) inches in height, in lieu of planting strips as provided above, when it determines that the parcel size and configuration are such as will make the provision of the minimum landscape area impractical or overly restrictive as to the development of the site. Such walls shall be of common or face brick or similar appearing material, or of a masonry material which is compatible with that of the principal building on the site.
- D.** Trash Dumpster Landscaping.
1. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material, which is compatible with the architectural materials used in the site building or project.
 2. Landscaping shall be provided within three (3) feet of the perimeter of the trash container on a minimum of three sides and shall consist of evergreen trees or large evergreen shrubs. The side facing the street or public right-of-way shall be screened at all times with dense opaque landscaping, or, as an alternative, with a masonry wall or a wooden privacy fence.
 3. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings or projects they serve.
 4. Containers and enclosures shall be located away from public view insofar as possible.
 5. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 6. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers. Concrete aprons shall also be provided for bin loading.
 7. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
 8. Screening and gates shall be of a durable construction. Gates shall be made of wood or other durable material and shall be reinforced with a steel sub-structure.
- E.** Site Landscaping. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.
- F.** Future Phases and Banked Parking Required Landscaping.
1. In the event that a development is to be completed in one or more future phases and/or banked parking is proposed, a landscape or ground cover plan for vacant future phases or banked future parking areas shall be required.
 2. Depending on the construction schedule filed with the site plan and or subdivision plat the requirements for landscaping and/or ground cover are as follows:

Section 5.3.F.2.a - 5.3.H.3

- a. All future phases and/or banked future parking that is scheduled to start construction one year or more from the approval date of the first phase of development shall be provided a ground cover such as grass or other appropriate ground cover approved by the Planning Commission. A ground cover plan for all future phases is to be filed and approved with the site plan for the first phase of development. Such future phases or parking areas shall be mowed at least once every two (2) weeks during the growing season. In no such instance shall the future phase or parking area be allowed to grow up into weeds. The ground cover planting is to be complete within the current or next planting season, which ever occurs first.
- b. The applicant shall also submit a detailed preliminary landscape plan for all future phases and/or future banked parking areas with the site plan for the first phase of development. This is to insure integration and compatibility with the landscape plan designed for the first phase of development.

G. Tree/Landscape Planting Area.

1. A minimum distance of three (3) feet from the backside of the curb and the proposed centerline of the landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed centerline of the landscape plantings shall be provided.
2. All landscaped areas shall be protected with raised concrete curbs.

H. Landscape Elements. The following minimum standards shall apply:

1. Quality. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Branch County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
2. Composition. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. Berms. Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, mulch or other form of natural living ground cover.

Section 5.3.H.4 - 5.3.H.5

4. Existing Trees. The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:
 - a. Paving or other site improvements shall not encroach upon the dripline of the existing tree(s) to be preserved.
 - b. If existing plant material is labeled “To Remain” on site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Planning Commission.
 - c. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, filled or excavated at the dripline, as determined by the City, the Contractor shall replace them with trees which meet Ordinance requirements.
5. Installation, Maintenance, and Completion.
 - d. All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
 - e. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
 - f. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. That is, the owner agrees to an ongoing seasonal maintenance program for all landscaping, and all materials used to satisfy the requirements of this Ordinance which become unhealthy, diseased, damaged, or dead shall be replaced within one (1) year (or the next appropriate planting period, whichever comes first) of the onset of the unhealthy condition, disease, damage, or death. All landscaped areas shall be provided with a readily available and acceptable water supply. Mulching up to the base of trees shall be prohibited.

6. Size and Spacing Requirements. Where landscaping is required the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

TABLE 5.3.H.6								
SIZE AND SPACING REQUIREMENTS								
TREES	MINIMUM SIZE ALLOWABLE				RECOMMENDED ON-CENTER SPACING			
	6'	3' - 4'	2"	2.5"	30	25	15	10
Evergreen Trees:								
Fir	x						x	
Spruce	x						x	
Pine	x						x	
Hemlock	x						x	
Douglas Fir	x						x	
Narrow Evergreen Trees:								
Red Cedar		x						x
Arborvitae		x						x
Juniper (selected varieties)		x						x
Large Deciduous Trees:				x	x			
Oak				x	x			
Maple				x	x			
Beech				x		x		
Linden				x	x			
Ginko (male only)				x	x			
Honey Locust				x		x		
Birch				x	x			
Sycamore								
Small Deciduous Trees:			x				x	
Flowering Dogwood (disease resistant)			x					
Flowering Cherry, Plum, Pear			x			x		
Hawthorn			x				x	
Redbud			x			x		
Magnolia			x				x	
Flowering Crabapple			x				x	
Hornbeam			x			x		

5.4 Compliance Required

Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.



5.5 Restoring Unsafe Buildings

Nothing in this Zoning Code shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

5.6 Mixed Occupancy

Before issuing a building permit for the construction of any building intended for a combination of dwelling and commercial or dwelling and industrial occupancy, or for construction which would result in an increased number of dwelling units within a building partly occupied by business or industrial usage, or which would result in an increased area being devoted to business or industrial usage within a building partly occupied as a dwelling, the Zoning Administrator shall refer the plans to the Fire Chief and request his or her report as to any fire or health hazards that exist or may be expected to exist, and his or her recommendations as to desirable additional provisions or changes in the interest of safety or health which shall be complied with before the issuance of a permit. Where mixed occupancy includes residential units the side and rear yard and area requirements of Residential Districts shall be met.

5.7 Required Area or Space and Exceptions

- A. No lot, or lots in common ownership, and no yard, court, parking area or other space shall be so divided, altered or reduced as to make said area or dimension less than the minimum required under this Zoning Code. If already less than the minimum required under this Zoning Code, said area or dimension shall not be further divided or reduced.
- B. Where an existing lot has an area of not less than ninety percent of its zone district requirements, and where such lot can provide the side yard requirements of its zone, a permitted principal use of the zoning district is permitted. An existing lot in single ownership of less than ninety percent of its zone requirements may be utilized for a permitted principal use and the required side yards may be reduced by the same percentage the width of such lot bears to its zoning district requirements, provided that off-street parking requirements are met and that for residential lots, no side yard shall be less than five feet.
- C. Where there are three or more adjacent lots under single ownership (see [Section 1.5 Effective Date](#)) at the time of the passage of this Zoning Code, and such lots each contain less than ninety percent of the zone district width and/or area requirements, such lots shall be combined for uses in conformity with the dimensional standards of the zoning district.

5.8 Traffic Visibility Across Corner Lots

In any Residential Zone District on any corner lot, no fence, structure or planting over thirty inches in height above the crown of the road shall be erected or maintained within twenty-five feet of the corner property line so as to interfere with traffic visibility across the corner of alleys, drives or streets.

5.9 Splitting of Platted and Unplatted Parcels

- A. The splitting of platted lots of record, when the same is in conformity with the minimum lot width and area requirements shall be approved under the provisions of Chapter 1250 of the Code of Ordinances.
- B. No use to be situated on an unplatted lot or parcel created subsequent to the adoption of this Zoning Code shall be issued a building permit unless the lot meets the area and dimensional requirements of the zoning district in which it is located and has a minimum public street frontage of forty feet.

5.10 Height Exceptions

The height requirements of all districts shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, penthouses, stacks, stage towers or scenery lofts, flour tanks, water towers, ornamental towers, monuments, cupolas, domes and spires, necessary mechanical appurtenances, or additions to existing buildings which now exceed the height limitations of the zone district up to the height of the existing building.

5.11 Essential Services

Essential services, as defined in this Zoning Code, are permitted in all zoning districts, provided that prior to the construction of any electrical substation and/or gas regulator station or other public utility building the plans for such shall be submitted to the Planning Commission under the provisions of [Section 6.1](#) to ensure that landscaping, architecture, and buffering are suitable and in keeping with the character of the neighborhood.

5.12 Incomplete Structures as Dwellings

No basement, cellar or garage, or incomplete structure shall be used as a dwelling. No such structures used as a dwelling on the effective date of this Zoning Code shall be used as a dwelling after 365 days from the said effective date.

5.13 Fence Standards and Regulations

- A. Purpose and Intent. The intent and purpose of these provisions is to ensure safe sight lines and to minimize the potential negative visual impact and hazards of excessively tall and unsightly fences.
- B. Permit Required.
 - 1. It shall be unlawful for any person to erect, construct, enlarge, alter, or replace a fence without first obtaining a permit. A permit shall be received before construction of the fence commences.
 - 2. A permit application shall be filed in accord with [Article 7 Administration and Enforcement](#), showing the proposed location, type of fence, materials and height.
 - 3. A permit shall not be required for painting, and repairs not affecting more than 25% of the fence

surface performed within a one-year period.

4. No fence permit shall be issued for any commercial, office/service, or industrial district, or for any commercial, office/service, or industrial use, without prior approval by the Zoning Administrator, either as a part of the site plan review or otherwise.
5. A permit is not required for a fence on property used for agricultural purposes if the property does not adjoin property used or zoned for residential purposes.
6. The Zoning Administrator may, in exceptional circumstances, authorize the issuance of a permit for a fence not meeting the location or construction materials requirements set forth herein, upon a finding of unusual need, circumstances, or property uses making the issuance of such permit appropriate.

C. Height Regulations.

1. Except as otherwise provided herein, no fence in any front yard shall exceed four feet and six inches in height, nor shall any fence exceed six feet and six inches in height.
2. In the C2 Central Business District, a fence for nonresidential properties shall not exceed four feet in height.
3. A fence used to enclose outdoor retail display and storage areas in the C4 General Business District is permitted, providing it is contiguous to the principal use, not more than 20 feet tall, located in the side yard or rear yard, and has been approved as part of site plan review.
4. In the Agricultural and Industrial districts, a fence in the side yard and rear yard may not exceed eight feet in height.

D. Location and Construction Regulations.

1. Except as otherwise provided herein, no chain link fence, wire mesh fence, or privacy fence may be located in any front yard.
2. Except as otherwise provided herein, in all zoning districts other than residential, and for all properties used for purposes other than residential, no fence other than a decorative fence may be located in the front yard.
3. Except as otherwise provided herein, a decorative fence only may be placed on any property used for nonresidential purposes in the C-2 zoning district.
4. Allowable materials for a fence include wood, chain link, brick, stone, stucco, wrought iron, aluminum, wood pickets and plastic fence, as otherwise allowed herein.
5. A wooden fence must be constructed so that the exposed framing of the fence faces the principal structure. The exposed framing of the fence may face an adjacent side yard or rear yard when either (a) there is an existing fence located on the adjacent property and that fence is of a construction or location such that it is physically impractical to install a wood fence with the exposed framing facing the principal structure, or (b) all owners of property adjacent to the proposed fence declare in writing that they have no objection to the exposed framing facing their properties.
6. The owner of any fence shall maintain the fence by painting, treating, trimming, repairing or removal,

as necessary to maintain the fence in a safe and reasonably attractive condition. A fence that is dangerous to public safety, health or general welfare is a public nuisance and the City may commence proceedings for the abatement thereof.

7. It is recommended that an applicant for a fence permit inform the adjoining property owner(s) of the intention to construct a fence, and have a surveyor locate the property lines involved. Fences shall be constructed inside the property line or on the property line between adjoining neighbors. Utility providers should be contacted prior to any fence installation regarding meter access requirements and location of utility lines.

E. General Regulations.

1. Location. No fence shall be located closer than one foot to a street right-of-way. No fence shall obstruct a vision clearance triangle as set forth in [Section 5.8 Traffic Visibility Across Corner Lots](#).
2. Method of measurement. Where a fence is located at a common property line with varying elevations, the height of the fence shall be measured and averaged at regular intervals on both sides of the property line. The final height shall be determined by averaging the dimensions obtained from the measured interval averages. The measured interval distances shall typically be eight feet.
3. Decorative architectural features on fences shall not be included in the height of a fence so long as they do not extend more than nine inches above the maximum height and shall have minimum five-foot spacing between them.
4. Any fence must allow access to the rear yard, and the access must be at least four feet wide. All gates are required to swing inward, way from adjacent property, and toward the property owner's yard.
5. Legally existing, nonconforming fences will be required to comply with this section when any change is made to the fence, except for painting, and repair(s) not affecting more than 25% of the fence surface within a one-year period.
6. Any conflict between this [Section 5.13 Fence Standards and Regulations](#) and any ordinance, statute or regulation regarding fences around swimming pools shall be controlled by that ordinance, statute or regulation regarding swimming pools.

F. Prohibited Fencing.

1. No fence erected within the City limits shall be electrically charged in any manner.
2. A fence may not be constructed of plywood, scrap lumber, exposed concrete, cinder block, or other non-customary materials.
3. No fence shall be constructed of barbed wire, razor wire, concertina strands or similar materials; provided however that a fence which includes barbed wire strands may be used to enclose hazardous materials or land uses, or where such additional security is appropriate for land used for industrial purposes, in the discretion of the Zoning Administrator, provided that only three strands are used, not more than a total of nine inches in height.

- 4. A fence is not permitted on a vacant lot having no principal use.
- 5. A fence may not interrupt traffic patterns, parking spaces, maneuvering lanes, or drainage areas.

5.14 Accessory Buildings and Structures

- A. No accessory building shall be located within a required front yard or closer to a side street than the minimum setback allowed for a principal building situated on an adjacent lot which faces the same side street, and no accessory building shall occupy more than ten percent of the lot area on which it is situated.
- B. No residential accessory building shall exceed sixteen feet in height.
- C. All detached accessory buildings shall be located at least ten feet from a principal building or dwelling and six feet from any other detached or attached accessory building.
- D. In all zoning districts, detached accessory buildings may be located within three feet of a side or rear lot line, except where the side lot line abuts a public street, in which case the minimum setback requirements for principal buildings within the district shall apply.
- E. In all zoning districts, attached accessory buildings shall observe the minimum yard setback requirements of the district.
- F. Where a corner lot adjoins in the rear, the rear of another corner lot and accessory building, whether attached or detached, may be erected three feet from such common rear lot line if all portions of such building are located within the furthest quarter of the lot from the street line and no part of such building projects beyond the side street line of the principal building.
- G. Swimming pools shall not be governed by the side and rear yard requirements of this Zoning Code but shall conform to the yard restrictions of the City's Building Code.

5.15 Ingress and Egress

- A. The purpose of this section is to establish guidelines for the location and design of driveways that can be used for new construction in undeveloped areas and for redevelopment of existing developed areas within the office (OS), commercial (C-1, C-2, C-3, and C-4) and industrial (D-1 and D-2) districts. The objectives of these requirements are to reduce the frequency of conflicts between vehicular movements and to increase the spacing between conflict points, thereby providing motorists with increased decision process time, which will increase safety and assure smoother traffic flow. The Planning Commission shall review site plans for development within this District in light of the following standards:
 - 1. Lanes Per Driveway. The number of driveway lanes shall be based on analysis of expected trip generation and peak turning volumes. (See subsection (h) hereof.)

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



Section 5.15.A.2 - 5.15.A.7

2. Turn Prohibitions. Left turns may be prohibited to and/or from driveways under the following conditions:
 - a. Inadequate corner clearance;
 - b. Inadequate sight distance; or
 - c. Inadequate driveway spacing.
3. Relationship to Opposing Driveways. To the extent reasonably possible, driveways shall be aligned with driveways on the opposite side of the street.
4. Sight Distance. Adequate sight distance shall be ensured for all vehicles exiting from a proposed development. If certain movements cannot be made safely, then they shall be prohibited.
5. Driveway Permits. Prior to the granting of a building permit for any construction involving a new or expanded driveway opening to a public street, a permit for such driveway from the appropriate governmental entity having jurisdiction over the roadway shall be submitted to the Zoning Administrator.
6. Driveway Spacing. The minimum spacing allowed between a proposed driveway and all other driveways or streets located on the same side of the street shall be as follows:

TABLE 5.15.A.6 MINIMUM DRIVEWAY SPACING REQUIREMENTS	
LEGAL DRIVING SPEED LIMIT ON THE STREET WHICH ADJOINS OR ABUTS THE PROPOSED DRIVEWAY (MPH)	MINIMUM SPACING (FT.) *
30 or less	125
35	175
40	225
45	275
50	300
* The above spacings are based on average vehicle acceleration and deceleration rates (Federal Highway Administration, FHWA-H1-91-0212). The spacing is measured from centerline to centerline of the driveways.	

7. In the event that a particular parcel or parcels lack sufficient road frontage to maintain adequate spacing, the landowner(s) have one of two options:
 - d. They may seek a variance from the Zoning Board of Appeals for minimum spacing unless denial of the variance would prohibit access to the site. In no case shall the variance be greater than the next lowest classification. For example, on a forty mph road requiring 225-foot spacing, the distance may be reduced to no less than 175 feet, which is the standard for a thirty-five mph road facility; or
 - e. They may cooperate with an adjacent landowner to establish a common driveway serving the subject property and an adjacent property.

- 8. Number of Driveways per Parcel.
 - f. Under normal circumstances a maximum of one driveway opening shall be permitted to a particular parcel from any abutting street.
 - g. The Planning Commission may permit one additional driveway entrance along a continuous site with frontage in excess of 330 feet and two additional driveway entrances along a continuous site if driveway access volumes exceed 5,000 vehicles per day and frontage exceeds 600 feet.
 - h. A dual-service (median-divided) driveway is considered to be one direct- access driveway.
 - i. Only one pair of one-way drives may be used per 250 feet of street frontage.
- 9. Driveway Design.
 - j. Driveway width shall be sufficient for the particular use and anticipated traffic flows. One-way drives shall be a minimum of sixteen feet and a maximum of nineteen feet in width. Two-way drives shall be at least twenty-five feet wide, but no greater than sixteen feet per lane.
 - k. For uses which generate exit volumes in excess of 100 vehicles per hour or more than 5,000 vehicles per day, two exit lanes shall be provided and clearly marked for left and right turns. Driveways shall be designed with a minimum twenty-five foot radius for in-bound curbs and a minimum twenty feet for out-bound curbs.
 - l. Unless written permission is obtained from adjacent property owners, no portion of the driveway shall extend beyond the adjacent property lines extended to the edge of the street.
- 10. Corner Clearance. The minimum corner clearance distance between the centerline of a proposed driveway and the edge of the right-of-way of a nearby cross street shall be 100 feet. Traffic movements into and out of a driveway with a centerline located less than 150 feet from the edge of the right-of-way of a signalized intersection may be limited to right turns into the driveway and right turns out of the driveway.
- 11. Shared Driveways, Frontage Roads, Parking Lot Connections and Rear Service Drives. Alternative access shall be encouraged. One or more of the following may apply:
 - m. Shared driveways. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the driveway spacing requirements of this section, a shared driveway may be the only practical access design. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another and/or to access the public street.
 - n. Frontage roads. In cases where a frontage road exists, is recommended either in the City's Comprehensive Plan or in an adopted corridor study, and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided by such frontage road, rather than by direct connection to the arterial street.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



- o. Parking lot connections. Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where possible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection.
- p. Rear service drives. Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connections to the arterial street may be allowed, provided that the driveways meet the requirements of this section in terms of spacing and location.
- q. Frontage roads, parking lot connections and rear service drives shall be constructed according to the standards set forth in subsection 12 that follows.
- r. In areas where frontage roads or service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards set forth in subsection 12 hereof. In such instances, the Planning Commission may temporarily grant individual parcels a direct connection to the adjacent arterial. This access point shall be closed at such time as the frontage road or service drive is constructed.

12. Design of Frontage Roads or Service Drives.

- s. Frontage roads and rear service drives shall have a width of thirty to thirty-six feet, measured from edge to edge of the driving surface, with an approach width of thirty-nine feet at internal intersections. Curbs may be required by the Planning Commission based upon the recommendation of City staff.
- t. Frontage road and rear service drive entrances and exits to the public street shall be designed according to the same minimum standards as required for driveways in this chapter.
- u. Frontage roads shall have a minimum setback of thirty feet from the right-of-way. However, a minimum of sixty feet of vehicle storage shall be provided at the frontage road intersection with a public street. Where it can be demonstrated that traffic exit volumes will exceed 1,000 vehicles per day, a minimum of eighty feet of stacking space shall be required. Stacking room shall be measured from the pavement edge of the public street (end of curb radius).
- v. The frontage road's intersection with a public road shall be located at least 100 feet from the edge of the right-of-way of any nearby cross street. Traffic movements into and out of a frontage road entrance or exit that is located less than 150 feet from a signalized cross street intersection may be limited to right turns in and right turns out.
- w. Intersections for rear access service drives should be located at least 300 feet from the street that the adjacent buildings have frontage on.

Section 5.15.A.12.f - 5.15.A.12.g

- x. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum thirty-foot width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on- street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive shall be prohibited.
- y. In the case of expansion, alteration or redesign of existing development, where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Planning Commission shall have the authority to allow alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles servicing the parking stalls shall be aligned perpendicularly to the access aisle, with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

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Zoning Ordinance | Article 6

Development Procedures

1. Purpose & Intent

2. Definitions

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Article 6 - Development Procedures

1. Purpose & Intent

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6.1 Site Plan Review Procedure

- A.** Purpose of Review. The purposes of the site plan review are to determine compliance with the provisions of this Zoning Code; to promote the orderly development of the City; to prevent the depreciation of land value because of uses or structures which do not give proper attention to siting or area protection; and to provide consultation and cooperation between applicants and the Planning Commission so that applicants may accomplish their objectives in the utilization of their land in conformity with the provisions of this Zoning Code.
- B.** Site Plan Required; Authority of Planning Review Committee. A site plan, prepared in accordance with the requirements of this chapter, shall be submitted to the Planning Review Committee for review and recommendation to the Planning Commission. A site plan will be required for all proposed uses, including change of use, and certain existing uses within the City where an alteration, addition, expansion, change or conversion constitutes an increase or reduction to the existing structure, parking or use of more than ten (10%) percent. Site plan review shall also be required prior to the paving of any off-street parking. Site plan review shall not be required for the following:
1. Single and two-family dwelling units on individual lots.
 2. Residential and agricultural accessory buildings.
 3. Nonresidential accessory buildings less than 1,000 square feet in area.
- Uses with approved site plans or existing buildings, which propose a change constituting ten percent, or less of the building floor area or ten percent or less of the required parking spaces shall be reviewed, approved and administrated by the Planning Review Committee
- No grading, removal of trees or other vegetation, landfilling or construction of improvements shall commence for any development which requires site plan approval until a site plan is approved and is in effect.
- C.** Application Procedure.
1. An application for site plan review shall be made to the Zoning Administrator, along with a fee as required by resolution of Council. The application shall, at a minimum, contain the following information.
 - a. The applicant's name, address and telephone number.
 - b. Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
 - c. The name, address and telephone number of the owner(s) of record, if different from the applicant.
 - d. The address and/or parcel number of the property.
 - e. A project description, including the number of structures, dwelling units, square feet of the building, parking spaces and employees.
 - f. Gross and net acreage of all parcels in the project.

Section 6.1.C.2 - 6.1.D.12

2. City staff shall review the plan with the applicant and attempt to resolve areas of noncompliance and concern.
 3. A copy of the site plan may be forwarded to the Police and/or Fire Departments for review as deemed appropriate by the Zoning Administrator.
 4. Fifteen copies of the site plan shall be submitted with the application for site plan review.
 5. The Zoning Administrator shall forward the application and copies of the plan to the Planning Commission within thirty days of the receipt of the application.
- D. Site Plan Contents.** The site plan shall contain the following information, unless the Zoning Administrator waives compliance:
1. Applicant and/or owner's names, addresses and telephone numbers.
 2. Professional seal of architect, engineer, surveyor, landscape architect, or planner, and their name and address, phone number and e-mail if available.
 3. Scale, north arrow, date of plan preparation, and date of each revision. Sheet size shall be at least 24"x 36" with plan view drawn to a scale of no greater than 1"= 50' for property less than three acres or no greater than 1"= 100' for property three or more acres.
 4. Vicinity/locational map drawn at a scale of 1"= 2,000' with north point indicated.
 5. Location of existing and proposed lot lines, including dimensions, gross and net acreage figures, and zoning classification of the site.
 6. Adjacent land uses, property owners, zoning and location of adjacent buildings or structures, property lines, rights of ways, abutting streets, drives, curb cuts, and access easement, and parking within 100 feet of subject property.
 7. Location and dimensions of existing and proposed buildings/structures; including intended uses, floor area, number of floors, width, length, height, number and type of dwelling units (where applicable), and setback distances.
 8. Existing natural and man-made features to be retained and/or removed. Locations of natural resource features, including woodlands and areas with slopes greater than 10% (1 foot vertical elevation for every 10 feet of horizontal distance).
 9. Location of existing and proposed water bodies, watercourses, including County and City drains, man-made surface drainage ways, floodplains and wetlands.
 10. The location of all existing and proposed access drives, street intersections, driveway locations, sidewalks, bike paths, curbing, and other walkways associated with the site, including general alignment, right of way, surface type, width and centerline.
 11. Location, number and size of parking spaces, including width and method of surfacing, dimensions of spaces and aisles, acceleration, deceleration and passing lanes and approaches.
 12. Proposed phasing of project.

Section 6.1.D.13 - 6.1.D.26.d

13. The location of all accessory structures, including light poles, flagpoles, storage sheds, transformers, dumpsters, including method of screening
14. Detailed signage and lighting plans, including locations and illumination patterns, for both existing and proposed parking lots and structures.
15. A landscape plan indicating the location, type and quantity of plant materials both existing and proposed. The location and description of all existing berms, fencing, walls, and other screening provisions.
16. Location of outdoor storage/display areas including a description of the items to be located outdoors, as well as the location and description of required screening.
17. Loading and unloading areas for commercial and industrial developments
18. Storage and containment areas, if the use of hazardous substances is involved.
19. Location and size of all existing and proposed utility services above and below ground, to include water, electric, gas, phone, cable, storm water, storm sewer, catch basins, and fire hydrants.
20. Location and width of any easements (utility and other wise) on the site.
21. Designation of fire lanes.
22. Any other pertinent physical features.
23. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Branch County, Michigan.
24. Existing topography with a maximum contour interval of 2 feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of 2 feet, correlated with existing contours so as to clearly indicate required cutting, filling, grading, and the direction of drainage.
25. Any other items as deemed necessary by the Planning Review Committee in order to ensure that the proposed development is in compliance with this Zoning Code and other local ordinances, as well as State and Federal Statutes.
26. Additional Requirements for Multiple-Family Residential Developments
 - a. Density calculation by type of unit.
 - b. Designation of units by type and number of units in each building.
 - c. Carport locations and details where proposed.
 - d. Specific amount and locations of recreation spaces.

Section 6.1.E - 6.1.E.1.m

E. Review by Planning Commission and Planning Review Committee.

1. The Planning Commission and the Planning Review Committee shall review the site plan for compliance with the requirements of this Zoning Code and conformity to the following general standards:
 - a. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the size and type of buildings. 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 Zoning Code.
 - b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications, which result in maximum harmony with adjacent areas.
 - c. All storm water shall be detained on site for controlled release. Special attention shall be given to proper site drainage such that the controlled release of storm waters will not adversely affect neighboring properties.
 - d. The site plan shall provide for reasonable visual and sound privacy for all dwelling units located on the site. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - e. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
 - f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - g. There shall be provided a pedestrian circulation system, which is insulated, as completely as reasonably possible, from the vehicular circulation system.
 - h. 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 thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height.
 - i. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
 - j. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, the separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and that do not, insofar as practicable, detract from the design of the proposed buildings and structures and the neighboring properties.
 - k. All streets shall be built in accordance with the requirements of the City.
 - l. Site plans shall conform to all applicable requirements of State and Federal statutes, and approval may be conditioned on the applicant receiving necessary State and Federal permits before final site plan approval or an occupancy permit is granted.

Section 6.1.E.n - 6.1.E.1.n.X

- m.** Standards for groundwater protection and Coldwater’s wellhead protection plan, as approved by the Michigan Department of Health and the Michigan Department of Natural Resources on October 7, 1994, shall be as follows:
- I.** The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.
 - II.** General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.
 - III.** Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, to the surface of the ground, and to groundwater, lakes, streams, rivers or wetlands.
 - IV.** State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
 - V.** Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - VI.** Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers, which are protected from weather, leakage, accidental damage and vandalism.
 - VII.** Secondary containment structures such as out-buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater or nearby drains or rivers.
 - VIII.** Areas and facilities for loading or unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
 - IX.** Existing and new underground storage tanks shall be registered with the authorized State agency in accordance with requirements of the U.S. Environmental Protection Agency and the State Police Fire Marshal Division.
 - X.** Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.



Section 6.1.F - 6.2.B

- F. Amendments to Approved Site Plans.
 - 1. All site improvements shall conform to the final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan, provided that a revised final site plan drawing (s) be submitted showing such minor changes, for purposes of record.
 - 2. Any changes, which result in a material alteration of the site plan approved by the Planning Commission, shall require re-submittal to the Planning Commission. The Planning Commission or Zoning Administrator may require the applicant to correct any physical changes to the site that were completed without prior approval, so as to conform to the approved final site plan. The Zoning Administrator is also hereby authorized to issue a stop work order to any project that is under construction with changes that have not received prior approval.
- G. Issuance of Zoning Compliance Letters. The Zoning Administrator shall, upon approval of the final site plan and upon application by the applicant, issue a zoning compliance letter, provided that all other applicable City ordinances and codes have been complied with.
- H. Appeals. Any person or party aggrieved by a decision of the Planning Commission under this chapter may appeal such decision to the Zoning Board of Appeals in accordance with the provisions of this Zoning Code. Such appeal shall be filed within ten (10) days of the date of a final decision made by the Planning Commission.

6.2 Special Land Use Procedure

- A. Purpose. Special land uses are those uses of land which are essentially compatible with uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special uses. The criteria for decision and requirements provided for under the provisions of this chapter shall be in addition to those required elsewhere in this Zoning Code which are applicable to the special use under consideration.
- B. Authority to Grant Permits. The Planning Commission shall have the authority to grant special use permits. The Planning Commission has the authority to impose such conditions of design and operations, safeguards and time limitations as it may determine for all special uses, specially allowed in the various district provisions of this Code and in accordance with [Section 6.1 Site Plan Review](#).

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Section 6.2.C - 6.2.C.4

- C. Application Procedures. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:
1. Application. Applications for a special use shall be submitted fourteen (14) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application for completeness and then transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee to cover the costs of processing the application, in accordance with the schedule of fees adopted by the City Council.
 2. Required Information. An application for a special use permit shall be accompanied by the following documents and information:
 - a. A special use application form supplied by the Zoning Administrator, which has been completed in full by the applicant.
 - b. A site plan, as required in [Section 6.1.B Site Plan Required, Authority of Planning Commission](#).
 - c. A statement with regard to compliance with the general criteria required for approval as set forth in subsection D below, and other criteria specific to the proposed use as imposed by this chapter affecting the special use under consideration.
 3. Public Hearing. Upon receipt of an application for a special use, the Planning Commission shall hold a public hearing in the manner described in [Section 7.7](#) of this zoning ordinance.
 4. Review and Approval. Within thirty days following the public hearing, the Planning Commission shall review the application for a special use, the comments received at the public hearing, the site plan and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the criteria for approval stated in [subsection D below](#) and such standards contained in this chapter which relate to the special uses under consideration. The Planning Commission may deny, approve, or approve with conditions, a request for a special use. The decision on a special use shall incorporate a statement containing the findings and conclusions relative to the special use under consideration which specifies the basis for the decision and any conditions recommended. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

Section 6.2.D - 6.2.D.4

- D. Basis of Determination.** Prior to approval of a special use application, the Planning Commission shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this Zoning Code, shall be satisfied by the completion and operation of the special use under consideration.
1. **General Standards.** The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Zoning Code:
 - a. The special land use shall be harmonious with and in accordance with the general objectives, intent and purposes of this Code.
 - b. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of existing and future land uses on adjacent property and the surrounding area.
 - c. The special land use shall not change the essential character of the surrounding area.
 - d. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which, will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
 - e. The special use shall be required to be served by public sanitary sewer and water supply systems when available or other systems approved by the Health Department, and served adequately by other essential public facilities and services; such as highways, streets, drives, sidewalks, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately all such services. Further the special use shall not place demands on public services and facilities in excess of current capacity.
 2. **Conditions.** The Planning Commission may impose conditions with the approval of a special use, which conditions are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Zoning Code. Such conditions shall be considered an integral part of the special use application and shall be enforced by the Zoning Administrator.
 3. **Time Limitations.** Any property which is the subject of a special use permit which has not been used for a period of twelve months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission for the purposes for which such special use was granted) shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special use shall thereupon terminate. This time limitation shall not apply to second and subsequent phases of a development, which is part of a comprehensive plan, as provided for in subsection 4 hereof.
 4. **Project Review.** An applicant for a special use approval may include a comprehensive plan and specifications for a development, which is to be accomplished in phases over a specified period of months or years, and secure a review of the entire project, thereby avoiding the need for multiple special use hearings, unless modifications in any approved special use plan are subsequently necessary, wherein a special use hearing on the modification would be required.

6.3 Planned Unit Development Procedure

A. Objectives.

1. It shall be the policy of the City of Coldwater to promote the progressive development of land and construction thereon by encouraging planned unit developments to achieve:
 - a. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
 - b. A more useful pattern of open space and recreation areas and, if permitted as part of a project, more convenience in the location of accessory commercial uses and services.
 - c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and which prevents the disruption of natural drainage patterns.
 - d. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
 - e. A development pattern in harmony with land use density, transportation facilities and community facilities objectives of the City's Master Plan.
2. The City is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning, provided that the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

B. Special Provisions and Conflicts. Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this Zoning Code, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Zoning Code.

C. Application to Existing Zoning Districts. Upon approval by the Planning Commission and the City Council, a Planned Unit Development District may be applied to any existing zoning District. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation "PUD". Planned Unit Development Districts shall be approved by the Planning Commission and the City Council in the manner provided herein.

D. Combination of Compatible Uses.

1. Compatible residential, commercial and public uses may be combined in PUD districts provided that the proposed location of the commercial uses will not adversely affect adjacent property and/or the public health, safety and general welfare. Building site area and other setback requirements of the zoning districts shall apply, except as modified in this chapter.
2. The amount of land devoted to commercial use in a combined residential- commercial development shall be determined by the Planning Commission and subject to final approval by the City Council.

Section 6.2.E - 6.2.J.3

- E.** Minimum Project Area. The gross area of a tract of land to be developed in a Planned Unit Development District shall be a minimum of ten acres. In certain cases, smaller parcels may be considered, provided that they meet the requirements of this chapter. Provisions for smaller parcels are described further in subsection AA of this section.
- F.** Ownership or Control of Project. The project land may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. Such ownership may be by a public or private corporation.
- G.** Reservation of Common Open Space. A minimum of twenty percent of the land developed in any planned unit development project shall be reserved as common open space for the users of the area being developed.
- H.** Disposition and Maintenance of Common Open Space.
 - 1. The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to the City and retained as common open space for parks, recreation and related uses. All land dedicated to the City must meet the Planning Commission's requirements as to size, shape and location. Public utility easements and similar easements and rights of way for watercourses and other similar channels are not acceptable for common open space dedication to the City, unless such land or right of way is usable as a trail or other similar purpose and is approved by the Planning Commission. The City retains the right to refuse any open space for dedication.
 - 2. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
- I.** Utilities. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
- J.** Building Site Areas and Widths; Density.
 - 1. In platted area or site condominium projects, the building site area per dwelling unit may be reduced by not more than forty percent of the minimum building site area (also known as "Minimum Lot Area") required for each zoning district.
 - 2. Building site widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.
 - 3. The density may not exceed 130 percent of that which is permitted in the existing zoning district.

Section 6.3.K - 6.3.P

- K.** Proximity of Building Sites to Common Open Space and Clustering. Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight townhouse units in any contiguous group.
- L.** Side and Rear Yards. For each foot of building height over the maximum height regulations, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by a one-foot addition to the side and rear yard required in the district.
- M.** Off-street Parking and Loading. Off-street parking, loading and service areas shall be provided in accordance with this Zoning Code. However, off-street parking lots and loading areas shall not be permitted within fifteen feet of any residential use.
- N.** Perimeter Setbacks. Notwithstanding the provisions of this chapter, every building site abutting the perimeter of a Planned Unit Development District shall maintain all setback requirements for the applicable conventional zoning district.
- O.** Arrangement of Commercial Uses.
 - 1. When Planned Unit Development Districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
 - 2. The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.
 - 3. All areas designed for future expansion, or not intended for immediate improvement or development, shall be landscaped or otherwise maintained in a neat and orderly manner as specified in this Zoning Code.
- P.** Pre-application Meeting. The developer shall meet with the City/Board of Public Utilities Engineering, the City Planner and the Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect of this chapter and the criteria and standards contained herein and to familiarize the developer with the policies contained in the City's Comprehensive Development Plan.

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Q. Application for Approval of Preliminary Development Plan.

1. Fifteen copies of an application for preliminary planned unit development shall be filed with the City Planner by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information, submitted with fifteen copies thereof:
 - a. Name, address and phone number of the applicant.
 - b. Name, address and phone number of the registered surveyor, the registered engineer and/or the site designer assisting in the preparation of the preliminary development plan.
 - c. Legal description of the property.
 - d. Description of the existing use.
 - e. Zoning district(s).
 - f. Vicinity map, at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning and such other items as the Planning Commission may require to show the relationship of the planned unit development to the land use and other community facilities and services.
 - g. Preliminary development plan, at a scale approved by the Planning Commission, showing topography at two-foot intervals; location and type of residential, commercial and industrial land uses; layout, dimensions and names of existing and proposed streets, rights of way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvements drawings, showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the Planning Commission deems necessary.
 - h. Proposed schedule for the development of the site.
 - i. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years.
2. The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why the planned unit development would be in the public interest and would be consistent with the City's statement of objectives for planned unit developments.

R. Public Hearings and Notices.

1. Within thirty days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing.
2. Before holding a public hearing, notice of such hearing shall be given in the manner described in [Section 7.7](#) of this zoning ordinance.



Section 6.3.S - 6.3.S.6

- S.** Approval in Principle of Preliminary Development Plan. Within thirty days after the public hearing, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Zoning Code; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area, justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.
- T.** Submittal of Final Development Plan. After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Fifteen copies of the final development plan shall be submitted.
- U.** Application for Approval of Final Development Plan. An application for approval of the final development plan shall be filed with the City Clerk by at least one owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for approval of a final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two years from the date of issuance of the approval. At a minimum, the application shall contain the following information:
1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, the area in acres, the topography and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses.
 2. All the information required on the preliminary development plan; the location and sizes of lots; the location and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties.
 3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of dwelling units proposed by type and the estimated residential population by type of dwelling; the estimated nonresidential population (employees); the anticipated timing of construction for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit.
 4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of the earthwork required for site preparation and development.
 5. A site plan, showing building(s), various functional use areas and circulation and their relationship.
 6. Preliminary building plans, including floor plans and exterior elevations.

Section 6.3.S.7 - 6.3.W

7. Landscaping plans.
 8. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas, which are to be commonly owned and maintained.
- V.** Recommendation by Planning Commission. Within thirty days after receipt of the final development plan, the Planning Commission shall recommend to the City Council that the final development plan be approved as presented, approved with supplementary conditions or disapproved. The Planning Commission shall then transmit all papers, constituting the record and the recommendations to the City Council.
- W.** Criteria for Recommendation by Planning Commission. Before making its recommendation, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:
1. The proposed development can be initiated within two years of the date of approval.
 2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could be achieved under standard district regulations.
 3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and that increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
 4. Any proposed commercial development can be justified at the locations proposed.
 5. Any variance from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the planned unit development and the adopted policy of the Planning Commission and the City Council.
 6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 7. The planned unit development is in general conformance with the Master Plan.
 8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
 9. The planned unit development meets the objectives of this chapter as provided for in subsection A of this section, as well as Chapter 1246 Design Layout Standards and Chapter 1248 Improvements of the City's subdivision regulations.

Section 6.3.X - 6.3.AA.1

- X. Action by City Council. Within sixty days after receipt of the final recommendation of the Planning Commission, the City Council shall either approve, approve with supplementary conditions or disapprove the application as presented. If the application is either approved or approved with conditions, the Building Inspector shall issue building permits only in accordance with the approved final development plan and the supplementary conditions attached thereto. Furthermore, approval of a Planned Unit Development by the City Council is an amendment to the Zoning Ordinance and must follow the procedure for adoption described in [Section 7.11 Changes and Amendments](#).
- Y. Supplementary Conditions and Safeguard Violations In approving any Planned Unit Development District, the City Council may prescribe appropriate conditions and safeguards, such as performance bonds or escrow accounts, in conformity with this Zoning Code. A violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Zoning Code.
- Z. Expiration and Extension of Approval Period.
 - 1. The approval of a final development plan for a Planned Unit Development District shall be for a period not to exceed two years to allow for the preparation and recording of the required plat and the development of the project. If no construction has begun within two years after approval is granted, the approved final development plan shall be void and the land shall revert to the regulations governing the district in which it is located. An extension of the time limit may be approved if the Planning Commission finds that such extension is not in conflict with the public interest. If the project is approved in phases, each individual phase does not need further approval providing construction has started within two years of the approved construction date.
 - 2. Any modification from the approved final development plan may be approved if the Planning Commission finds that such modification is not in conflict with the public interest. Any proposed modification will require a public hearing, subject to the requirements listed in subsection R of this section.
 - 3. No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.
- AA. Cluster Housing on Small Parcels.
 - 1. On parcels less than ten acres, the PUD provision may be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped parcels that have limited potential for platting. The development shall be limited to single-family or two-family dwellings, and the density of dwelling units shall not exceed that which is permitted by the existing zoning district. A parcel under consideration for this cluster housing provision shall have a minimum frontage of sixty-six feet on a public street.

2. The developer shall have a pre-application meeting as specified in Section 6.3.P of this chapter. The developer shall submit an application, the contents of which are specified in this chapter. The Planning Commission shall hold one public hearing and recommend to the City Council approval, approval with conditions or denial of the application within thirty-days of the review. Criteria for the Planning Commission's recommendation shall be as follows:
 - a. The area surrounding said development can be planned and developed in coordination and substantial compatibility with the proposed development;
 - b. The planned development is in general conformance with the Master Plan for the City; and
 - c. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.
3. Within sixty days of receipt of the recommendation of the Planning Commission, the City Council shall approve, approve with conditions or deny the application. Supplementary conditions and safeguards may also apply.

6.4 Open Space Preservation Option

- A. At the option of the developer, land zoned AA, R-3, A-1, A-2, and A-3 may be developed for detached single-family residential subdivisions and condominiums in the fashion established MCLA 125.3506 (Section 506 of PA 110 of 2006, as amended). Land developed under this option must adhere to the following requirements:
 1. In all developments proposed under the standards of this option, at least 20 percent of the gross buildable area of the subject property must be perpetually preserved as open space. Gross buildable area is defined as that portion of the gross site area not containing open bodies of water, streams, wetlands (as defined by the MDEQ), and areas within the 100-year flood plain.
 2. The following land areas shall not be applied toward satisfaction of the minimum open space requirement stated under division 1 of this section:
 - a. Unbuildable land, including wetlands, open bodies of water and streams, and areas within the 100-year flood plain;
 - b. The area of any public road right-of-way or private road easement.;
 - c. Areas within lots or units;
 - d. Public or private golf courses.

Section 6.4.A.3 - 6.4.B

3. The following land areas may be applied toward satisfaction of the minimum open space requirement stated under division A of this section:
 - e. Uncleared areas of the site left in their natural condition;
 - f. Landscaped greenbelts;
 - g. Public and private parks developed with recreation amenities including but not limited to: landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements;
 - h. Storm water management facilities, including detention, retention and sedimentation basins, up to 25 percent of the total amount of open space required under division (a) of this section.
- B. Open Space Standards. Open space intended to satisfy the minimum requirements stated under subsection A must adhere to the following standards:
 1. Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
 2. Open space must either be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This shall not apply to storm water management basins.
 3. Open space provided along exterior public roads shall generally have a depth of at least 50 feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one evergreen or canopy tree for each 30 feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.
 4. Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
 5. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Review Committee and/or the Planning Commission.
 6. Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over 100 residential units or golf course communities), the Planning Commission may require viewsheds of lakes or other areas as a condition of approval. A viewshed shall be composed of at least 100 lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Review Committee and the Planning Commission.
 7. Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.

Section 6.4.C - 6.4.E

- C.** Means of Open Space Preservation. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Review Committee and the Planning Commission, such as:
1. Recorded deed restrictions;
 2. Covenants that run perpetually with the land;
 3. Dedication to a land conservancy approved by the Planning Commission; or,
 4. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.A. 324.2140).
- D.** Protection of Open Space. Preservation of open space as described in subsection C of this section shall assure that open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The recorded document utilized shall indicate the proposed allowable use(s) of the preserved open space. The Planning Review Committee and/or the Planning Commission may require the inclusion of open space restrictions that prohibit the following:
1. Dumping or storing of any material or refuse;
 2. Activity that may cause risk of soil erosion or threaten any living plant material;
 3. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 4. Use of motorized off-road vehicles;
 5. Cutting, filling or removal of vegetation from wetland areas;
 6. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands;
 7. Require that the preserved open space be maintained by parties who have an ownership interest in the open space;
 8. Provide standards for scheduled maintenance of the open space;
 9. Provide for maintenance to be undertaken by City of Coldwater, at the City's option, in the event that the preserved open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon the property owners.
- E.** Continuing Obligation. The preserved open space shall forever remain open space, subject only to uses approved by the City on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.

Section 6.4.F - 6.4.G

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

- F. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent of the required open space area. Accessory structures may include:
 - 1. Maintenance buildings;
 - 2. Clubhouse;
 - 3. Recreation structures (gazebos, boardwalks, docks, play equipment, etc.);
 - 4. Other structures as approved by the Planning Committee or Planning Commission.

- G. Lot Size Reduction.
 - 1. The minimum lot width and lot area for lots or units in single-family detached residential developments, as stated in the Schedule of Regulations for each zoning district, may be reduced by up to 20 percent when developed using the option provided under this division.
 - 2. Notwithstanding division (a) of this section, no lot area shall be reduced below 6,600 square feet, nor shall the lot width be reduced below 66 feet. Larger lot area may be required to the requirements of P.A. 288 of 1967, the Subdivision Control Act.
 - 3. Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the minimum required open space described above under subsection A of this section.
 - 4. Required yard setbacks shall not be reduced.



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Administrative & Enforcement

1. Purpose & Intent

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Article 7 - Administration, Appeals & Enforcement

1. Purpose & Intent

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7.1 Zoning Board of Appeals

A. Creation and Membership.

1. A Zoning Board of Appeals consisting of five members and two alternates having the powers authorized by the Michigan Planning Enabling Act (PA 110 of 2006, as amended), except as such powers are modified in this chapter, is hereby established.
2. The members and alternates shall be appointed by the Mayor with the consent of Council for three-year terms.
3. The alternates shall be called upon on a rotating basis to sit as regular members in the absence of a regular member.
4. An alternate also shall be called to serve for the purpose of the Zoning Board of Appeals reaching a decision on a particular case, question or matter in which a regular member has abstained for reasons of conflict of interest, in which event the alternate shall serve in the case, question or matter until a final decision has been made.
5. When serving as a regular member pursuant to subsection C or D hereof, an alternate shall have the same voting rights as a regular member, and shall be deemed a member for purposes of subsection C below.
6. One of the members of the Zoning Board of Appeals may be a member of the Planning Commission with appointment coinciding with Planning Commission term, and one member of the Zoning Board of Appeals that, if desired, may be a member of the City Council with appointment coinciding with City Council term.
7. If appointed to the Zoning Board of Appeals, a member from the City Council cannot chair the Zoning Board of Appeals.
8. An employee or contractor of the City may not serve as a member of the Zoning Board of Appeals.

B. Officers. The Zoning Board of Appeals shall elect from its membership a Chairperson, a Vice-Chairperson and such other officers, as it may deem necessary.

C. Rules of Procedure.

1. The Board shall adopt rules and regulations. Copies of such regulations shall be made available to the public at the office of the Zoning Board of Appeals.
2. Meetings of the Zoning Board of Appeals shall be held at such times as the Zoning Board of Appeals may determine. The time of regular meetings shall be specified in the rules and regulations. There shall be a fixed place of meeting and all hearings shall be open to the public.
3. The presence of three members shall constitute a quorum. The Zoning Board of Appeals shall act by resolution. The concurring vote of three members of said Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Zoning Code, or to grant variances from the requirements of this Zoning Code, provided, however, that the granting of use variances, where permitted pursuant to subsection D.5, shall require a concurring vote of four members of the Zoning Board of Appeals.

Section 7.1.C.4 - 7.1.D.4

4. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the action of the Zoning Board of Appeals and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed promptly in the office of the City Clerk/Assessor and shall be a public record.
5. The Zoning Board of Appeals may call on any other departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance to the Zoning Board of Appeals as may be reasonably required.
6. A member of the Zoning Board of Appeals may be removed by City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

D. Powers and Duties.

1. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Planning Enabling Act (PA 110 of 2006, as amended), so that the objectives of this Code shall be attained, the public health, safety and welfare, shall be secured, and substantial justice done.
2. The Zoning Board of Appeals shall hear and decide, as provided herein, on all questions and decisions regarding the following:
 - a. Interpretation of the official City Zoning Map, including the interpretation of the location of zoning district boundaries when in doubt.
 - b. The interpretation of the language of this Zoning Code when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation.
 - c. Requests for appeals from any order, requirement, decision or determination made by an administrative body or official charged with the enforcement of this Zoning Code.
 - d. Requests for variances from any adopted dimensional or numerical standard or requirement contained in this Zoning Code.
 - e. The hearing and determination of questions at issue regarding the continued use, change or expansion of nonconforming uses, structures or lots.
3. The Zoning Board of Appeals shall not change the zoning district classification of any property or make any change in the terms of this Zoning Code and shall not take any action which would, as a result, make what otherwise is required to be changed in or in any way negate any provision of this Code as it is intended to apply generally.
4. The Zoning Board of Appeals shall not have authority to grant variances from the decisions of the Planning Commission or City Council regarding special use or planned development projects.

5. Notwithstanding the authority granted under the Michigan Planning Enabling Act (PA 110 of 2006, as amended), the Zoning Board of Appeals is, under the terms of this Zoning Code, without authority to grant land use variances unless such variance is brought forth as an appeal from one or more of the provisions contained in [Section 7.9 Nonconforming Uses](#).
 6. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the City Council shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission or the City Council. However, the member may consider and vote on other unrelated matters involving the same property.
- E. Authorization of Variances**
1. No variance from the provisions of this Zoning Code shall be authorized by the Zoning Board of Appeals unless the appellant demonstrates the existence of a practical difficulty and that the Zoning Board of Appeals finds from reasonable evidence that all of the following conditions exist:
 - a. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the zoning appeal procedure.
 - b. 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.
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and will not naturally impair the intent and purpose of this Zoning Code or the public interest.
 - d. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Zoning Code to other lands, structures or buildings in the same zoning district.
 - e. That the reasons set forth in the application for the variance justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.
- F. Conditions of Approval.** In authorizing a variance or exception, the Zoning Board of Appeals may, in addition to the specific conditions of approval called for in this Zoning Code attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Zoning Code and the protection of the public interest.
- G. Appeals Procedure.** The following procedure shall be required:
1. An appeal for variance from any ruling of the Zoning Administrator or other administrative officer administering any portion of this Zoning Code may be taken by any person or any governmental department aggrieved.
 2. An application for special exceptions authorized by this Zoning Code may be taken by any person or governmental department affected.

Section 7.1.G.3 - 7.2

3. The Zoning Board of Appeals shall not consider any application or appeal without the payment by the applicant or appellant Zoning Administrator of a fee as determined by Council resolution. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the Zoning Board of Appeals.
 4. When an application or appeal has been filed in proper form and with the required data, the Zoning Administrator shall immediately place the said application or appeal upon the calendar for hearing in the manner described in [Section 7.7 Public Notice](#) of this Zoning Ordinance. Any party may appear at such hearings in person or by agent or by attorney.
 5. Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Zoning Board of Appeals so decides.
- H.** Decisions of the Zoning Board of Appeals. The Zoning Board of Appeals shall decide all applications and appeals within thirty days after the final hearing thereon. A copy of the Zoning Board of Appeal's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him or she, and he or she shall incorporate the terms and conditions of the same in the event a building permit is required by the Building Inspector. A decision of the Zoning Board of Appeals shall not become final until the expiration of five days from the date that such decision is made, unless the Zoning Board of Appeals shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record. The minutes of each meeting shall contain the reasons for the board's decision.
- I.** Stay of Proceedings. An appeal shall stay all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal shall have been filed with him or her, that by reason of fact stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Zoning Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

7.2 Powers and Duties of Zoning Administrator

- A.** The powers and duties of the Zoning Administrator include, but are not limited to the following:
1. Receive and review all requests for zoning compliance letters, and provide written documentation as to the approval or denial of each request.
 2. Assist the City Manager, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, site plan reviews, special uses and planned unit development applications and amendments to this Zoning Code.

Section 7.3 - 7.5

3. Assist in updating the zoning map and keeping it current.
4. Maintain written records of all actions taken.
5. Enforce and administer all aspects of this Zoning Code.

7.3 Fees, Charges and Expenses

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for all matters pertaining to this Code. The schedule of fees shall be posted in the City office and may be altered or amended only by the City Council. Final approval will not be issued until such costs, charges, fees or expenses set by City Council have been paid in full, nor shall any action be taken on proceedings before the City Council, Planning Commission, or Zoning Board of Appeals, until preliminary charges and fees have been paid in full.

7.4 Zoning Compliance Letter

- A. No person shall commence excavation for, or construction of, any nonresidential building, structure, fence or parking area without first obtaining a zoning compliance letter from the Zoning Administrator. For all land uses that are subject to the provisions and procedures of Chapter 1265 (Site Plan Review), Zoning Administrator shall require the submittal of an application and plans prior to the issuance of a zoning compliance letter.
- B. No building permit shall be issued for the construction, alteration or remodeling of any residential building, structure or fence until an application has been submitted to the Building Inspector in accordance with the provisions of this Zoning Code.
- C. Voiding of Zoning Compliance Letter. The Zoning Administrator may suspend or revoke any permit issued in error or on a basis of incorrect information supplied by the applicant(s) or his agent(s) or in violation of any of the Code(s) or regulation(s) of the City.

7.5 Planning Review Committee

Establishment, Membership and Function. A Planning Review Committee is hereby established. It shall consist of the City/Board of Public Utilities Engineering Representative, City Planner/Zoning Administrator, and a Public Safety Department Representative. It shall act as an administrative committee assisting the Planning Commission in its deliberations.

7.6 Conditional Rezoning of Land

As an alternative to a rezoning amendment as described in [Section 7.11 Changes and Amendments](#) of this Ordinance, the City of Coldwater may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Act No. 110 of 2006 as amended. It is recognized that, in certain instances, it would be an advantage to both the City and petitioners seeking rezoning of land, if a site plan, along with conditions and limitations that may be relied upon by the City, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to P.A. 110 of 2006, Michigan Zoning Enabling Act.
- B. In addition to the procedures pursuant to P.A. 110 of 2006 in regard to the amendment of the Ordinance, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 - 1. A conditional rezoning request must be voluntarily offered by an owner of land within the City. All offers must be made in writing and must provide the specific conditions to be considered by the City as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the City and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
 - 2. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
 - 3. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of [Section 7.1 Zoning Board of Appeals](#) of this Ordinance.
 - 4. Conditional rezoning shall not grant conditional or special land use approval. The process for review and approval of conditional land uses must follow the provisions of [Section 6.2 Special Land Uses](#) of this Ordinance.
 - 5. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself.
 - 6. The applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the City. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

Section 7.6.C - 7.7.A.2.b

C. Time Limits and Reversion of Land to Previous District.

1. If the proposed conditions of rezoning are acceptable to the City, the City may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification.
2. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assignees, and transferees.
3. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and City shall be filed with the Branch County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the City.
4. The City may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
5. The time limits specified and approved by the City may be extended upon the application of the landowner and approval of the City.

7.7 Public Notice

- A.** Public notification. All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section with regard to public notification.
1. Responsibility. When the provisions of this Zoning Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City of Coldwater and mailed or delivered as provided in this section.
 2. Content. All mail, personal and newspaper notices for public hearings shall:
 - a. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
 - b. Location. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

Section 7.7.A.2.c - 7.7.A.3

- c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 - d. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e. Handicap access. Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
3. Personal and mailed notice.
 - f. General. When the provision of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - I. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - II. Except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request and one occupant of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Coldwater. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the Zoning Administrator with a list of such persons along with the application.
 - III. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to subsection B of this section, registration to receive notice by mail.
 - IV. Other governmental units or infrastructure agencies within one mile of the property involved in the application.
 - g. Notice by mail/affidavit. Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

Section 7.7.A.4 - 7.9.B

4. Timing of notice. Unless otherwise provided in Act No. 110 of the Public Acts of 2006, as amended, or this Zoning Ordinance where applicable, the notice for a public hearing on an application for a rezoning, text amendment, special use, planned unit development, variance, appeal, ordinance interpretation, or other purpose must be published in a newspaper of general circulation, and for those receiving personal notice, deposited for delivery or personally delivered, not less than fifteen (15) days before the date the application will be considered for approval.

B. Registration to receive notice by mail.

1. General. Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to subsection A.3 of this section, personal and mailed notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by Council.
2. Requirements. The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this section.

7.8 Conversion of Dwellings

The conversion of any existing building into a dwelling or the conversion of an existing dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only as specified in its zone district requirements irrespective of the area requirements for new buildings.

7.9 Nonconforming Uses

- A. Continuance of Existing Use or Structure. The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Zoning Code, may be continued, although such use or structure does not conform to the provisions of this Zoning Code. Further, it is the intent of this Zoning Code that nonconforming structures shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses that would be prohibited elsewhere in the same zoning district. A limited exception to this prohibition may be permitted to allow some nonconforming enlargement, expansion, or extensions as described below in subsection E. .
- B. Unlawful Use Not Authorized. Nothing in this Zoning Code shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Zoning Code.

Section 7.9.C - 7.9.H

- C. Change of Use. The use of a nonconforming building or structure may be changed to another use permitted in the most restricted district in which such nonconforming use is permitted. Where the use of a nonconforming building or structure is hereafter changed to a use permitted in a more restricted district, it shall not thereafter be changed to a use, which is not permitted in the more restricted district. The proposed use shall be subject to all the requirements applying to such proposed use in the most restricted district in which the nonconforming use to be changed is permitted.
- D. Reconstruction and Restoration. Such reconstruction and maintenance work as are required to keep a nonconforming building or structure in a modern or sound condition may be made if such does not include structural changes or alterations. However, a nonconforming building or structure which is damaged or destroyed by fire, flood, wind or other calamity may be restored, rebuilt, or reconstructed, provided that the damage or destruction does not exceed more than 60% of the real valuation of the building, exclusive of land and foundation, and the occupancy or use of such building or structure, or part thereof, which existed at the time of such destruction may be continued or resumed, provided that such restoration is started within a period of one year after the time of such damage and is diligently prosecuted to completion. Said another way, a nonconforming building or structure shall not be restored after damage exceeding 60% of the true market value of the building or structure immediately prior to damage.
- E. A Nonconforming Residential Accessory Structure which is damaged or destroyed by fire, flood, wind, or other calamity may be restored, rebuilt, or reconstructed, provided that the damage or destruction does not exceed more than 100% of the real valuation of the building, exclusive of land and foundation.
- F. Enlargement or Extension Beyond Present Building Confines. No nonconforming use of land, except residential, shall hereafter be enlarged or extended beyond its present building confines. A residential nonconforming use may be expanded or extended up to twenty-five percent (25%) of the ground floor area of the existing residence. A nonconforming building or structure (but not a nonconforming use) may be enlarged or extended beyond its present building confines, provided that any such extension or enlargement shall comply with the requirements of this Zoning Code. No nonconforming building or structure shall be moved in whole or in part to any other location, unless such building or structure and off-street parking spaces, yards and other open spaces, there provided, conform to all the regulations of the district in which they are located.
- G. Discontinuance. No building, structure or premises, where a nonconforming use has ceased for more than one year or has been changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- H. Plans Already Filed. In any case where plans and specifications for a building or structure have been filed which would conform with the zoning regulations of this Zoning Code, and where a building permit for such a building or structure has been issued and construction work started at the effective date of this Zoning Code, such work may proceed, provided it is completed within one year of said date.

Section 7.9.I - 7.10.C

- I. **Elimination by Acquisition.** In accordance with Act 110 of the Public Acts of 2006, as amended, Council may, from time to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or structures and re- sell the property for a conforming use or develop it for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.
- J. **Nonconformance Due to Reclassification.** The foregoing provisions of this chapter shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of districts under this Zoning Code or any subsequent change in the regulations of this Zoning Code.

7.10 Violations, Declaration of Nuisance

- A. Any building erected, altered, razed or converted, or any use carried on, in violation of any provision of this Zoning Code, is hereby declared to be a nuisance per se.
- B. **Municipal Civil Infractions.** A person who violates any provision of this Zoning Code is responsible for a Municipal civil infraction, subject to the payment of a civil fine as determined by resolution of the City Council, plus costs and other sanctions, for each infraction. Repeat offenses under this Zoning Code shall be subject to increased fines as provided below. As used in this section, “repeat offense” means a second or any subsequent Municipal civil infraction violation of the same requirement or provision of this Zoning Code committed by a person within any six-month period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses under this Zoning Code shall be as follows:
 - 1. The fine for any offense, which is a first repeat offense, shall be determined by resolution of the City Council, plus costs;
 - 2. The fine for any offense, which is a second, repeat offense or any subsequent repeat offense shall be determined by resolution of the City Council, plus costs.
- C. **Civil Infraction Citations and Violation Notices.** The Zoning Administrator, or his or her designee, is hereby designated as the authorized City official to issue Municipal civil infraction citations (directing alleged violators to appear in Court), or Municipal civil infraction violation notices (directing alleged violators to appear at the City of Coldwater Municipal Ordinance Violations Bureau), as provided in these Codified Ordinances.

Section 7.11

7.11 Changes and Amendments

Council may, from time to time, in accordance with State law, on its own motion or on petition, after a public hearing held by the Planning Commission in the manner described in Section 7.7 Public Notice of this Zoning Ordinance, amend, supplement or change, modify or repeal the boundaries or regulations herein or subsequently established, after submitting same to the City Planning Commission for its recommendations and report.

1. Purpose & Intent
2. Definitions
3. Zoning Districts
4. Use Standards
5. Site Standards
6. Development Procedures
7. Administration & Enforcement

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