



Chapter 154 ZONING ORDINANCE

City of Cheboygan, Michigan

**Chapter 154
Zoning Ordinance
City of Cheboygan, Michigan**

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Chapter 154 Zoning Ordinance City of Cheboygan, Michigan

Table of Contents

Article 1	Title, Purpose, and Authority	
Section 1.01	Title	1-1
Section 1.02	Authority, Findings, and Purposes	1-1
Section 1.03	Validity and Severability	1-1
Section 1.04	Scope and Construction of Regulations	1-1
Section 1.05	Conflicts	1-2
Section 1.06	Vested Right	1-2
Section 1.07	Repeal of Ordinance	1-2
Article 2	Definitions	
Section 2.01	Construction of Language	2-1
Section 2.02	Definitions	2-2
Article 3	Administration and Enforcement	
Section 3.01	Enforcement	3-1
Section 3.02	Duties of the Zoning Administrator	3-1
Section 3.03	Plot Plan	3-1
Section 3.04	Permits	3-2
Section 3.05	Certificates	3-2
Section 3.06	Final Inspections	3-3
Section 3.07	Fees	3-3
Section 3.08	Use of Consultants	3-4
Section 3.09	Planning Commission	3-4
Section 3.10	Planning Commission Approval	3-4
Section 3.11	Penalty	3-4
Section 3.12	Public Hearing Notice Requirements	3-5
Article 4	District Regulations	
Section 4.01	Establishment of Zoning Districts	4-1
Section 4.02	Map	4-1
Section 4.03	Boundaries	4-2
Section 4.04	Use Restriction	4-2
Section 4.05	Zoning of Vacated and Annexed Areas	4-3
Section 4.06	District Requirements	4-3
Section 4.07	R-1 One-Family Residential Districts	4-3
	R-MH Manufactured Home Residential Districts	4-5
Section 4.09	R-2 Two-Family Residential Districts	4-6
Section 4.10	R-M Multiple-Family Residential Districts	4-8
Section 4.11	T-1 Tourist Service District	4-11

Section 4.12	B-1 Local Business Districts	4-13
Section 4.13	B-2 Central Business District	4-14
Section 4.14	B-3 General Business Districts	4-17
Section 4.15	B-4 General Commercial Districts	4-18
Section 4.16	O-1 Office Building Districts	4-20
Section 4.17	W-M Waterfront-Marina Districts	4-20
Section 4.18	I-1 Light Industrial Districts	4-22
Section 4.19	I-2 Heavy Industrial Districts	4-23
Section 4.20	District Use Regulations	4-25

Article 5 **Planned Unit Development and Special Development Regulations**

Section 5.01	Planned Unit Development	5-1
Section 5.02	Residential Open Space Plan	5-8
Section 5.03	Site Condominium Project Regulations	5-10
Section 5.04	Planned Reuse Overlay	5-12
Section 5.05	Planned Commercial Port Overlay Ordinance	5-14

Article 6 **General Provisions**

Section 6.01	Intent	6-1
Section 6.02	Access Through Yards	6-1
Section 6.03	Accessory Buildings	6-1
Section 6.04	Corner Clearance	6-2
Section 6.05	Essential Services	6-2
Section 6.06	General Exceptions	6-3
Section 6.07	Home Occupation	6-4
Section 6.08	Temporary Buildings, Structures, and Uses	6-4
Section 6.09	Recreational Vehicle or Boat Storage	6-7
Section 6.10	Open Storage	6-7
Section 6.11	Single-Family Dwelling Regulations	6-8

Article 7 **Specific Use Standards**

Section 7.01	Intent	7-1
Section 7.02	Adult Foster Care Facilities/Adult Day Cares	7-1
Section 7.03	Adult Use Businesses	7-3
Section 7.04	Vehicle Wash	7-7
Section 7.05	Vehicle Fueling Station	7-7
Section 7.06	Vehicle Repair	7-8
Section 7.07	Colleges, Universities and Other Institutions of Higher Learning	7-8
Section 7.08	Commercial Outdoor Recreation	7-8
Section 7.09	Convalescent and Congregate Care Facilities	7-9
Section 7.10	Churches and Places of Worship	7-9
Section 7.11	Contractor Storage Yards	7-10
Section 7.12	Daycares, Nurseries, and Child Care Centers	7-10
Section 7.13	Drive-In or Open Front Store	7-12
Section 7.14	Engine and Hull Repair/Boat Fueling Stations	7-12
Section 7.15	General Hospitals	7-13

Section 7.16	Golf Courses	7-13
Section 7.17	Housing for the Elderly	7-14
Section 7.18	Manufactured Homes	7-14
Section 7.19	Materials Recovery Facility and Waste Collection or Transfer Facility	7-15
Section 7.20	Lodging	7-16
Section 7.21	Outdoor Sales for Autos, Manufactured Homes and Recreational Vehicles	7-16
Section 7.22	Outdoor Seating	7-16
Section 7.23	General and Specialized Farming/Plant Material Nurseries and Greenhouses	7-17
Section 7.24	Private Recreational Areas	7-17
Section 7.25	Private Stable	7-18
Section 7.26	Equestrian Facility	7-18
Section 7.27	Wind Energy Conversion Systems	7-18
Section 7.28	Wholesale Warehousing and Material Distribution	7-21
Section 7.29	Wireless Communication Facilities	7-21
Section 7.30	Upper Story Residential	7-30
Section 7.31	Veterinary Hospitals or Clinics	7-30
Section 7.32	Bed and Breakfast	7-30
Section 7.33	Cemetery	7-31
Section 7.34	Primary/Secondary Schools	7-31
Section 7.35	Open Air Business	7-32

Article 8 Site Plan Review

Section 8.01	Procedure Established; Purpose	8-1
Section 8.02	Submission Requirements	8-1
Section 8.03	Sanitary Sewers, Water Mains & Service Lines, Storm Sewers, Streets & Roads	8-4
Section 8.04	Review by Planning Commission; Authority of City Council	8-5
Section 8.05	Site Change	8-6
Section 8.06	Phased Construction	8-7

Article 9 Special Use Review

Section 9.01	Intent	9-1
Section 9.02	Procedure	9-1
Section 9.03	Standards for Special Use Approval	9-1
Section 9.04	Conditions of Approval	9-3
Section 9.05	Effectiveness	9-3
Section 9.06	Amendments, Expansions or Change in Use	9-3

Article 10 Site Design Standards

Section 10.01	Intent	10-1
Section 10.02	Parking Requirements	10-1
Section 10.03	Off-Street Loading Requirements	10-11
Section 10.04	Fences, Walls and Other Protective Barriers	10-11
Section 10.05	Landscaping	10-13
Section 10.06	Exterior Lighting and Glare	10-17

Article 11 Environmental Standards		
Section 11.01	Environmental Performance Standards	11-1
Section 11.02	Construction within Floodplain Areas	11-2
Article 12 Signs		
Section 12.01	Title	12-1
Section 12.02	Permits	12-1
Section 12.03	No Vested Right	12-1
Section 12.04	Provisions Applicable to All Signs	12-2
Section 12.05	Approved Materials for Trim	12-3
Section 12.06	Ground Signs	12-4
Section 12.07	Roof Signs	12-6
Section 12.08	Wall Signs	12-6
Section 12.09	Projecting Signs	12-6
Section 12.10	Illuminated Signs	12-6
Section 12.11	Temporary Signs	12-7
Section 12.12	Combination Signs	12-8
Section 12.13	Marquees and Marquee Signs	12-8
Section 12.14	Pylon and Pole Signs	12-8
Section 12.15	Nonconforming Signs	12-9
Section 12.16	Unsafe Signs	12-10
Section 12.17	Sign Removal	12-10
Section 12.18	Use District Requirements	12-10
Section 12.19	Violations Deemed Public Nuisance	12-12
Section 12.20	Penalty	12-12
Article 13 Nonconforming Lots, Uses and Structures		
Section 13.01	Nonconforming Lots, Uses and Structures	13-1
Article 14 Zoning Board of Appeals		
Section 14.01	Creation and Membership	14-1
Section 14.02	Rules Governing the Board of Appeals	14-2
Section 14.03	Powers and Duties of the Zoning Board of Appeals	14-3
Section 14.04	Rules and Procedures for Variances	14-6
Section 14.05	Site Plan Requirements	14-8
Article 15 Amendments		
Section 15.01	Authority	15-1
Section 15.02	Rezoning Procedures	15-1
Section 15.03	Conditional Rezoning Procedures	15-2
Section 15.04	Public Notice of Proposed Rezoning and Text Amendments	15-5
Section 15.05	Protest Petition	15-5

Article 1 – Title, Purpose, and Authority

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as “The City of Cheboygan Zoning Ordinance,” or the “Ordinance.”

SECTION 1.02 AUTHORITY, FINDINGS AND PURPOSES

- A. The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations, and empowers the City to enact a Zoning Ordinance and provide for its administration, enforcement and amendment.
- B. The City deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience and general welfare of its residents.
- C. The City has prepared and adopted a Master Plan designed to guide growth in a logical and orderly fashion; to lessen congestion on the public streets; to protect and preserve its natural resources; and to ensure a well-balanced community considering its present and potential physical, economic, cultural and environmental assets.
- D. The City has identified districts on a Zoning Map and prepared regulations in this Zoning Ordinance pertaining to such districts, in coordination with the City of Cheboygan Master Plan.

SECTION 1.03 VALIDITY AND SEVERABILITY

- A. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

SECTION 1.04 SCOPE AND CONSTRUCTION OF REGULATIONS

- A. This Ordinance shall be liberally construed in such manner as to best effectuate its purposes. In interpreting and applying the provisions of this ordinance, the requirements shall be held to the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- B. No building or structure, or part thereof, shall be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

SECTION 1.05 CONFLICTS

Except as otherwise provided under the Michigan Zoning Enabling Act (PA 110 of 2006, as amended, M.C.L. 125.3101 et seq.), this Ordinance shall be controlling in the case of any inconsistencies between this Ordinance and an Ordinance adopted under any other law.

- A. Where any condition imposed by any provision of this Ordinance upon the use of any property, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by any other provision of this Code, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

- C. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

SECTION 1.06 VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

SECTION 1.07 REPEAL OF ORDINANCE

The City of Cheboygan Zoning Ordinance, and all amendments thereto, and all prior zoning ordinances of the City of Cheboygan, are hereby repealed effective as of the effective date of this Ordinance.

Article 2 – Definitions

SECTION 2.01 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Article.

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Article and any caption or illustration, the text shall control.
- C. The word “person” includes a firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity as well as an individual.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word “shall” is mandatory; the word “may” is permissive.
- F. The words, “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used”, or “arranged to be occupied”.
- G. A “building” or “structure” includes any part thereof.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either . . . or,” the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

For the purpose of this Article the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not herein defined shall have the meaning customarily assigned to them.

ACCESSORY BUILDING OR STRUCTURE. A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building including, but not limited to a private garage, carport/cover or shed.

ACCESSORY USE. A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground.

ADULT DAY CARE FACILITY.

- A. **ADULT FAMILY DAY CARE HOME.** A private residence, in which six (6) adults or less, eighteen (18) years of age or older are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult family 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 facility.

- 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, are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult group 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 facility.

- C. **ADULT DAY CARE CENTER.** A center other than a private residence, in which more than six (6) adults eighteen (18) years of age or older, are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going 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 facility.

ADULT FOSTER CARE FACILITIES. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care family 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 nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, 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 facilities by the Adult Foster Care Facility Licensing Act, 218 of 1979, MCL 400.701, as amended. The types of adult foster care facilities include the following:

- A. **ADULT FOSTER CARE FAMILY HOME.** A private residence 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 for twenty-four (24) hours a day, for 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.
- B. **ADULT FOSTER CARE SMALL GROUP HOME.** A facility with the approved capacity to receive between seven (7) and twelve (12) adults to be provided with 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.
- C. **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with 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.
- D. **FOSTER CARE CONGREGATE FACILITY.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT REGULATED USES:

- A. **ADULT BOOK STORE OR SUPPLY STORE.** An establishment having twenty percent (20%) or more of its stock-in-trade or its sales 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.
- B. **ADULT CABARET.** 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, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- C. **ADULT ENTERTAINMENT.** Any use of land, whether vacant or combined with structures or vehicles thereon, by which such property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or

actions depicting, describing, or presenting “Specified Sexual Activities” or “Specified Anatomical Areas”.

- D. **ADULT MOTION PICTURE THEATER.** An enclosed building or structure, wherein still or motion pictures, video tapes, compact discs, digital media or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- E. **ADULT THEATER, ADULT LIVE PERFORMING THEATER.** An enclosed building or structure used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein, such patrons shall exclude any minor by reason of age.
- F. **ADULT SEXUAL ENCOUNTER ESTABLISHMENT.** Any establishment, club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more persons is in a state of nudity or semi-nudity. The following uses shall not be included within the definition of any adult sexual encounter 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, or any other similarly licensed medical professional;
 - 2. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - 3. Continuing instruction in material or performing arts or in organized athletic activities;
 - 4. Hospitals, nursing homes, medical clinics or medical offices; and
 - 5. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- G. **BODY-PIERCING.** Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.
- H. **BODY-PIERCING ESTABLISHMENT.** An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.
- I. **BRAND OR BRANDING.** The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.
- J. **BURLESQUE SHOW.** An establishment which features topless and/or bottomless

dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.

- K. **ESCORT AGENCY.** Any business, agency, or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- L. **NUDE MODELING STUDIO.** An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.
- M. **SPECIFIED ANATOMICAL AREAS.** Specified anatomical areas means and includes any one (1) or more of the following: (1) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- N. **SPECIFIED SEXUAL ACTIVITIES.** Specified sexual activities means and includes any one (1) or more of the following: (1) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.
- O. **TATTOO PARLOR.** An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.
- P. **TATTOO, TATTOOED, TATTOOING.** Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

AGGRIEVED PARTIES. Those parties whose application for a zoning compliance permit has been denied and those owners or occupants of property within 300 feet of the property who can demonstrate a material and substantial detrimental impact to their property as a direct result of a decision of the Zoning Administrator.

AGRICULTURE. Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises, or uses, but not farms opened as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for a least a period of one year immediately prior thereto and

for the use and consumption of persons residing on the premises.

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

ALTERATIONS. Any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

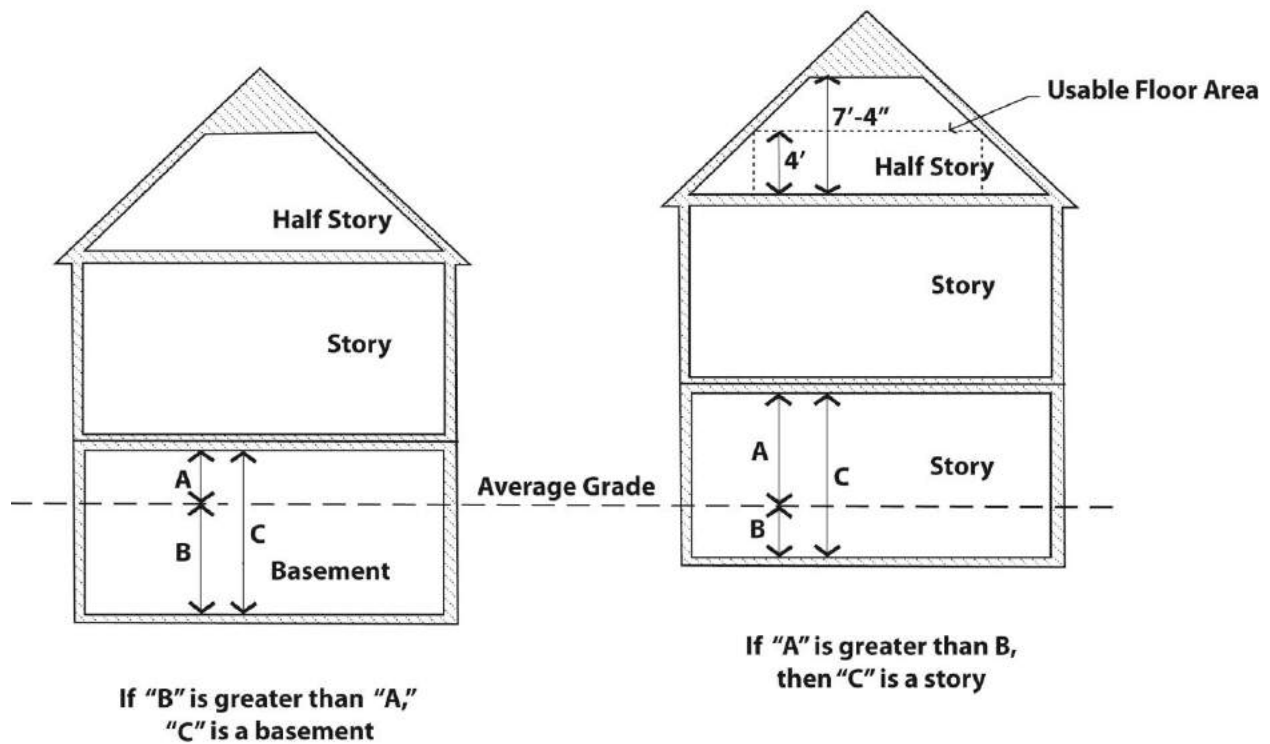
APARTMENT. A dwelling unit in a multiple dwelling building as defined herein:

1. **EFFICIENCY APARTMENT.** A dwelling unit consisting of not more than one room in addition to kitchen and necessary sanitary facilities.
2. **ONE BEDROOM UNIT.** A dwelling unit consisting of not more than two rooms in addition to kitchen, dining and necessary sanitary facilities.
3. **TWO BEDROOM UNIT.** A dwelling unit consisting of not more than three rooms in addition to kitchen, dining and necessary sanitary facilities.
4. **THREE BEDROOM UNIT.** A dwelling unit consisting of not more than four rooms in addition to kitchen, dining and necessary sanitary facilities.

ASPHALT BATCHING. The process of mixing and producing asphalt.

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade of the lot to the floor of the basement is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story unless more than fifty percent (50%) of its height is above ground level.

Figure 2-1 Basement / Building



BILGE. Dirty water that collects in a vessel's bilge.

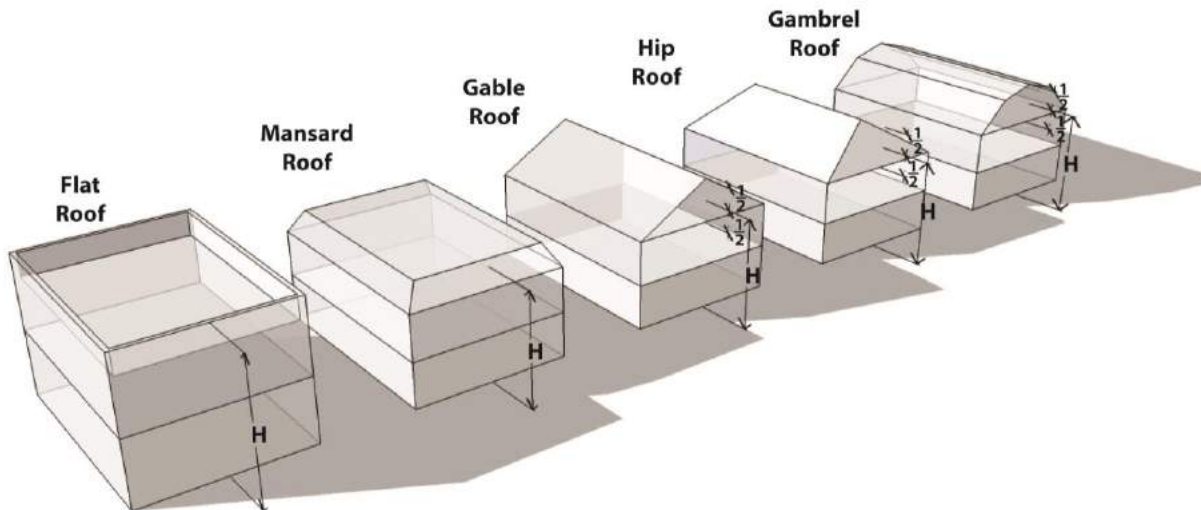
BOARD. The Zoning Board of Appeals.

BREAK BULK. The unloading and distribution of a portion or all of the contents of a rail, car, container, trailer, or ship; packaged cargo that is not containerized.

BUILDING. Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. BUILDING includes any part thereof.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Figure 2-2 Building Height + Roof Styles



BUILDING LINE. A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

CHILD CARE FACILITIES.

- A. **CHILD FAMILY DAY CARE HOME.** A 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 per calendar year.
- B. **CHILD GROUP DAY CARE HOME.** A private residence in which more than seven (7) but fewer than twelve (12) 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 per calendar year.
- C. **CHILD CARE CENTER.** A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian.

CHILD FOSTER FAMILY FACILITIES.

- A. **CHILD FOSTER FAMILY HOME.** A private residence in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code,

Chapter X of Act No. 288 of the Public Acts of 1939, being section 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

B. CHILD FOSTER FAMILY GROUP HOME. A private residence in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being section 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

CONDOMINIUM. A place or project consisting of not less than two condominium units established in conformance with the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended, and this Ordinance. The following additional definitions shall apply in the application of the regulations of this Ordinance:

1. **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.
2. **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
3. **GENERAL COMMON ELEMENTS.** The common elements other than the limited common elements.
4. **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.
5. **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, Public Act No. 59 of 1978 (MCL 559.108).

CONTAINER STRIPPING. The packing and unpacking of containers.

COUNCIL. The duly elected legislative body of the City of Cheboygan.

DEVANNING. The process in which a landed container is unsealed (usually in the presence of customs and all its contents are taken out).

DISTRICT. A portion of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this Article.

DRIVE-IN RESTAURANT. A business establishment for the serving of food and/or beverage so developed that its retail or service character is substantially dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure or to permit patron self-service and return to motor vehicle.

DWELLING. Includes the word “residence.”

DWELLING UNIT. A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

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

1. **APARTMENT HOUSE.** A building containing three or more dwelling units arranged either side by side or one above the other.
2. **CONDOMINIUM.** The ownership of apartments and the space enclosed by the description together thereof with an ownership of the interest of the common elements.

DWELLING, ONE-FAMILY. A building designed exclusively for occupancy by one family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by two families, living independently of each other, such as a duplex dwelling unit.

ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

EXCEPTION. A use permitted only after review of an application by the Board of Appeals or Planning Commission other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Article covering conditions, precedent or subsequent, are not precise enough to cover all applications without interpretation, and such

review is required by this Article.

FAMILY. Shall be defined by one (1) of the following:

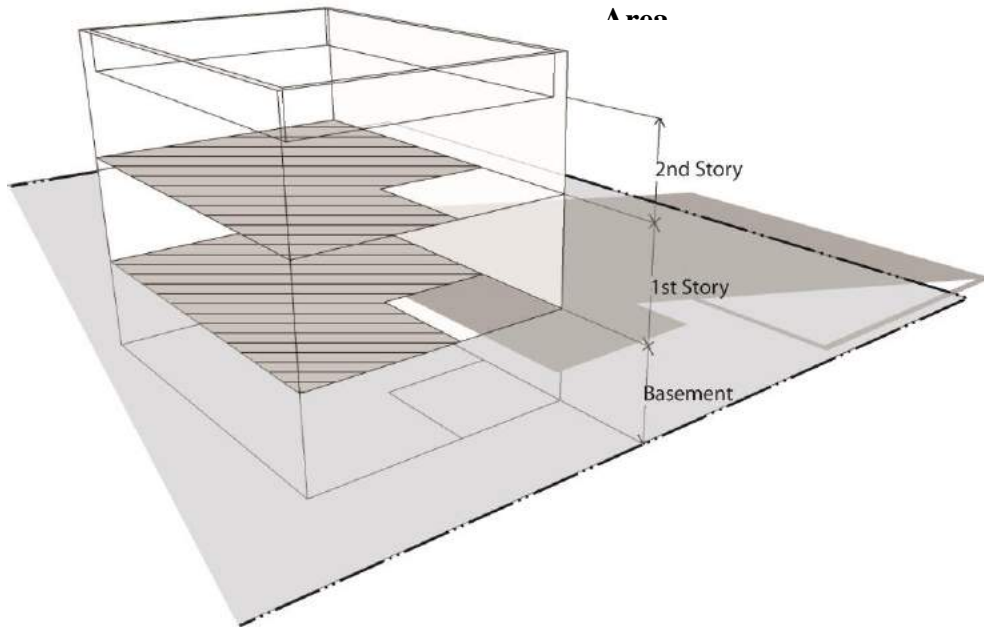
- A. One (1) or more persons related by blood, marriage, adoption or guardianship, plus not more than two (2) persons not so related, who are either domestic employees, caregivers including but not limited to a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.
- B. Two (2) persons and their children by natural birth or adoption, plus not more than two (2) persons not so related, who are either domestic employees or caregivers including but not limited to a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid.
- C. A functional family

is a group of no more than four (4) persons, plus their minor children, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family shall not include a society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals, exceeding four (4) persons in number, where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

FLOOR AREA. For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

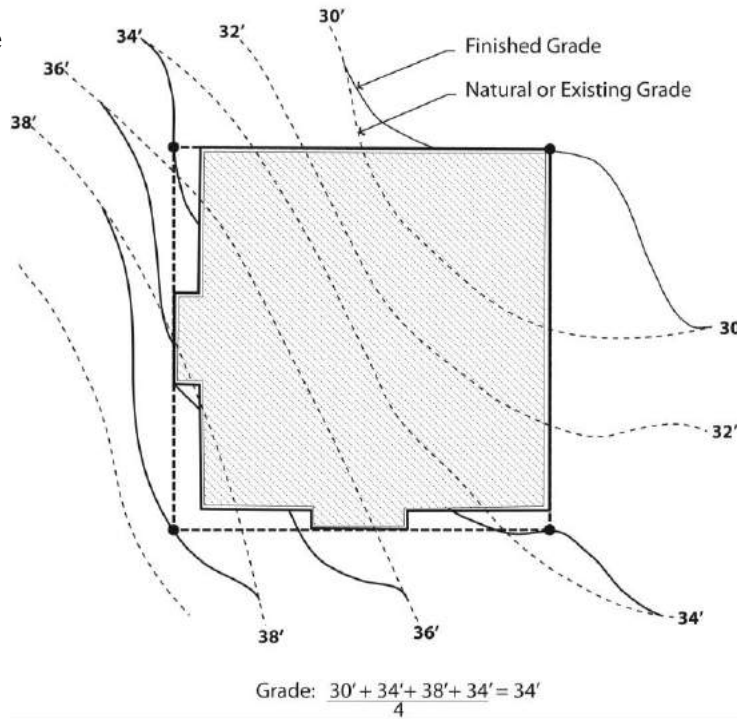
FLOOR AREA, USABLE. (For the purposes of computing parking) is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities shall be excluded from the computation of FLOOR AREA, USABLE. Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Figure 2-3 Floor Area



GRADE. A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground of each face of the building.

Figure 2-4 Grade



HOME OCCUPATION. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

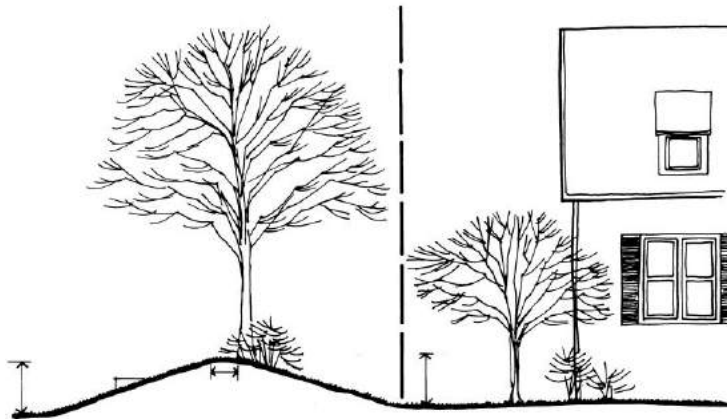
JUNK YARDS. An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

KENNEL. Any lot or premises on which more than three dogs, cats, or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

LANDSCAPING. The following definitions shall apply in the application of this Ordinance:

A. **BERM.** A landscaped mound of earth that blends with the surrounding terrain.

Figure 2-5 Berm

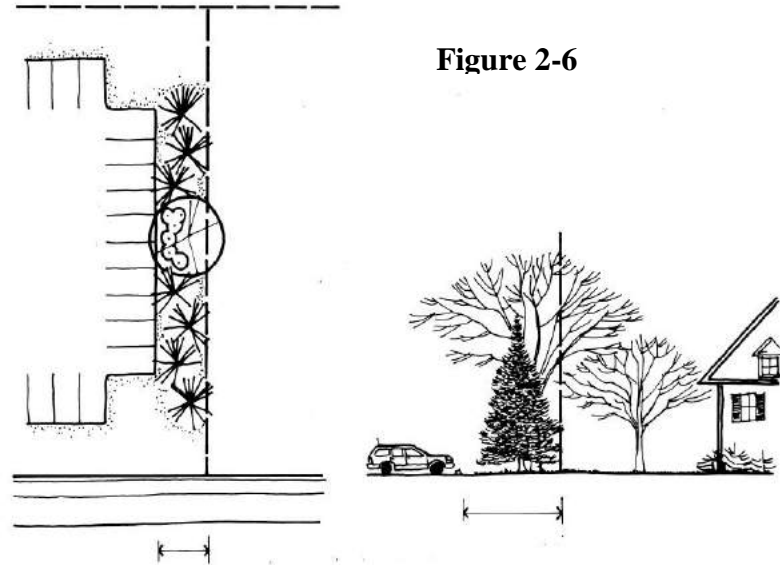


B. **BUFFER.** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.

C. **CONFLICTING NON-RESIDENTIAL LAND USE.** Any non-residential use, including, but not limited to office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.

D. **CONFLICTING RESIDENTIAL USE.** Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.

- E. **GREENBELT.** A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.



- F. **OPACITY.** The state of being impervious to sight.
- G. **PLANT MATERIAL.** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.
- H. **SCREEN.** A structure providing enclosure, including, but not limited to a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.

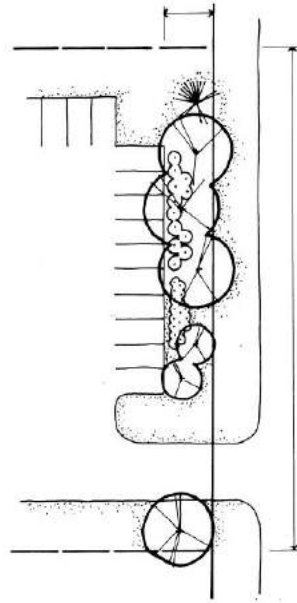
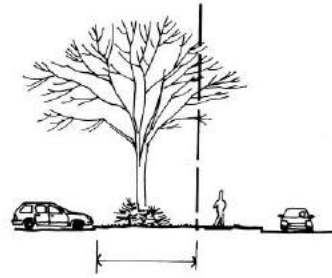


Figure 2-6 Landscape

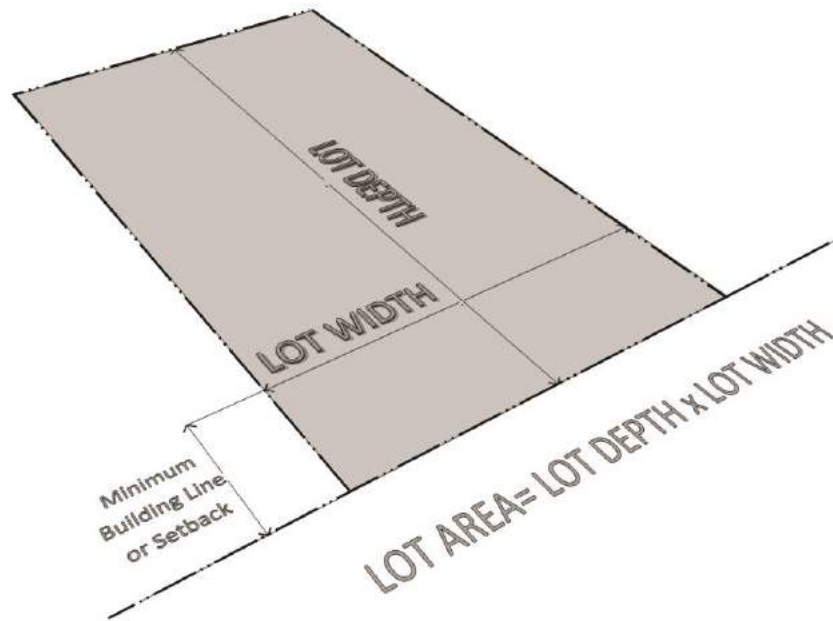


LOADING SPACE. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Article. A lot may or may not be specifically designated for such on public road. LOT includes the words “plot” or “parcel.”

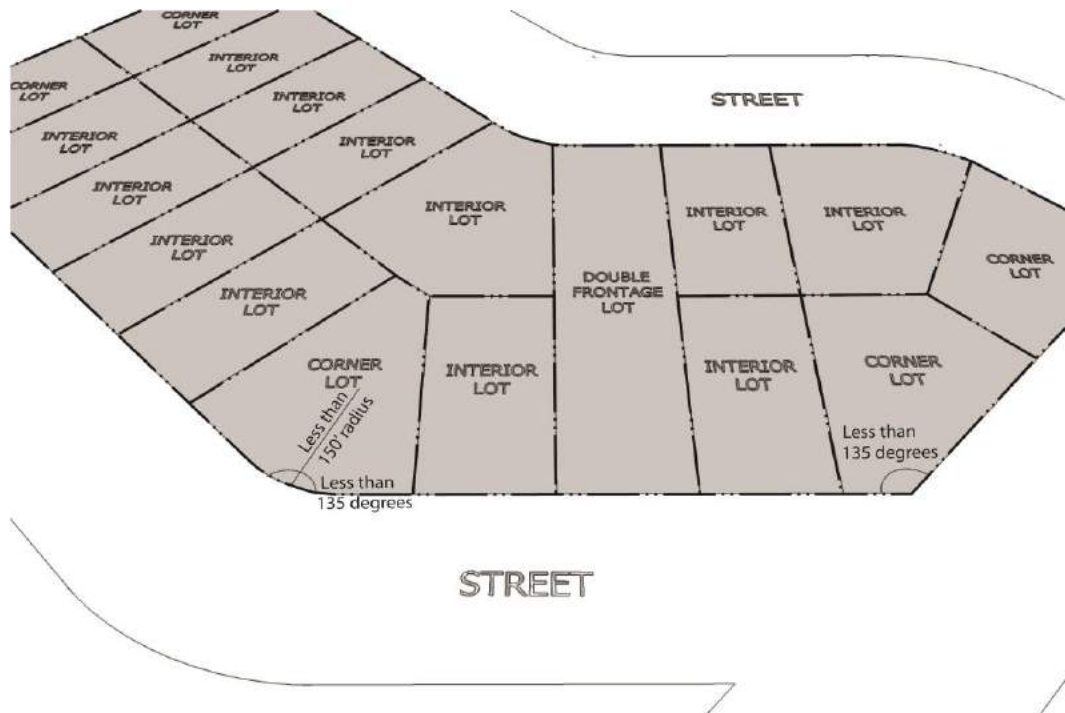
LOT AREA. The total horizontal area within the lot lines of a lot.

Figure 2-7 Lot Area



LOT, CORNER. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Article if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended form an interior angle of less than 135 degrees.

Figure 2-8 Corner Lot



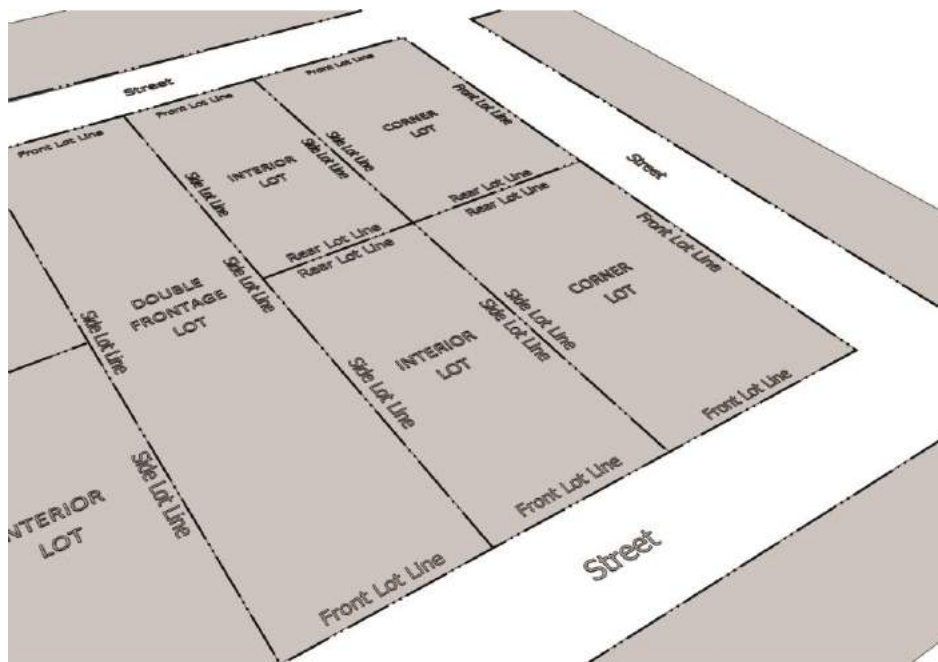
LOT COVERAGE. That part or percent of the lot occupied by buildings, including accessory buildings.

LOT-DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, DOUBLE FRONTAGE. Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

LOT, INTERIOR. Any lot other than a corner lot.

Figure 2-9 Interior, Double Frontage +



LOT LINES. The lines bounding a lot as defined herein:

1. **FRONT LOT LINE.** In the case of an interior lot, the lot line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from that street which is designated as the front street in the plat and the request for a building permit.
2. **REAR LOT LINE.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE.** Any lot lines other than the front lot lines or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line

separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from that of the remainder thereof.

LOT WIDTH. The straight line distance between the side lot lines measured at the two points where the minimum building line, or setback, intersects the side lot lines.

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE. The principal use to which the premises are devoted and the principal purpose for which the premises exists.

MANUFACTURED HOME. Any structure, transportable in one (1) or more sections, which is built on a chassis and designed to be sold as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Manufactured housing does not include recreational vehicles or equipment.

MANUFACTURED HOME PARK. A parcel or tract of land under the control of a person on which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MARINE CARGO HANDLING. The establishments who are primarily engaged in activities directly related to marine cargo handling from the time the cargo, for or from a vessel, arrives at shipside, dock, pier, terminal, staging area, or in transit area until cargo loading or unloading operations are completed.

MARINE SALVAGE. The process of recovering a ship, its cargo, or other property after a shipwreck.

MASTER PLAN. The comprehensive plan including graphic and written descriptions indicating the location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MATERIAL IMPACT. One which is objectively manifested and readily observable.

MAY. Is permissive.

MEDICAL MARIJUANA DISPENSARY. A facility where primary caregivers who are

legally registered by the Michigan Department of Community Health may lawfully assist qualifying patients who are also legally registered by the Department with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act (MCL 333.26421 to 333.26430). A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act but without being legally registered by the Department, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Article and/or state law.

MEZZANINE. An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third of the floor area of such main story.

MOOR. The securing of a boat or ship in place with cables, anchors, or lines.

MOTEL. A series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

NONCONFORMING BUILDING. A building or portion thereof, lawfully existing at the effective date of this code, or amendments thereto, and that does not conform to the provisions of this Article relative to height, bulk, area, or yards for the district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this code, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

NURSERY, PLANT MATERIAL. A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Article does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

OCCUPANCY. The purpose for which a building is used or intended to be used.

OFF-STREET PARKING LOT. A facility other than for single-family dwellings providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit of the parking for more than three vehicles.

OPEN FRONT STORE. A business establishment other than a restaurant, bank, automobile service or repair station, so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter the building.

PALLETIZING. The transport of goods for storage in a stable fashion with support from a forklift, pallet jack, front loader, or other similar device.

PARKING SPACE. An area of definite length and width, the area shall be exclusive of drives, aisles or entrances giving access therein, and shall be fully accessible for the storage or parking

of permitted vehicles.

PERSONAL SERVICE. A business primarily engaged in providing frequent and needed services of a personal nature such as hair care, shoe repair, and tailor shops.

PLANNED PROJECT. A comprehensive plan including graphic and written proposals indicating the placement and interrelationship of the buildings and uses within a site plan in accordance Article 8.

PLANNING COMMISSION. The Planning Commission of the City.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish under federal, state or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

ROLLING. The process of loading and unloading marine cargo that can be rolled on and off marine vessels.

SETBACK. The distance required to obtain the front, side or rear yard open space provisions of this Ordinance.

SHALL. Is always mandatory and not discretionary.

SIGNS. Any outdoor advertising that is a structure or that is attached to or painted on a building or that is leaned against a structure or displayed on a premises. Sign shall mean and include every sign, temporary sign, pylon sign or pole sign, marquee, awning, canopy, and street clock, and shall include any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

The following definitions shall also relate to signs:

ACCESSORY SIGN. A sign which is accessory to the principal use of the premises.

APPROVED COMBUSTIBLE MATERIAL. Wood, or materials not more combustible than wood, and approved combustible plastics.

APPROVED COMBUSTIBLE PLASTICS. Only those plastics which when tested meet industrial standards for flammability of plastics.

COMBINATION SIGN. Any sign which combines the characteristics of two (2) or more types of signs including roof, projecting and ground projecting signs.

DISPLAY SURFACE. The entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the

display.

FACING. The surface of the sign, upon, against, or through which the message of the sign is exhibited.

GROUND SIGN and BILLBOARDS. A sign which is supported by one (1) or more poles, uprights, or braces in or upon the signs as defined in this Section.

ILLUMINATED. Any sign which has characters, letters, figures, designs, faces, backgrounds, or outlines illuminated by incandescent or fluorescent lamps or luminous tubes as part of the sign proper, these light sources being external or internal.

JOINT IDENTIFICATION (ID) SIGN. A sign that serves as a common identification for two (2) or more businesses on the same parcel or property. Such sign shall contain or serve as general identification only for such developments such as shopping center and the like.

MARQUEE. A fixed shelter used only as a roof and extending over a building line which is entirely supported by the building to which it is attached.

MARQUEE SIGN. A sign which is attached to a marquee.

NAMEPLATE. A one (1)-sided sign or a two (2)-sided sign designating the owner or occupant of the premises.

NON-ACCESSORY SIGN. A sign which is not accessory to the principal use of the premises.

PROJECTING SIGN. A sign other than a wall sign suspended from or supported by a building or structure or steel column and projecting out therefrom. Projection means distance by which a sign extends over public property or beyond the property line.

PYLON, POLE or PROJECTING SIGN. A sign supported by or suspended from a free-standing column or columns of structural steel, pipe or poles.

ROOF SIGN. A sign erected upon or above a roof or parapet of the building.

SKELETON PARAPET SIGN. Individual letters mounted on a wall.

STRUCTURE. The supports, up-rights, bracing and framework for the sign or outdoor display.

STRUCTURAL TRIM. The molding, battens, capping, nailing strips, laticing, platforms and letters, figures, characters or representations in cut-out or irregular form

which are attached to the sign structure.

TEMPORARY SIGN. A sign of cloth or other combustible material, with or without a frame which is usually attached to the sign structure.

WALL SIGN. A sign attached to, or erected against, the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plan of the wall.

STABLE, PRIVATE. A stable for the keeping of horses for the noncommercial use of the residents of the principal use and shall not include the keeping of horses for others or for boarding.

STABLE, PUBLIC. A stable other than a private stable.

STORY. That part of a building, except a mezzanine as defined herein; 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 story thus defined shall not be counted as a story when more than 50%, by cubic content, is below the height level of the adjoining ground.

STORY, HALF. An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet six inches.

STREET. A public thoroughfare which affords the principal means of access to abutting property.

MAJOR ARTERIAL STREET: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond. Any street with a right-of-way width, existing or proposed, of one hundred twenty (120) feet or greater, shall be considered a major arterial street. Also commonly referred to as a major thoroughfare.

MINOR ARTERIAL STREET: A street which is intended to serve as a traffic way for the immediate area, with less volume and shorter trips than major arterial streets.

COLLECTOR STREET: A street carrying traffic from local streets to a system of arterial streets.

LOCAL STREET: A street used primarily for access to adjoining properties, providing for minimum speeds and traffic volumes.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Includes any part thereof.

SUBSTANTIAL IMPACT. Any activity, use or consequence which, by its nature and degree,

directly affects the lawful uses to which the property may be put.

TEMPORARY USE OR BUILDING. A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

USE. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

USED FOR. Includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”

VACATION HOME RENTAL. Use of a dwelling where the dwelling is rented or leased for any terms less than thirty (30) days and licensed pursuant to City Ordinance.

VARIANCE. A modification of the literal provisions of this Article granted when strict enforcement of this Article would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (1) undue hardship, (2) unique circumstances, and (3) applying to property. A variance is not justified unless all three elements are present in the case.

VEHICLE REPAIR STATION. A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, painting and undercoating.

VEHICLE SERVICE STATION. A place where gasoline (stored only in underground tanks) kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including sale of minor accessories and services for automobiles.

VETERINARY CLINIC. A place where animals or pets are given medical or surgical treatment with use as a kennel limited to short-time boarding which is incidental to the medical use.

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances supports) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following:

- A. Contiguous to any lake, pond, river or stream.
- B. Not contiguous to any lake, pond, river or stream; and more than five (5) acres in size.
- C. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

WIND ENERGY CONVERSION SYSTEM (WECS): Any device such as a turbine ,

windmill or charger that converts wind energy to a usable form of energy. WECS shall fall within two (2) classifications: on-site or commercial, and shall typically be defined as horizontal-axis or vertical-axis. The following additional definition shall apply:

ON-SITE WIND ENERGY CONVERSION: A WECS, the energy from which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit. This does not exclude the sale of excess energy sold to a utility through net metering for on-site WECS when the WECS produces more energy than can be stored or used on-site.

COMMERCIAL WIND ENERGY CONVERSION SYSTEM: Any WECS that is exclusively designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.

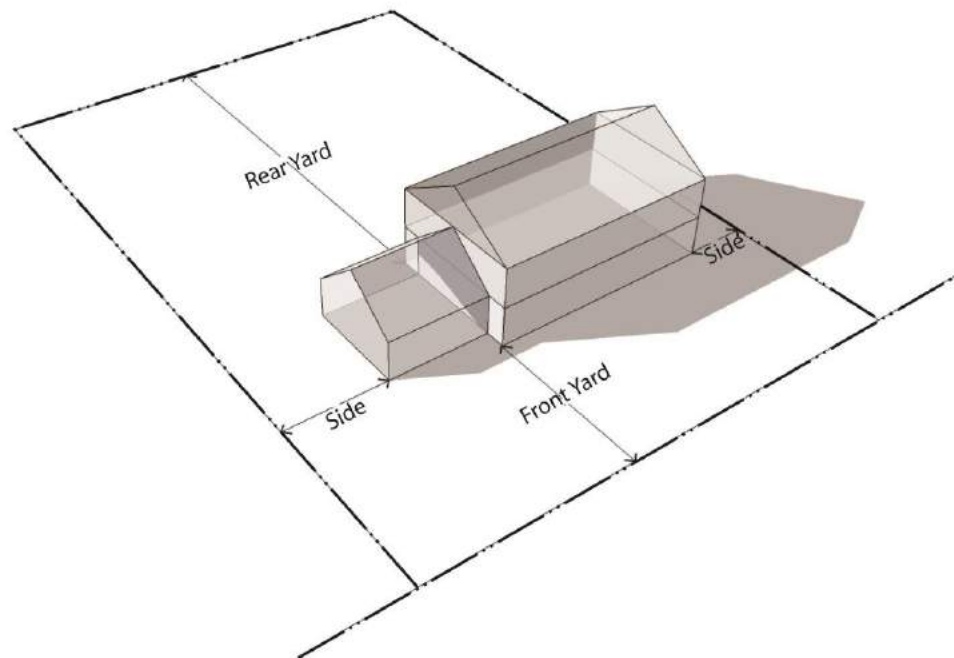
WIRELESS COMMUNICATIONS FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) 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. **WIRELESS COMMUNICATIONS ANTENNA (WCA):** Shall mean any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, and satellite antennas, those who receive video programming services via multi-point distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be 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 communications antennas within the community.

YARD. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Article, and as defined herein:

1. **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
3. **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Figure 2-10 Front, Rear + Side



Article 3 – Administration and Enforcement

SECTION 3.01 ENFORCEMENT

The provisions of this Article shall be administered and enforced by the Zoning Administrator or by such designees as appointed by the City Manager to enforce the provisions of this Article.

SECTION 3.02 DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall:

- A. Review for completeness all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- B. Review for completeness all applications for appeals, variances, or other matters, which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.

The Zoning Administrator is under no circumstance permitted to grant exceptions to the meaning of any cause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures or land within the City.

SECTION 3.03 PLOT PLAN

The Zoning Administrator shall require that all applications for zoning compliance shall be accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:

- A. The actual shape, location, dimensions of the lot.
- B. The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Article are being observed.

SECTION 3.04 PERMITS

The following shall apply in the issuance of any permit:

- A. Permits not to be issued. No Land Use permits shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Article.
- B. Permits for new use of land. A Land Use permit shall also be obtained for the new use of land, whether the land is presently vacant or a change of land use is proposed.
- C. Permits for new use of building. No building or structure, or part thereof, shall be changed to or occupied by, a use of a different class or type unless a Land Use permit is first obtained for the new or different use.
- D. Permits required. It shall be unlawful for any person to commence excavation for construction of any building or structure, structural changes or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Building Permit from the Cheboygan County Building Department, and a Land Use permit from the Zoning Administrator.

“Alteration” or “repair” of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by the Building Code, the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

SECTION 3.05 CERTIFICATES

No land, building, or part thereof, shall be occupied by or for any use until a certificate of occupancy shall have been issued for such new use by the Cheboygan County Building Department. The following shall apply in the issuance of any certificate:

- A. Certificate not to be issued. No certificates of occupancy pursuant to the Building Code shall be issued for any building, structure or part thereof or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- B. Certificate of occupancy. No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used, or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- C. Certificates for occupancy change. Any use other than a PUD or residential zoning district which changes occupancy shall be required to apply for a certificate of occupancy.
- D. Certificates including zoning. Certificates of occupancy as required by the Building

Code for new buildings or structures, or parts thereof, or for alterations to, or changes of, use of existing buildings or structures, shall also constitute certificates of occupancy as required by Ordinance.

- E. Certificates for existing buildings. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance. Certificates of occupancy may be issued for business buildings in T-1, B-1, B-2, B-3, and O-1 zones existing at the effective date this Ordinance which change occupancy and which do not provide sufficient parking as required under [Section 10.01](#), provided there is no decrease in the number of spaces existing at the effective date of this Ordinance.
- F. Temporary certificates. Certificates of occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such certificate of occupancy shall not remain in force for more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy, and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- G. Records of certificates. A record of all certificates issued shall be kept on file at the Cheboygan County Building Department.
- H. Certificates for accessory buildings. Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate building permit.
- I. Application for certificates. Application for certificates of occupancy shall be made in writing to the County of Cheboygan Building Department.

SECTION 3.06 FINAL INSPECTIONS

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Cheboygan County Building Department immediately upon the completion of the work authorized by such permit for a final inspection.

SECTION 3.07 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Article, may be collected by the Zoning Administrator or the Cheboygan County Building Department in advance of issuance. The amount of such fees shall be established by resolution of the City Council or Cheboygan County and shall cover the cost of inspection and the supervision resulting from enforcement of this Article.

SECTION 3.08 USE OF CONSULTANTS

From time to time, at the cost of the applicant, the City may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of special use permits, site plans, rezoning applications, or other matters related to the planning and development of the City.

SECTION 3.09 PLANNING COMMISSION

The City Planning Commission, heretofore created pursuant to Public Act 285 of 1931, MCL 125.31, et. seq., as amended, and Public Act 33 of 2008, MCL 125.3811, et. seq., as amended, is hereby continued. Pursuant to Section 301(2) of Act 110 of the Public Acts of 2006, MCL 125.3301(2), all powers and duties of a zoning commission are hereby transferred to the City Planning Commission, which shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

SECTION 3.10 PLANNING COMMISSION APPROVAL

- A. In cases where the City Planning Commission is empowered to approve certain use of premises under the provisions of this Article the applicant shall furnish such surveys, plans or other information as may be reasonably required by the Commission for the proper consideration of the matter.
- B. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- C. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Article.
- D. Any approval given by the Planning Commission, under which premises are not used or work is not started within one (1) year or when such work or use has been abandoned for a period of one (1) year, shall lapse and cease to be in effect.

SECTION 3.11 PENALTY

Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons or firm or corporation violating any of the provisions of this Article shall upon conviction thereof, be subject to a fine of not more than \$100 and the cost of prosecution or, in default of the payment thereof, by imprisonment in the County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 3.12 PUBLIC HEARING NOTICE REQUIREMENTS

- A. When Required. Public hearings are required in these instances where public hearings are required by this Ordinance and Act 110 of the Public Acts of 2006, as amended.
- B. Notice Requirements. Notice shall be given not less than fifteen (15) days before each public hearing at which an application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Cheboygan, and by personal delivery or mailing, where required, to the following:
1. The applicant and the owner(s) of the property, if the applicant is not the owner.
 2. All persons to whom real property is assessed within three hundred (300) feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Cheboygan.
 3. The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Cheboygan, except as set forth below.
 4. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, 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.
 5. The notice under [Section 3.12 B.](#) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
- C. Actions Exempt from Notification.
1. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
 2. For any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the requirement for individual notice as set forth in [Section 3.12 B.](#) 3. and 4. does not apply to that group of adjacent properties.
- D. Content of Notice. The notice shall include:
1. The nature of the request.

2. The property(ies) for which the request has been made.
3. A listing of all existing street addresses within the property(ies) which is (are) the subject of the request. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time, and location of when the hearing on the application will take place.
6. The address at which written comments should be directed prior to the consideration.

Article 4 – District Regulations

SECTION 4.01 ESTABLISHMENT OF ZONING DISTRICTS

A. For the purpose of this Article, the City of Cheboygan is hereby divided into the following districts:

- R-1** - One-Family Residential District
- R-MH** - Manufactured Home Residential District
- R-2** - Two Family Residential District
- R-M** - Multiple-Family Residential District
- T-1** - Tourist Service District
- B-1** - Local Business District
- B-2** - Central Business District
- B-3** - General Business District
- B-4** - General Commercial District
- O-1** - Office Building District
- W-M** - Waterfront-Marina District
- I-1** - Light Industrial District
- I-2** - Heavy Industrial District

SECTION 4.02 MAP

The boundaries of the districts set forth in [Section 4.01](#) are shown upon the map attached hereto and made a part of this Ordinance. The map provided herein is designated as the Official Zoning Map of the City of Cheboygan. The Official Zoning Map, along with all notation, references, and other explanatory information, are available at the City of Cheboygan offices.

SECTION 4.03 BOUNDARIES

Where uncertainty exists with respect to the boundaries of any district indicated on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the centerline.
- E. Boundaries indicated as parallel to, or extensions of, features indicated in subsection A. through E. of this section shall be so construed.
- F. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A. through G. of this section, the Zoning Board of Appeals shall interpret the district boundaries.
- H. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-ways, it is intended that the district boundaries extend to the center of any public right-of-way.

SECTION 4.04 USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Article for yards, lot area per family, density as for a development in the multiple-family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

SECTION 4.05 ZONING OF VACATED AND ANNEXED AREAS

- A. Whenever any street, alley or other public way within the City shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it abuts.
- B. Any area annexed to the City shall immediately upon such annexation be automatically classified as an R-1 District until a zoning map for said area has been adopted by the City Council. The Planning Commission shall recommend appropriate zoning for such area within three months after the matter is referred to the Planning Commission by the City Council.

SECTION 4.06 DISTRICT REQUIREMENTS

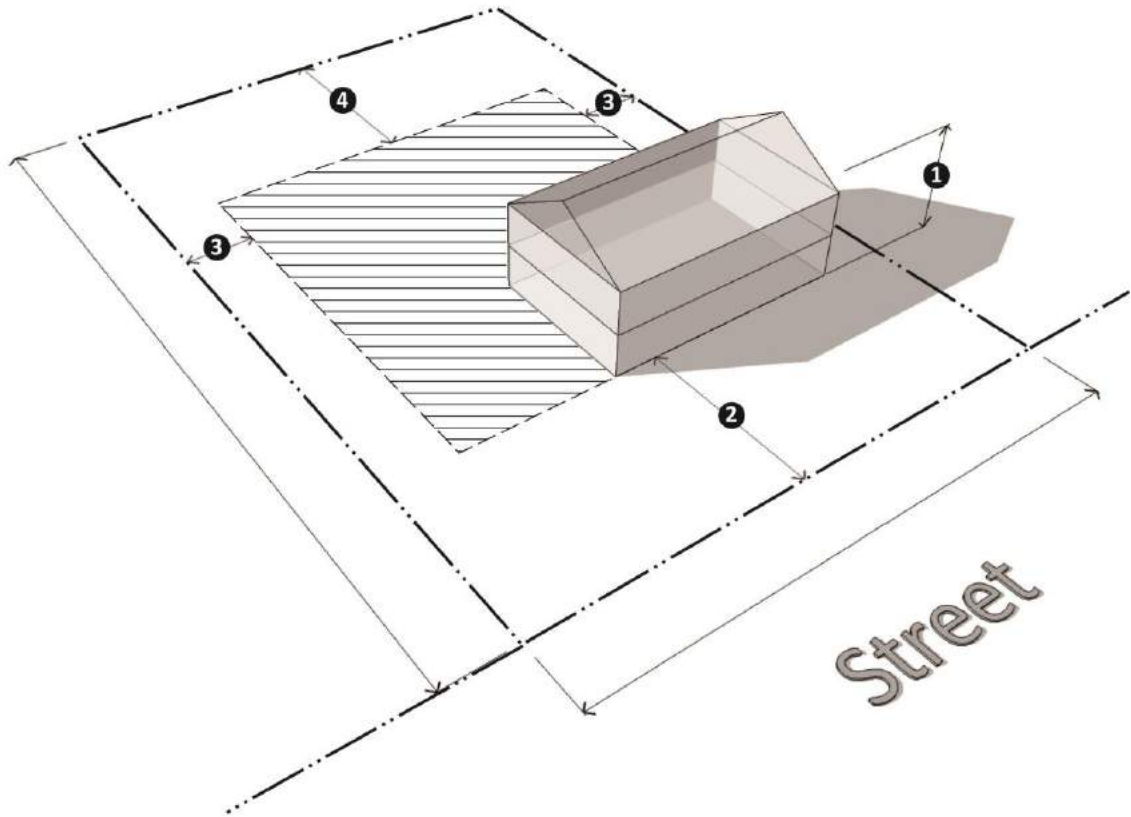
- A. The districts set forth herein guide the establishment of district boundaries to further the objectives of the City of Cheboygan Master Plan. The intent of each district defines the interrelationships between conflicting and incompatible land uses and between land uses and resources such as transportation, utilities, cultural and institutional facilities and the natural environment.
- B. Except as hereinafter provided, district regulations shall be applied in the following manner:
 - 1. Permitted Uses. Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts or are similar to such listed uses.
 - 2. Accessory Buildings, Structures, and Uses. Accessory buildings, structures, and uses are permitted only if such uses are clearly incidental to the permitted principal uses. Accessory buildings, structures, and uses are subject to the provisions of [Section 6.03](#).
 - 3. Special Uses. Special land uses are permitted as listed, subject to the procedures set forth in Article 9, Special Use Review and any specific standards applicable to a particular use set forth in Article 7.

SECTION 4.07 R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

- A. Intent. The R-1 One-Family Residential District are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of medium-density, one-family dwelling units along with certain residentially related facilities which serve the residents in the districts.
- B. Use Regulations. Table 4.20.B-1 sets forth permitted, special and accessory uses in the R-1 District.

C. Dimensional Requirements. The following dimensional requirements shall apply to the R-1 District.

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq. Ft.	Width In Feet	In Stories ①	In Feet ①	Front	Sides		Rear		
					②	Least One ③	Total Two ③	④		
R-1	7,200	60	2	35	25	10	20	35	800	35%



D. Supplemental District Standards.

1. See [Section 5.02](#), Residential Open Space Plan, regarding exceptions to lot area and density controls.
2. Where front yards of two (2) or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two (2) or more structures.
3. In the case of a rear yard abutting a side yard, or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. In the case of a common rear yard relationship, the side yard abutting upon a street shall not be less than ten (10) feet.

SECTION 4.08 R-MH MANUFACTURED HOME RESIDENTIAL DISTRICT

- A. Intent. The R-MH, Manufactured Home Residential District is intended to provide for manufactured home parks and to require that such manufactured home parks be developed with the character of residential neighborhoods. This Ordinance recognizes that manufactured homes in manufactured home parks require locations, services, and facilities similar to any other single-family and multiple-family dwelling units that are developed at higher densities. It is further the intent of this Ordinance that various supporting uses common to higher density residential areas, as well as those that are unique to manufactured home communities, be permitted in this district.
- B. Use Regulations. Table 4.20 B-1 sets forth permitted, special and accessory uses in the R-MH District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the R-MH District.

Minimum Lot Size Per Dwelling Unit		Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq. Ft.	Width In Feet	In Stories	In Feet	Front	Sides		Rear		
					Least One	Total Two			
7,200	60	2	35	25	10	20	35	600	35%

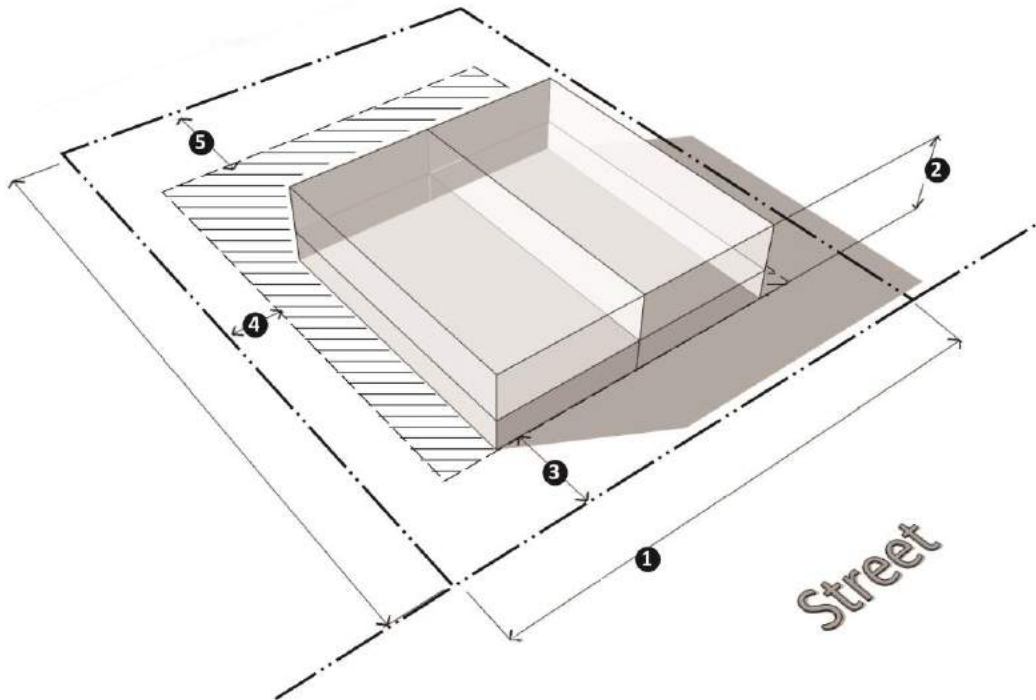
D. Supplemental District Standards.

1. Where front yards of two (2) or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two (2) or more structures.
2. In the case of a rear yard abutting a side yard, or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. In the case of a common rear yard relationship, the side yard abutting upon a street shall not be less than ten (10) feet.
3. The Manufactured Housing Code, as established by the State of Michigan under the authority of PA 96 of 1987, as amended, regulates development of manufactured housing parks. All manufactured housing parks must be constructed according to the standards of the Code.
4. The person or persons desiring to place a mobile home in R-MH - Manufactured Home Residential District shall first apply to the County Building Department for a building or placement permit on a form provided for by the Building Department which will include in the building permit a site plan showing the placement of the mobile home as it affects the proposed building site.
5. Prior to the occupancy of said mobile home after it has been placed on the proposed building site, the party or parties desiring to occupy said manufactured home on the proposed building site shall first obtain an occupancy certificate from the County Building Department; provided that no occupancy certificate shall be issued until it is determined by the County Building Department, after an inspection, that all requirements have been complied with.

SECTION 4.09 R-2 TWO-FAMILY RESIDENTIAL DISTRICTS

- A. Intent. This District is intended to provide an area primarily for single- and two-family developments. It should be used as a buffer district along major streets or between single-family and apartment districts.
- B. Use Regulations. Table 4.20 B-1 sets forth permitted, special and accessory use in the R-2 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the R-2 District:

Minimum Lot Size Per Dwelling Unit		Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq. Ft.	Width In Feet ①	In Stories ②	In Feet ②	Front	Sides		Rear		
				③	Least One ④	Total Two ④	⑤		
7,200 – Single-Family 9,000 – Two-Family	60 – 1F 70 – 2F	2	35	25	10	20	35	800	35%



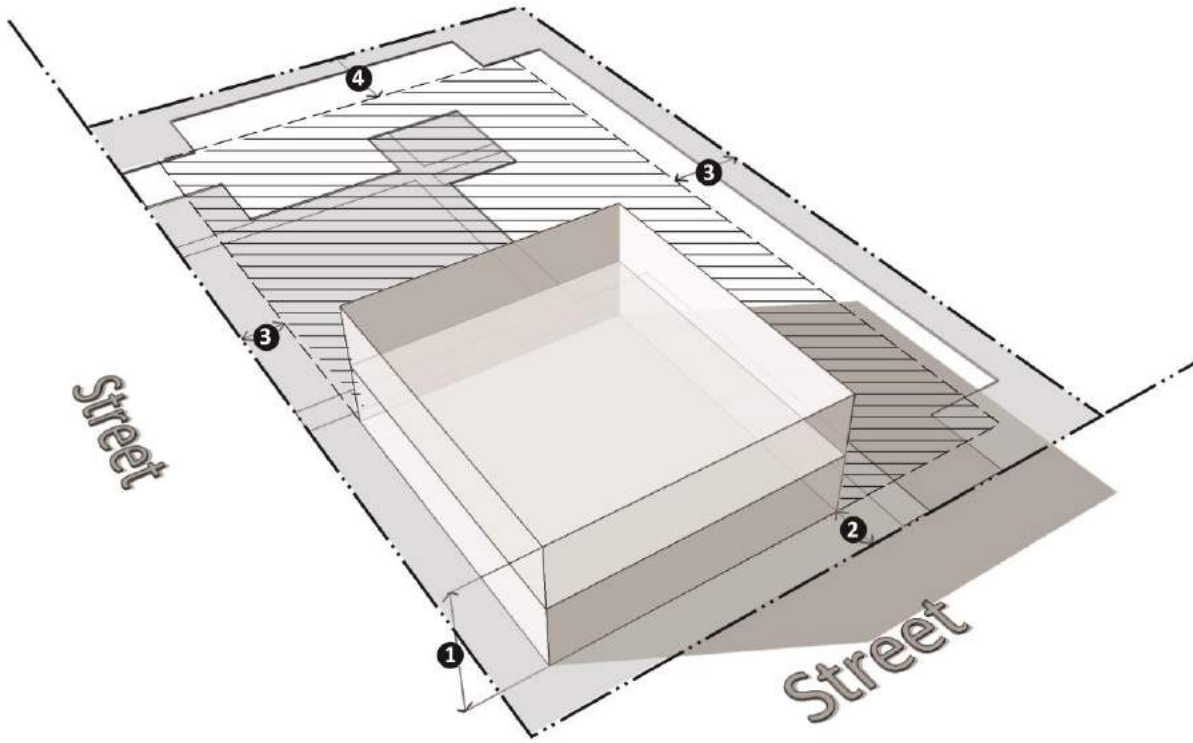
D. Supplemental District Standards.

1. Where front yards of two (2) or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two (2) or more structures.
2. In the case of a rear yard abutting a side yard, or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. In the case of a common rear yard relationship, the side yard abutting upon a street shall not be less than twenty (20) feet.

SECTION 4.10 R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

- A. Intent. The R-M Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures which will generally serve as zones of transition between the business or industrial districts and lower density single-family districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise single-family residential community.
- B. Use Regulations. Table 4.20 B-1 sets forth permitted, special and accessory uses in the R-M District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the R-M District.

Area (in square feet)	Minimum Width (In Feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ③	Total Two ③	④		
Not applicable (NA)	(NA)	2	35	25	10	20	30	Efficiency/ 1-BR – 500 2-BR – 700 3-BR – 900 4-BR – 1,100	35%



D. Supplemental District Standards.

1. Where the front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two or more structures.
2. In the case of a rear yard abutting a side yard, or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. In the case of a common rear yard relationship, the side yard abutting upon a street shall not be less than ten feet.
3. In an R-M Multiple-Family District the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,200. All units shall have at least one living room and one bedroom, except that not more than 10% of the units may be of an efficiency apartment type.

In an R-M District, for the purpose of computing the permitted number of dwelling units per acre the following assignments shall control:

In an R-M District, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads. The site area per unit shall be calculated as follows:

Multiple Family Dwellings Site Area Per Dwelling	
Unit Type	Site Area Required
Efficiency/One-Bedroom	2,400
Two Bedroom	3,600
Three Bedroom	4,800
Four Bedroom	6,000

4. In an R-M District front, side, or rear yards need not refer to spacing between buildings for a planned development for two or more buildings on the same parcel. In such cases of two or more buildings on a single parcel the minimum distance between any two buildings on the parcel shall be regulated as follows:

Building Relationship Minimum Distance Between Buildings¹

Front to Front ²	60 feet
Front to Rear ²	80 feet
Front/Rear to Side ²	30 feet
Rear to Rear ³	50 feet
Side to Side ³	20 feet

¹ Distance between any two buildings shall be measured horizontally from the nearest point of one building to the nearest point of the other building.

² Parking may be located between buildings providing the area to be used for parking is in addition to the required minimum distance between buildings. In no instance shall there be less than 15 feet of yard space between the parking area and the multiple family building.

³ Parking may be permitted to occupy the minimum distance between buildings provided that there shall be not less than ten feet of yard space between the parking area and the multiple family building.

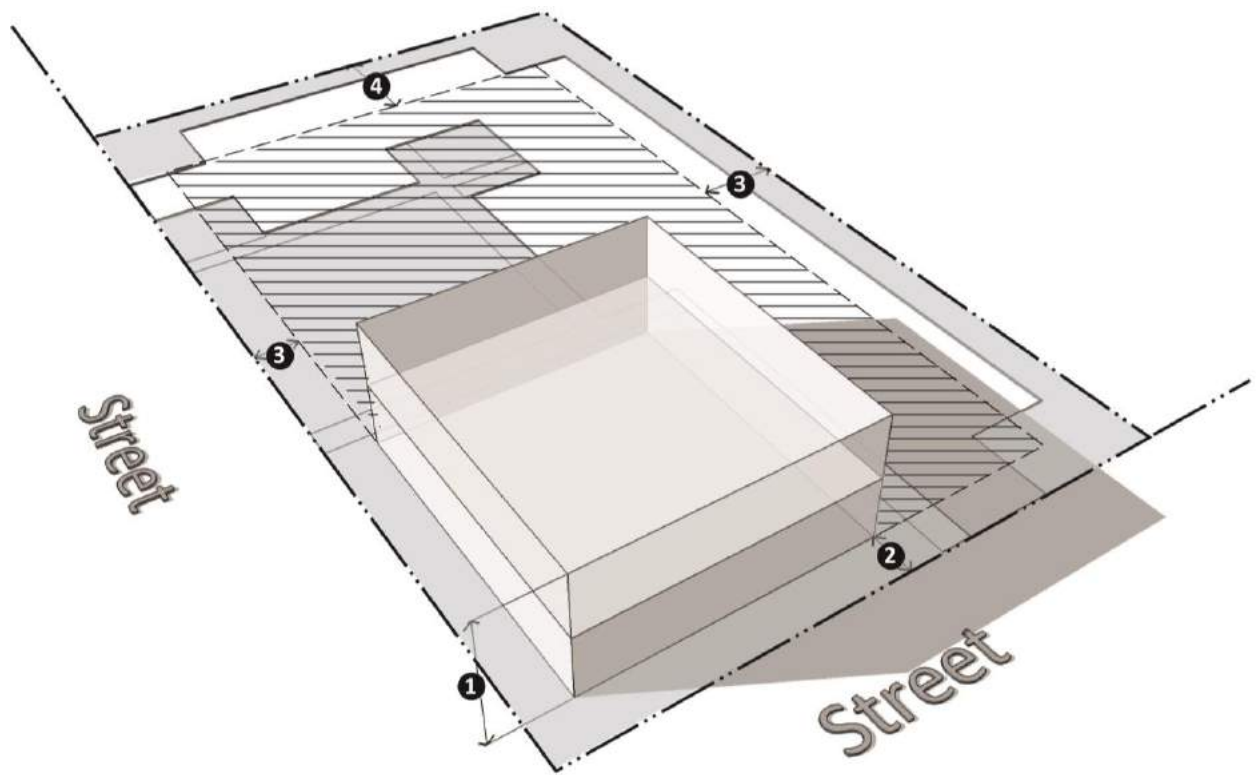
The “front” and “rear” of the multiple family building shall be considered to be the faces along the longest dimensions of the building. The “front” of the building shall be considered to be the direction faced by the living rooms of the dwelling units in the building; the “rear” of the building shall be considered to be the direction faced by the kitchen and/or service entrance of the dwelling units in said building; and the “sides” of the building shall be considered to be the face along the narrowest dimensions of the building.

In order to preserve the general open character of the district, multiple family buildings shall be limited to 180 feet in length.

SECTION 4.11 T-1 TOURIST SERVICE DISTRICTS

- A. Intent. The T-1 Tourist Service Districts as herein established are designed to accommodate those activities necessary to service tourist needs including retail activities; tourist accommodations, commercial amusements, parks, and public uses of primary interest to tourists.
- B. Use Regulations. Table 4.20 B-2 sets forth permitted, special and accessory uses in the T-1 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the T-1 District:

Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ⑤	Total Two ③	④		
Not Applicable (NA)	(NA)	2	35	30	10	20	20	NA	NA



Supplemental District Standards.

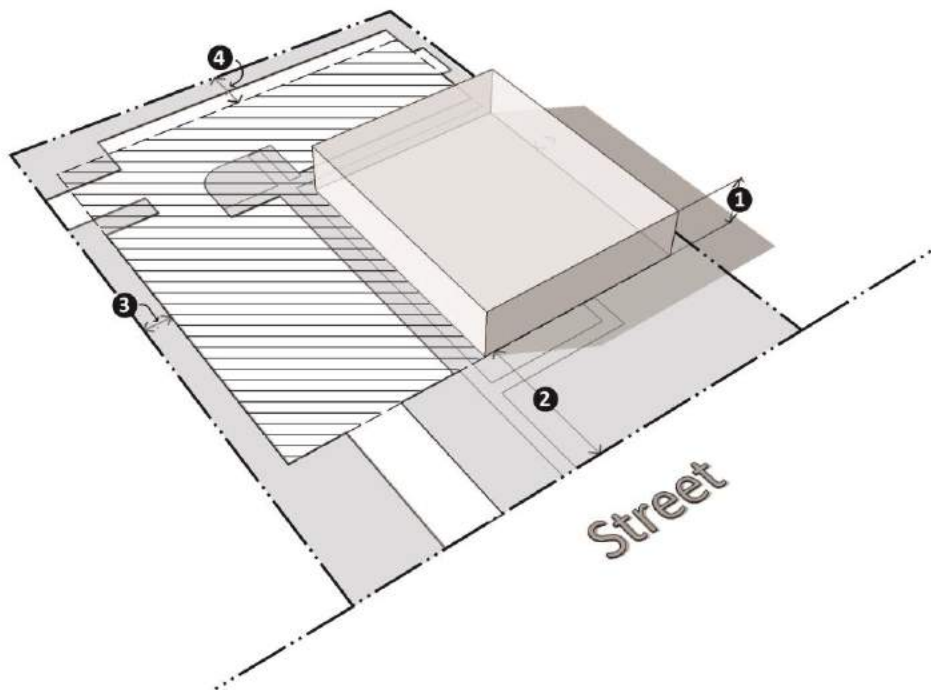
1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. All business, servicing, or processing except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. Where front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two or more structures.
4. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contained windows, or other openings, side yards of not less than ten feet shall be provided.

On a corner lot which borders on a residential district, there shall be provided setback of 20 feet on the side adjacent to the residential street. On any other side yard abutting a residential district there shall be provided a setback of ten feet in width.

SECTION 4.12 B-1 LOCAL BUSINESS DISTRICTS

- A. Intent. The B-1 Local Business Districts, as herein established, are intended to permit those uses as are necessary to satisfy the basic day-to-day shopping and/or service needs of persons residing in nearby residential areas.
- B. Use Regulations. Table 4.20 B-2 sets forth permitted, special and accessory uses in the B-1 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the B-1 District:

Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ③	Total Two ③	④		
Not Applicable (NA)	(NA)	2	35	30	NA	NA	20	NA	NA



D. Supplemental District Standards.

1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. All business, servicing, or processing except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. Where front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two or more structures.
4. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contained windows, or other openings, side yards of not less than ten feet shall be provided.

On a corner lot which borders on a residential district, there shall be provided setback of 20 feet on the side adjacent to the residential street. On any other side yard abutting a residential district there shall be provided a setback of ten feet in width.

SECTION 4.13 B-2 CENTRAL BUSINESS DISTRICT

- A. Intent. The B-2 Central Business District is designed to provide for a variety of office, service, and retail uses and related activities which have prime retail frontage in the City's central core. The District is intended to serve the comparison, convenience and service needs of the entire municipal area as well as a substantial area of the adjacent and surrounding residential developments beyond the limits of the municipality. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive repair services and non-retail uses which tend to break up such continuity.
- B. Use Regulations. Table 4.20 B-2 sets forth permitted, special and accessory uses in the B-2 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the B-2 District:

Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories	In Feet	Front	Sides		Rear		
				③	Least One	Total Two	⑤		
②	②	③	④	④	⑤				
Not Applicable (NA)	(NA)	4	50	10	NA	NA	NA	NA	NA

D. Supplemental District Regulations.

1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. Front yards. All buildings shall be located at the front build-to-line of ten (10) feet from the street right-of-way. The build-to-line is intended to provide a street wall which is pedestrian-oriented. Existing buildings that are less than ten (10) feet from the front build-to-line may be modified and expanded subject to the approval of the Planning Commission. In all cases, the Planning Commission may permit a modification of the front build-to line to no more than thirty (30) feet for outdoor cafes or open plaza space. The following additional adjustments are permitted:
 - a. Balconies with a clearance of no less than 15 feet above grade may encroach up to four feet into the public right-of-way, subject to the approval of the Planning Commission.
 - b. Canopies and awnings associated with a ground floor use may encroach up to ten feet provided there is no less than a ten-foot clearance above the public sidewalk and that ground supports are not required.
 - c. Projecting signs with a clearance of no less than eight feet may encroach up to three feet when attached to the face of the building. Up to an additional three-foot encroachment is permitted when attached to the underside of a projecting canopy or awning (suspended sign).
 - d. Display, show or bay windows may project up to 18 inches provided there is a minimum of 18 inches of clearance between said projections and the sidewalk.
 - e. Decorative roofs and entry features with a clearance of no less than ten feet may project up to three feet.
 - f. Nonresidential doorways may be recessed up to eight feet. Residential doorways located within a courtyard may be recessed up to 20 feet.
3. *Rear and side yards.* There is no rear or side yard setback requirement provided all buildings are served by a rear alley or other demonstrated means of rear access.

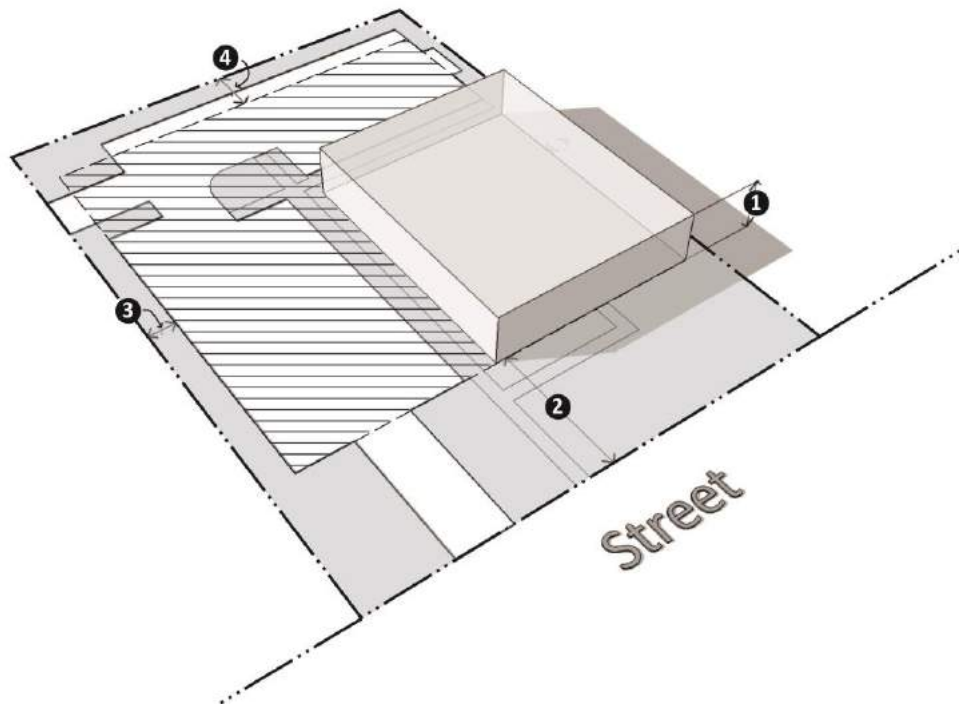
On a corner lot which borders on a residential district, there shall be provided setback of 20 feet on the side adjacent to the residential street. On any other side yard abutting a residential district there shall be provided a setback of ten feet in width.

4. Off-street loading space shall further meet the requirements [Section 10.04](#), Off-Street Loading and Unloading. Where an alley exists or is provided at the rear of the buildings the rear yard setback and loading requirements may be computed from the centerline of said alley. Off-street loading space may be located within the required rear yard.
5. *Height.* No building or structure shall exceed four stories or 50 feet. However, all structures above two stories when located at the build-to-line, shall be stepped back to ensure adequate natural light levels are maintained at the street. For every two feet above 30 feet or two stories, the building shall be setback one foot.

SECTION 4.14 B-3 GENERAL BUSINESS DISTRICTS

- A. Intent. The B-3 General Business Districts are designed to provide areas which permit a variety of automotive oriented services and goods incompatible with the uses in the B-2 Central Business District. The General Business Districts are characterized by more diversified business types and are often located so as to serve passer-by traffic.
- B. Use Regulations. Table 4.20 B-2 set forth permitted, special and accessory uses in the B-2 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the B-3 District:

Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ③	Total Two ③	④		
Not Applicable (NA)	(NA)	2	35	30	NA	NA	20	NA	NA



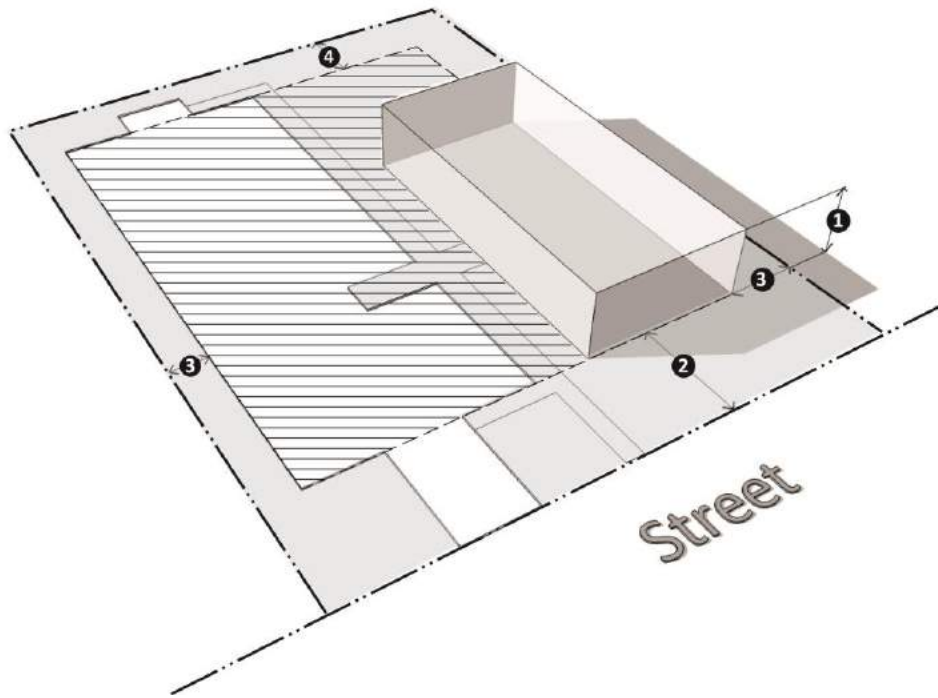
D. Supplemental District Regulations.

1. Where front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two or more structures.
2. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contained windows, or other openings, side yards of not less than ten feet shall be provided.
3. On a corner lot which borders on a residential district, there shall be provided setback of 20 feet on the side adjacent to the residential street. On any other side yard abutting a residential district there shall be provided a setback of ten feet in width.

SECTION 4.15 B-4 GENERAL COMMERCIAL DISTRICTS

- A. Intent. The B-4 General Commercial Districts are designed to accommodate those businesses which by their nature require large land areas and which characteristically generate more automobile and trail traffic than other districts.

Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ③	Total Two ④	⑤		
Not Applicable (NA)	(NA)	2	35	30	NA	NA	20	NA	NA



B. Supplemental District Standards.

1. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25% of the usable floor area of either the first or second story, or the basement.
2. The outdoor storage of goods and materials shall be subject to the review and approval of the Planning Commission.
3. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.
4. Where front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two or more structures.
5. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contained windows, or other openings, side yards of not less than ten feet shall be provided.

6. On a corner lot which borders on a residential district, there shall be provided setback of 20 feet on the side adjacent to the residential street. On any other side yard abutting a residential district there shall be provided a setback of ten feet in width.

SECTION 4.16 O-1 OFFICE BUILDING DISTRICTS

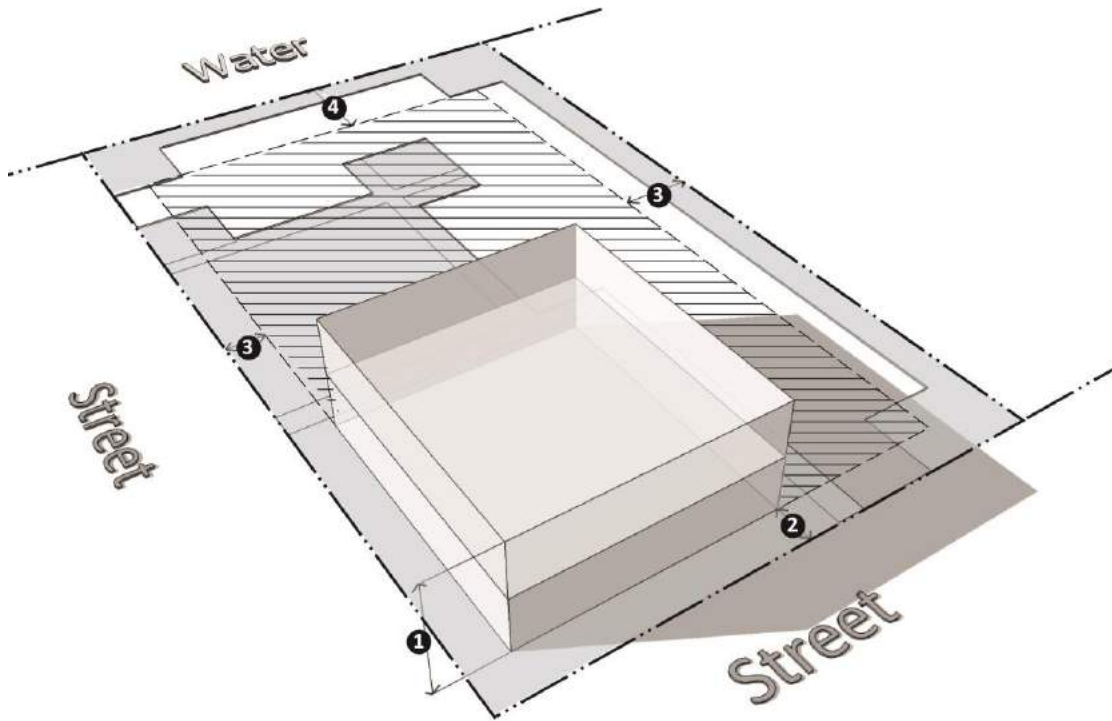
- A. Intent. The O-1 Office Building Districts are designed to accommodate various types of office uses which deal mainly in services and certain basic personal services intended to serve the O-1 Districts. These O-1 Districts typically serve as a transition between major thoroughfares and/or commercial districts and residential districts.
- B. Use Regulations. Table 4.20 B-2 sets forth permitted, special and accessory uses in the O-1 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the O-1 District:

Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	In Stories ②	In Feet ②	Front	Sides		Rear		
			③	Least One ④	Total Two ④	⑤		
-	2	35		-	-	20	-	-

SECTION 4.17 W-M WATERFRONT-MARINA DISTRICTS

- A. Intent. The W-M Waterfront-Marina Districts are designed to accommodate recreational boating along with activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and economical waterfront, recreational development.
- B. Use Regulations. Table 4.20 B-2 sets forth permitted, special and accessory uses in the W-M District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the W-M District:

Lot Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ③	Total Two ③	④		
Not Applicable (NA)	NA	2	35	20	NA	NA	30	NA	NA



D. Supplemental District Standards.

1. The water frontage shall be considered the rear yard.
2. All dredging, construction, and/or development shall be subject to the requirements of all subject codes and ordinances of the city and shall be approved by the Zoning Administrator.
3. Where front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not

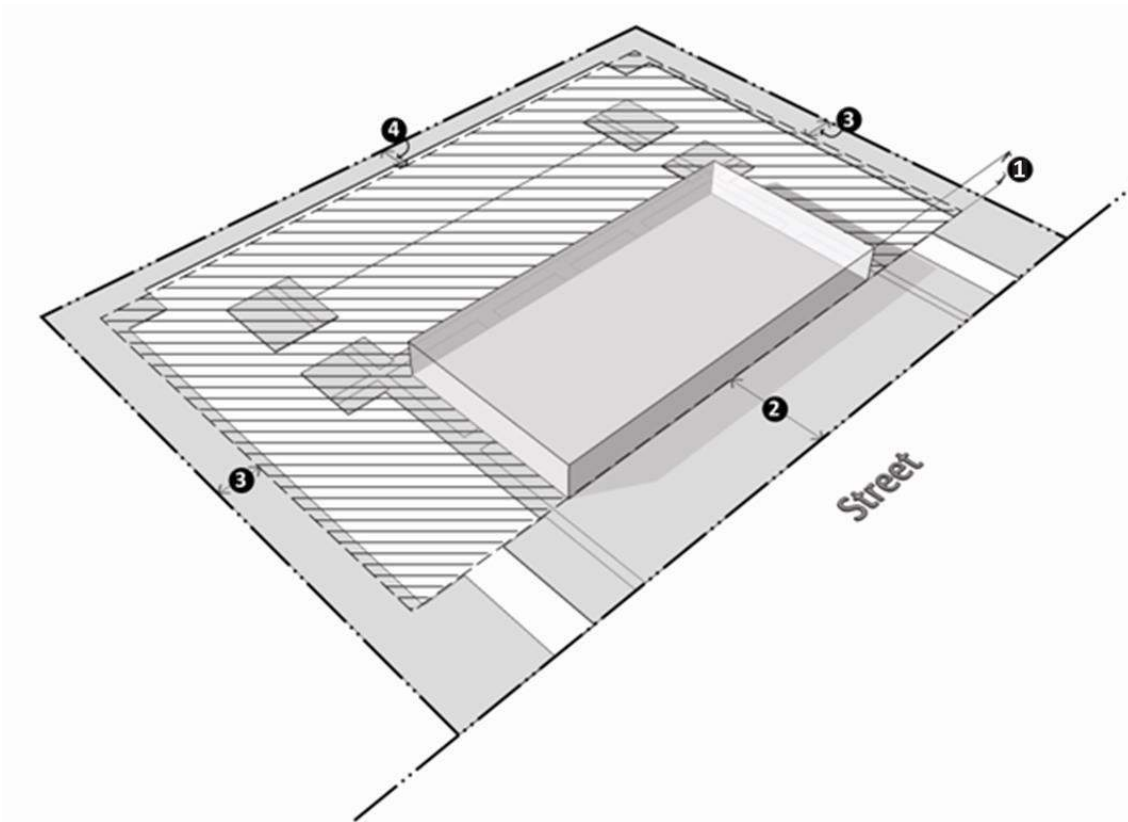
be less than, but need not be greater than the average depth of the front yards of said two or more structures.

4. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contained windows, or other openings, side yards of not less than ten feet shall be provided.
5. On a corner lot which borders on a residential district, there shall be provided setback of 20 feet on the side adjacent to the residential street. On any other side yard abutting a residential district there shall be provided a setback of ten feet in width.
6. The rear yard shall be the yard which abuts water frontage.

SECTION 4.18 I-1 LIGHT INDUSTRIAL DISTRICTS

- A. Intent. The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale and warehouse activities, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is the intent of this section that the processing of raw material for shipment in bulk form to be used in an industrial operation at another location, not be permitted.
- B. Use Regulations. Table 4.20 B-3 sets forth permitted, special and accessory uses in the I-1 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the I-1 District:

Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ③	Total Two ③	④		
Not Applicable (NA)	NA	NA	40	40	20	40	NA	NA	NA



D. Supplemental District Regulations.

1. Any use established in the I-1 District after the effective date of the 1967 Zoning Ordinance shall be operated so as to comply with the performance standards set forth hereinafter in Article 11, Environmental Performance Standards.
2. Where front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two or more structures.
3. No buildings or structure shall be located closer than 50 feet to the outer perimeter (property line) of such district when said property line abuts any residential district. Screening shall be provided in accordance with Article 10 for uses which are abutting land zoned for residential use.

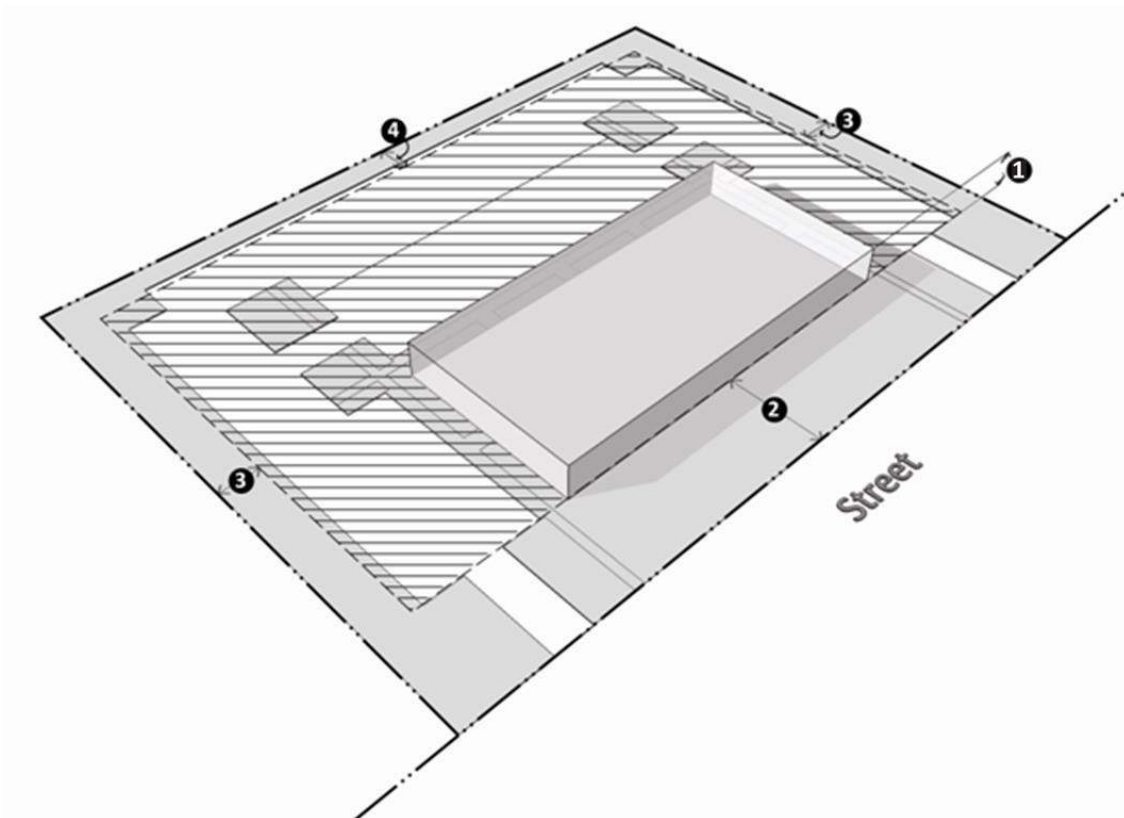
SECTION 4.19 I-2 HEAVY INDUSTRIAL DISTRICTS

- A. Intent. The I-2 Heavy Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and

compounding of semi-finished or finished products from raw materials as well as from previously prepared materials.

- B. Use Regulations. Table 4.20 B-3 sets forth permitted, special and accessory uses in the I-2 District.
- C. Dimensional Requirements. The following dimensional requirements shall apply to the I-2 District:

Area (in square feet)	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories ①	In Feet ①	Front	Sides		Rear		
				②	Least One ③	Total Two ③	④		
Not Applicable (NA)	NA	NA	40	40	20	40	NA	NA	NA



D. Supplemental District Regulations.

1. Any use established in the I-1 District after the effective date of the 1967 Zoning Ordinance shall be operated so as to comply with the performance standards set forth hereinafter in Article 11, Environmental Performance Standards.
2. Where front yards of two or more principal structures in any block in existence at the time of passage of the 1967 Zoning Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less than, but need not be greater than the average depth of the front yards of said two or more structures.
3. No buildings or structure shall be located closer than 50 feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

Required side yard may be used for off-street parking or loading and unloading provided that in such instances the Planning Commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for fire-fighting or other emergency type equipment.

SECTION 4.20 DISTRICT USE REGULATIONS

- A. Specified Uses. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.
- B. Schedule of Uses. The Schedule of Use Regulations set forth in Table 4.20 B. identifies uses as follows:
 1. "P" identifies uses permitted as of right.
 2. "S" identifies uses requiring Special Use Approval.
 3. "A" identifies accessory uses.
 4. No marking identifies uses not permitted.

**Table 4.20 B-1
Residential District Use Table**

Use Category	Residential Districts				Specific Use Standard (Article, Section)
	R-1	R-2	RM	R-MH	
Agricultural					
Equestrian Facilities	S	S	S		7.26
Private Stable	P	P	P		7.25
General and specialized farming	S				7.23
Tree/Plant Nurseries	P				7.23
Residential					
Bed and breakfast	S	S	S		7.32
Dwellings, Multiple-family			P		
Dwellings, One-family	P	P	P		
Dwellings, Two-family		P	P		
Dwellings, Manufactured	P	P	P	P	7.18
Home occupations	P	P	P	P	6.07
Manufactured Housing Park				P	
Housing for the Elderly		P	P		7.17
Recreation					
Country Clubs, including accessory uses and buildings including club house, swimming pool, and sale of food.	S	S	S		
Golf courses	S	S	S		7.16
Golf Driving Range	A	A	A		7.16
Noncommercial parks, and recreational facilities	P	P	P	P	7.24
Playground	P	P	P	P	
Institutional / Cultural					
Adult day care center		S	S		7.02

**Table 4.20 B-1
Residential District Use Table**

Use Category	Residential Districts				Specific Use Standard (Article, Section)
	R-1	R-2	RM	R-MH	
	Adult day care home	S	S	S	
Adult foster care, Congregate Facility			S		7.09
Adult foster care, Family Home			S		7.02
Adult foster care, Large Group Home			S		7.02
Adult foster care, Small Group Home			S		7.02
Cemeteries	S	S	S		7.33
Convalescent centers / congregate care			S		7.09
Day care centers and Preschools	S	S	S	S	7.12
Family day care homes	P	P	P		7.12
Group day care homes	S	S	S		7.12
Hospitals			S		7.15
Places of worship	S	S	S	S	7.10
Primary / secondary schools	S	S	S	S	7.34
Publicly owned/operated office and service facilities	S	S	S	S	
Utility and Public Service Buildings and facilities	S	S	S	S	
Wind Energy Conversion Systems	S	S	S	S	7.27
Wireless Communication Facilities	S	S	S	S	7.29

Table 4.20 Commercial District Use Table

Use Category	Commercial Districts						Specific Use Standard (Article, Section)
	T-1	B-1	B-2	B-3	B-4	WM	
Residential							
Dwellings, One-family						P	
Dwellings, Multiple-family (on upper floors only in a mixed use building)	S	S	P	S		S	7.30
Live / work units	P	P	P	P			7.30
Recreation							
Noncommercial parks, and recreational facilities	P	S	S	S	S	S	7.24
Commercial Recreational Facility	S	S	S	S	S	S	7.08
Playground	S	S	S	S	S	S	
Public Arenas, Stadiums, and Skating Rinks	S	S	S	S	S	S	
Institutional / Cultural							
Adult day care center		S	S	P			7.02
Adult day care home							7.02
Adult foster care, Congregate Facility		S	S	P			7.09
Adult foster care, Family Home	S						7.02
Adult foster care, Large Group Home	S						7.02
Adult foster care, Small Group Home	S						7.02
Cemeteries							7.33
Convalescent Centers / Congregate Care		S	S	S			7.09
Day care centers and Preschools	P	S	S	S			7.12

Table 4.20 Commercial District Use Table

Use Category	Commercial Districts						Specific Use Standard (Article, Section)
	T-1	B-1	B-2	B-3	B-4	WM	
Fine and performing arts facilities	P	P	P	P			
Hospitals					P		7.15
Places of worship	S	S		S			7.10
Post-secondary schools (technical, colleges, business schools)			P	P	P		7.07
Primary / secondary schools							
Publicly owned/operated office and service facilities	P	P	P	P	P	P	
Transportation Terminals	S					S	
Utility and Public Service Buildings and facilities			S	S	S	S	
Wind Energy Conversion Systems	S	S	S	S	S	S	7.27
Retail, Entertainment, and Service							
Adult Use Businesses							7.03
Alcohol Sales	P	S	P	P	P	P	
Bar / lounge	S	S	P	P	P	P	
Building material sale			P	P	P	P	
Business service and repair			P	P	P		
Commercial kennels / pet day care	S			S	S		
Conference, meeting, and banquet facilities		S	P	P	P		
Dance, martial arts, music, and art studios	P	P	P	P	P		
Drive-up / Drive-through facilities			S	P	P		10.02E
Dry cleaners and laundry		P	P	P	P		
Durable Medical Supplies		P	P	P	P		

Table 4.20 Commercial District Use Table

Use Category	Commercial Districts						Specific Use Standard (Article, Section)
	T-1	B-1	B-2	B-3	B-4	WM	
Financial institutions		P	P	P	P		
Garden centers / nurseries				P	P		7.23
Health fitness centers / athletic clubs		S	P	P	P		
Lodging	P	S	P	P	P	P	7.20
Mortuary / Crematorium				P	P		
Funeral Home			P	P	P		
Open air businesses, as a principal use				S	S	S	7.35
Plant Material Nurseries and Greenhouses				P	P		7.23
Open air businesses, subordinate to principal use	S	S	S	S	S		7.35
Personal services	P	P	P	P	P		
Pet Grooming/Sales	S	S	S	S	S		
Pharmacies		P	P	P	P		
Private Clubs, Fraternal Organizations and Lodge Halls	S	S	P	P	P	P	
Restaurants, drive-in	S			S	S		7.13
Restaurants, fast food	P	P	P	P	P		
Restaurants, standard	P	P	P	P	P	P	
Retail, large-scale				P	P		
Retail, general	P	P	P	P	P	P	
Restaurants, Outdoor Seating	P	P	P	P	P	P	7.22
Retail, wholesale			S	S	S		
Shopping centers				P	P		
Tattoos/Body Piercing	S	S	S	S	S		

Table 4.20 Commercial District Use Table

Use Category	Commercial Districts						Specific Use Standard (Article, Section)
	T-1	B-1	B-2	B-3	B-4	WM	
Theatres and places of assembly		S	P	P	P		
Wireless Communication Facilities	P	P	P	P	P	P	
Office							
Business services	P	P	P	P	P		
Medical Clinics				P	P		
Medical laboratories				P	P		
Offices, general	S	S	S	P	P		
Professional and medical offices	S			P	S		
Veterinary clinics or hospitals	S			S	S		
Industrial							
Engine and hull repair / boat fueling stations					P	S	7.17
Central dry cleaning / laundry plants				S	S		
Data processing and computing centers			P	P	P		
Lumber yards				P	P		
Printing and publishing				P	P		
Self-storage facilities				S	S		
Automotive/Transportation							
Vehicle fueling/multi-use stations	S			P	P		7.05
Boat Fueling						S	
Boat Rental						S	
Boat Sale						S	
Boat Repair						S	

Table 4.20 Commercial District Use Table

Use Category	Commercial Districts						Specific Use Standard (Article, Section)
	T-1	B-1	B-2	B-3	B-4	WM	
Vehicle rental	P	P	P	P	P	P	
Vehicle repair stations	S	S	S	P	P	S	7.06
Vehicle washes	S	S	S	P	P	S	7.04
New Vehicle, recreational vehicle sales				P	P		7.21
Used Vehicle, recreational vehicle sales when not in conjunction with new vehicle facility				P	P		7.21

Table 4.20 Industrial and Office District Use Table

Use Category	Industrial and Office Districts			Specific Use Standard (Article, Section)
	O-I	I-1	I-2	
Residential				
Dwellings, Multiple-family (on upper floors only in a mixed use building)	P			7.30
Live / work units	P	P		7.30
Recreation				
Noncommercial parks, and recreational facilities	P			7.24
Commercial Recreational Facility	S	S	S	7.08
Public Arenas, Stadiums, and Skating Rinks		S	S	
Institutional / Cultural				
Cemeteries		S		7.33
Day care centers and Preschools	P			7.12
Fine and performing arts facilities	P			
Hospitals	S			7.15
Places of worship	S			7.10
Post-secondary schools (technical, colleges, business schools)	S	S		7.07
Publicly owned/operated office and service facilities	P	P	P	
Transportation Terminals		P	P	
Utility and Public Service Buildings and facilities	S	P	P	
Wind Energy Conservation Systems	S	S	S	7.27
Retail, Entertainment, and Service				
Adult Use Businesses			S	7.03
Building material sale		P	P	
Business service and repair	P	P	P	
Commercial kennels / pet day care		S	S	
Conference, meeting, and	P			

Table 4.20 Industrial and Office District Use Table

Use Category	Industrial and Office Districts			Specific Use Standard (Article, Section)
	O-I	I-1	I-2	
banquet facilities				
Dance, martial arts, music, and art studios	P	S	S	
Drive-up / Drive-through facilities	S			10.02E
Dry cleaners and laundry	S			
Durable Medical Supplies	S			
Financial institutions	P			
Garden centers / nurseries		S		
Health fitness centers / athletic clubs	S	S		
Mortuary / Crematorium		S		
Funeral Home	S			
Open air businesses, as a principal use		S	P	
Open air businesses, subordinate to principal use		P	P	
Personal services	P			
Pharmacies	P			
Private Clubs, Fraternal Organizations and Lodge Halls	P			
Restaurants, fast food		S	S	
Restaurants, standard		S	S	
Retail, wholesale	S	P	P	
Office				
Business services	P	P	P	
Medical Clinics	P			
Medical laboratories	P			
Offices, general	P			
Professional and medical offices	P			
Veterinary clinics or hospitals	P	S		
Industrial				

Table 4.20 Industrial and Office District Use Table

Use Category	Industrial and Office Districts			Specific Use Standard (Article, Section)
	O-I	I-1	I-2	
Research Oriented and light industrial park uses		P	P	
Light manufacturing		P	P	
Basic research, design and pilot or experimental product development		P	P	
Central dry cleaning / laundry plants		P	P	
Concrete / asphalt plants		S	P	
Contractor Storage Yards		P	P	7.11
Data processing and computing centers	P	P	P	
Engine and Hull Repair		P	P	7.14
Food processing		P	P	
Lumber yards		P	P	
Manufacturing and assembly		P	P	
Material distribution facilities		S	P	7.28
Materials recovery and Waste Collection and Transfer Facility		S	P	7.19
Extractive operations			P	
Outdoor storage			P	
Printing and publishing	P	P	P	
Product research development and testing		P	P	
Self-storage facilities		P	P	
Storage of flammable liquids or gases, above or below ground			S	
Tool and die / plating shops		P	P	
Trade contractors, and home service and repair		P	P	7.11
Truck terminal facilities		S	P	
Warehouse establishments		P	P	7.28
Wireless Communication Facilities	P	P	P	7.29
Automotive/Transportation				
Vehicle repair stations		P	P	7.06

Table 4.20 Industrial and Office District Use Table

Use Category	Industrial and Office Districts			Specific Use Standard (Article, Section)
	O-I	I-1	I-2	
Vehicle impound lot		P	P	
New Vehicle, recreational vehicle sales		S		7.21
Used Vehicle, recreational vehicle sales when not in conjunction with new vehicle facility		S		7.21

Article 5 – Planned Districts and Special Development Regulations

SECTION 5.01

PLANNED UNIT DEVELOPMENT

- A. Established. A district known as the Planned Unit Development District, also referred to as the PUD District, is established.
- B. Purpose. The purpose of the planned unit development is to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, achieve economy in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities.
- C. Where Permitted. A PUD may be applied for in any zoning district. Approval of a PUD application shall be a three (3) step process. The first step shall be a pre-application conference set forth in [Section 5.01 E. 1](#). The second step shall be a preliminary review as set forth in [Section 5.01 E.2](#). The final step as set forth in [Section 5.01 E.7.](#), shall include a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the City Council.
- D. Approval standards. Based upon the standards set forth in this subsection, the Planning Commission may recommend denial, approval or approval with conditions, and the City Council may deny, approve or approve with conditions a proposed planned unit development. In making such a decision, the Planning Commission and the City Council shall rely upon the following standards:
1. The uses proposed within the planned unit development will have a beneficial effect, in terms of public health, safety, welfare or convenience, on present and future potential land uses. The uses shall not adversely affect, in a material manner, the public utility and circulation system, surrounding properties or the environment.
 2. Off-street parking within the planned unit development shall be sufficient to meet the minimum parking required by Article 10.; however, if it is deemed necessary in order to achieve the purposes set forth in subsection B., the City Council may require more or less parking than that required by such sections.
 3. All streets and parking areas within the planned unit development shall meet the minimum requirements set forth in city ordinances, unless modified by the City Council to achieve the purposes set forth in subsection B.

4. Landscaping or screening shall be provided, if necessary, within the planned unit development in order to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.
 5. Effort shall be made to ensure the preservation of natural and architectural features, trees, hedge rows and wood lots within the planned unit development.
 6. The site for the planned unit development shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material.
 7. Public water, sewer, and electrical facilities shall be available within the planned unit development or shall be provided by the developer as part of the site development.
 8. The proposed density, setbacks and heights of the planned unit development shall be no different than the density, setbacks and heights which would be required for each of the components uses of the development. However, if it is deemed necessary in order to achieve the purposes set forth in subsection B., the City Council may require greater or lesser density, setbacks or heights within such planned unit development than those required by this section.
 9. Traffic and accessory conditions regulations shall be as follows:
 - a. Safe, convenient, uncongested and well-defined vehicular and pedestrian circulation within and to the Planned Unit Development District shall be provided.
 - b. Drives and streets shall not be laid out so as to encourage outside traffic to traverse the planned unit development, or to create unnecessary fragmentation of the development into small blocks.
 - c. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.
 10. All buildings shall conform to the City, County and State ordinances and laws.
 11. The planned unit development shall comply with current ordinances and regulations relative to storm water flow.
- E. Application and Processing Procedures. The granting of a PUD application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

1. Pre-Application Conference. Prior to submission of an application for PUD, the applicant shall meet with the Zoning Administrator, and such consultants or staff as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the PUD, and the following information:
 - a. A legal description of the property in question.
 - b. The total number of acres to be included in the project.
 - c. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - d. The approximate number of acres to be occupied and/or devoted to or by each type of use.
 - e. Departures from the regulations of the Ordinance which may be requested.
 - f. The number of acres to be preserved as open space or recreation space.
 - g. All known natural resources and natural features.

The applicant shall present the sketch plan or a modified sketch plan to the Planning Commission for informational purposes. This shall be done prior to submitting the preliminary PUD plan.

2. Preliminary PUD Plan Application – Submission and Content. Following the above conference or conferences, copies of the application for preliminary PUD plan shall be submitted. The submission shall be made to the City Clerk for distribution to the Zoning Administrator and applicable reviewing parties and agencies. The plan shall be accompanied by an application form and fee as determined by the City Council. The preliminary PUD plan shall contain the following information unless specifically waived by the Zoning Administrator:
 - a. Date, north arrow, and scale which shall not be more than 1"=100'.
 - b. Locational sketch of site in relation to surrounding area.
 - c. Legal description of property including common street address and tax identification number.
 - d. Size of parcel.
 - e. All lot or property lines with dimensions.
 - f. General location of all buildings within one hundred (100) feet of the property lines.
 - g. General location and size of all existing structures on the site.

- h. General location and size of all proposed structures on the site.
 - i. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
 - j. General size and location of all areas devoted to green space.
 - k. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - l. All areas within the 100-year floodplain, wetland areas or bodies of water.
 - m. Existing topographical contours at a minimum of two (2)-foot intervals and/or spot elevations which illustrate drainage patterns.
 - n. A narrative describing:
 - i. The nature of the project, projected phases and timetable.
 - ii. The proposed density, number, and types of dwelling units, if a residential PUD.
 - iii. A statement describing how the proposed project meets the objectives of the PUD.
 - iv. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - v. Proof of ownership or legal interest in property.
 - o. All information required in [Section 8.02 C](#).
3. Public Hearing – Planning Commission. Prior to setting the public hearing, the applicant shall submit all required and requested information to the City. The Planning Commission will hold a public hearing and provide for notice in accordance with [Section 3.12](#).
4. Planning Commission Review and Recommendation – Preliminary PUD Plan. The Planning Commission shall review the preliminary PUD plan according to the provisions of this Article. Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:
- a. Approval of the preliminary PUD plan will result in a recognizable and

substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

- b. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - c. The proposed development shall be compatible with the Master Plan of the City and shall be consistent with the intent and spirit of this Article.
 - d. The PUD shall not change the essential character of the surrounding area.
 - e. The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator.
5. City Council Review and Determination – Preliminary PUD Plan. After receiving the recommendation of the Planning Commission and considering the comments from the public hearing conducted by the Planning Commission, the City Council shall approve, approve with conditions, or deny the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.
6. Effect of Approval – Preliminary PUD Plan. Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute a final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void.
7. Contents of the Final PUD Plan. Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the Zoning Administrator. The plan shall be accompanied by an application form and fee as determined by the City Council. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the Planning Commission in review of the preliminary PUD plan:
- a. Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 - b. Proposed grading plan.

- c. Proposed landscaping including type, number and size of trees and shrubs.
 - d. Location of signs and exterior lighting.
 - e. Location of sidewalk, foot paths, or other pedestrian walkways.
 - f. Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
 - g. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
 - h. Proposed phases of project and projected timetable.
 - i. All information contained in [Section 8.02 C](#).
8. Planning Commission Review and Recommendation – Final PUD Plan and Rezoning. After receiving approval of the preliminary PUD plan from the City Council, the Planning Commission shall review the final PUD plan and rezoning application and shall recommend to the City Council either approval, approval with conditions or denial. In making its recommendation, the Planning commission shall find that the proposed PUD still meets the intent of the PUD district and standards outlined in subsection H.
9. City Council Review and Determination – Final PUD Plan and Rezoning. After receiving the recommendation of the Planning Commission and considering the comments of the Planning Commission, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
10. Effect of Approval – Final PUD Plan and Rezoning. The final PUD plan, the narrative, and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with the zoning amendment to PUD. The applicant shall record an affidavit with the Cheboygan County Register of Deeds, which shall contain the following:
- 1. Date of approval of the final PUD plan by the City Council.
 - 2. Legal description of the property.
 - 3. Legal description of the required green space along with a plan stating how this green space is to be maintained.
 - 4. A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the City Council or Planning Commission unless an amendment thereto is duly approved by

the City upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

F. Conditions.

1. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserving natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
2. Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.
3. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the City Council and the landowner. The City shall maintain a record of conditions that are changed.

G. Phasing and Commencement of Construction.

1. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the City Council after recommendation from the Planning Commission.
2. Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension

for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and if the property remain classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

H. Modifications to an Approved PUD Plan.

1. Minor Modifications. Minor changes to a final PUD plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other City regulations or State law. Minor changes include all matters that were approved by the Planning Commission in the final PUD plan that were not part of the preliminary PUD plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided they are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five percent (5%) of the gross floor area, whichever is smaller. Reduction in project scope shall also be considered a minor change.
2. Major Modification. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include, but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

SECTION 5.02

RESIDENTIAL OPEN SPACE PLAN

- A. The intent of this section is to permit one-family, residential subdivisions to be planned as a comprehensive unit and to allow therefor certain modifications to the standards as outlined in the Schedule of Regulations to be made in R-1 One-Family Residential Districts when the following conditions are met:
1. The lot area in all R-1 One-Family Residential Districts may be reduced to an average of 6,000 square feet per lot provided that the population density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required under R-1 Districts. In accomplishing the lot reduction, no lot width shall be reduced by more than ten feet. All calculations shall be predicated upon these One-Family Districts having the following number of dwelling units per acre (including roads): R-1 equal 4.5 dwelling units per acre.
 - a. Lot depths may be reduced to not less than 100 feet when such lots border on land dedicated to the common use of the subdivision.

- b. Minimum yard setbacks as indicated in this subchapter shall be provided except where rear lot lines border on land dedicated to the common use of the subdivision, such rear yards may be reduced to 25 feet.
 - 2. For each square foot of land gained under the provision of subsection A.1. of this section, within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in [Section 4.06 D.](#), equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision or to the city in the manner approved by the Planning Commission.
 - a. The area to be dedicated for the common use of the subdivision shall in no instance be less than two acres and shall be in a location and shape approved by the Planning Commission. A parcel divided by a stream shall be considered one parcel. The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage.
 - b. Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian access-ways.
- B. In approving the application of the Residential Open Space Plan, the Planning Commission shall consider the following objectives:
- 1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets;
 - 2. To encourage developers to use a more creative approach in the development of residential areas;
 - 3. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
 - 4. To encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- C. Under this Residential Open Space Plan approach, the developer or subdivider shall dedicate the total park area (see subsection A.2.) at the time of filing of the final plat on all or any portion of the plat.
- D. Application for approval of a Subdivision Open Space Plan shall be submitted at the time of submission of the preliminary plat as required by the Land Division Act.

SECTION 5.03

CONDOMINIUM PROJECT REGULATIONS

- A. Intent. The intent of this Section is to regulate condominium projects to ensure compliance with this Ordinance and other applicable standards of the City, to provide procedures and standards for review and approval or disapproval of such developments, and to insure that each project will be consistent and compatible with other developments in the community.
- B. General Standards. The following regulations shall apply to all condominium projects regardless of the zoning district in which they are located.
1. All condominium projects shall comply with the use, area, setback, and other applicable requirements of the zoning district in which the project is located.
 2. In the case of a site condominium project, each condominium lot shall be considered equivalent to a single lot as defined by this Ordinance, and shall meet all the minimum use, area, setback, and other applicable requirements of the zoning district in which the project is located.
 3. The area within public or private street rights-of-ways shall not be included in the computation of minimum lot area.
 4. Yard requirements shall be measured from the boundaries of the condominium lot.
 5. Each condominium unit shall be separately connected to the City water supply system and sanitary sewer system.
 6. The substantive requirements for streets, sidewalks, utilities, storm drainage and layout and design shall meet all applicable City engineering standards.
- C. Site Plan Review and Approval Procedure. The review and approval of plans for a condominium project shall comply with the standards and procedures set forth in Article 8, Site Plan Review and the following additional requirements:
1. The Site Plan shall include the street pattern and fully dimensioned residential parcel layout, including proposed building configurations. A preliminary sanitary sewer, storm sewer, and water main layout shall also be submitted.
 2. Site Plan approval shall mean that the condominium project and site plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, approval assures the applicant that the project and site plan will receive final approval if all applicable Ordinances are met.
- D. Final Site Plans and Condominium Document Approval
1. Final Site Plans shall indicate the corners of all proposed residential parcels, and such other points as may be necessary to determine that the potential parcel and building configurations will conform with applicable Ordinance requirements. Final Plans shall be accompanied by the following materials or information:

- a. Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Standards and [Section 8.03](#).
 - b. Floor Plans and Elevations of the proposed residential units, if applicable.
 - c. Proposed Master Deed and Bylaws shall be reviewed and approved by the City Attorney prior to approval of the final site plan.
 - d. Warranty Deeds and Easement documents, in recordable form, for all rights-of-way and easements which are to be conveyed to the City in conjunction with implementation of the proposed Final Plan.
2. A Land Use permit shall be issued upon completion of all of the following:
- a. Three (3) copies of complete engineering plans and specifications for sanitary sewers submitted for review and approval. Upon approval, a City construction permit will be issued.
 - b. Three (3) copies of complete engineering plans and specifications for water mains and service lines submitted for review and approval. Upon approval, a City construction permit will be issued.
 - c. Three (3) copies of complete engineering plans and specifications for streets, roads, sidewalks if applicable and related items submitted for review and approval. Upon approval, a City construction permit will be issued.
 - d. Three (3) copies of complete engineering plans and specifications for storm water drainage systems submitted for review and approval. Upon approval, a City construction permit will be issued.
 - e. Developer shall pay permit fees for each item a. through d. as established by City Council
 - f. All condominium developments which propose to utilize public sanitary sewers, public water systems and public storm sewers shall comply with the provisions of Article 8, Site Plan Review.
 - g. All condominium developments which propose to construct streets and roads to be transferred to City jurisdiction shall comply with the provisions of Article 8, Site Plan Review.
3. Any and all Building Permits for structures in the condominium are issued by the County Building Department.
- E. All condominium developments which propose to utilize public sanitary sewers, public water systems and public storm sewers shall comply with the provisions of Article 8, Site Plan Review.

- F. All condominium developments which propose to construct streets and roads to be transferred to City jurisdiction shall comply with the provisions of Article 8, Site Plan Review.

SECTION 5.04 **PLANNED REUSE OVERLAY**

- A. Intent. The City recognizes that there are certain buildings located within the City that may not be able to be reasonably used in accordance with the restrictions of the zoning district in which they are located. The City intends to encourage the retention and productive reuse of structures that will promote economic development and employment, prevent blight, and improve environmental quality and remediate degraded properties. To that end, the Planned Reuse Overlay is designed and intended to maintain and improve certain buildings by permitting uses and property improvements, which are compatible with neighboring properties.
- B. Applicability.
1. A petitioner may apply for designation as a Planned Reuse Overlay in any Zoning District as a use permitted subject to special approval. The petition shall include in the application, a statement illustrating how the standards set forth in [Section 5.04.C](#) are met.
 2. The Planned Reuse Overlay shall apply solely to buildings which have been used for purposes other than single-family dwellings.
 3. The Planned Reuse Overlay shall apply to buildings which cannot easily be reconstructed, rearranged or otherwise modified to comply with the existing zoning district regulations without variances, vacating right-of-way, purchasing adjacent property, or removing portions of the existing building.
 4. The original use of the building no longer functions in the current environment or would create negative secondary impacts to the surrounding neighborhood if abandoned.
- C. Standards for Approval. In considering any petition for approval to establish a Planned Reuse Overlay, the Planning Commission and City Council shall consider the following standards:
1. Granting approval of the Planned Reuse Overlay will have a beneficial effect on public health, safety and welfare.
 2. The existing layout or configurations of the building(s) are not suited to the uses otherwise permitted in the zoning district in which the building is located.
 3. The petitioner has made reasonable efforts to use the building as a permitted use or use subject to special conditions in the zoning district in which the building is

located.

4. Granting approval of the Planned Reuse Overlay will contribute to the preservation of otherwise useful building(s) stabilize and improving property values, and contribute to the improvement of the surrounding area.
5. The proposed use will not create an unreasonable burden to public services and utilities.
6. Granting approval of Planned Reuse Overlay will be compatible with the neighboring uses, will not alter the essential character of the area, and will advance the Goals and Objectives of the Master Plan.

D. Uses Permitted, Subject to Review and Approval. The petitioner shall provide a specification of uses which conform to the uses identified in this section. A petitioner may voluntarily offer a restriction or use that is more limited than the uses identified in [Section 5.04.B.](#) Based upon a recommendation from the Planning Commission and approval by City Council. The following uses may be approved:

1. Any principal use permitted in the R-M Multiple-Family District.
2. Any principal use permitted in the T-1 Tourist Services District, B-1 Local Business District, B-2 Central Business District, B-3 General Business District and B-4 General Commercial Districts.
3. Any principal use permitted and use permitted subject to special conditions in the O-1 Office Building District.
4. Any principal use permitted in the I-1 District.

E. Procedural Requirements. Before submitting an application, the applicant shall meet with the Zoning Administrator to review the proposed project, the City of Cheboygan Code of Ordinances, and the Master Plan. Upon receipt of a Planned Reuse Overlay application and site plan in accordance with Article 8, the Zoning Administrator shall transmit the application and plan to the Planning Commission. The Planning Commission shall review the plan at its next regularly scheduled meeting. The Planning Commission may elect to postpone a decision of the plan until its next scheduled meeting if the owner or authorized agent fails to be present or the plan is determined to be incomplete. Should the Planning Commission postpone a decision due to a determination that the plan is incomplete, the Planning Commission shall make a recommendation to the City Council relative to the plan at their next regularly scheduled meeting. If the Planning Commission makes a report of the site plan and application, such report shall be taken into consideration by the City Council in determining whether the proposed Planned Reuse Overlay shall be authorized. The City Council shall hold a public hearing in accordance with [Section 3.12.](#)

- F. Required Conditions. All activities and uses approved as a Planned Reuse Overlay shall comply with the following conditions:
1. The proposed density, setbacks, and heights within the Planned Reuse Overlay shall comply with the underlying zoning district. However, if it is deemed necessary in order to achieve the intent set forth in Section 5.01 E., the City Council may require greater or lesser density, setbacks or heights within such Planned Reuse Overlay than those required in the underlying zoning district.
 2. Off-street parking within the Planned Reuse Overlay shall be sufficient to meet the minimum parking required by [Section 10.01](#); however, if it is deemed necessary in order to achieve the purposes set forth in this section, the City Council may require more or less parking than that required by such sections.
 3. Landscaping or screening shall be provided, if necessary, within the Planned Reuse Overlay in order to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.
- G. Time for Completion of Development. Within eighteen (18) months of the approval of an application and site plan for a proposed Planned Reuse Overlay, or for a phase of such development, all proposed buildings, parking spaces, landscaping, useable open spaces, and amenities included in the site plan shall be started or the Planned Reuse Overlay shall be come null and void. Work shall be continued in a reasonably diligent manner and completed within three (3) years of the approval by the City Council. Such eighteen (18) month and three (3) year periods may be extended if applied for by the applicant and granted by the City Council in writing following a public notice and public hearing. Failure on the part of the owner to secure the applicable written extension shall result in a stoppage of all construction.
- H. Consequences of Approval. After approval of a Planned Reuse Overlay, the parcel to which it pertains shall be developed and used in its entirety only as authorized and described in the resolution approving the Planned Reuse Overlay.
- I. Changes. Minor changes to a previously approved Planned Reuse Overlay site plan may be approved without the necessity of action by the Planning Commission or the City Council if the Zoning Administrator certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the site plan as approved by the City Council. Any changes or alterations, other than minor changes as set forth in this section, may be made only by following the same procedures as required for the adoption of a Planned Reuse Overlay in the first instance.

SECTION 5.05

COMMERCIAL PORT OVERLAY DISTRICT

- A. Intent. The creation of a Commercial Port Overlay District is primarily to enable water-dependent, commercial shipping for oversize, project, bulk, and break-bulk cargo. The Commercial Port Overlay District is intended to promote a mix of port facilities, support

facilities, and compatible uses that enhance the economic base of the City. The use of an overlay district shall allow flexibility in development, as well as enhanced functional relationships among existing uses.

B. Applicability.

1. The Commercial Port Overlay District may be applied for in the area illustrated as the Commercial Port Overlay District in the City of Cheboygan Land Use Plan.
2. All developments within the Commercial Port Overlay District shall be submitted for approval in accordance with the standards and procedures set forth in this section.
3. The standards and requirements of this section are in addition to and supplement all other regulations under this Ordinance, which remain applicable to the extent that they do not expressly conflict with the provisions of this section.

C. Standards for approval. In considering any petition for approval to establish a development in the Commercial Port Overlay District, the Planning Commission, Port Commission and City Council shall consider the following standards:

1. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.
2. The uses proposed should be consistent with the Master Land Use Plan adopted by the City.
3. The amount of open space provided is compatible with and meets the requirements of this ordinance, which the Planning Commission or City Council may modify, even though such modifications do not conform to that required in other sections of this ordinance.
4. The design provides for the protection or enhancement of significant natural, historical, or architectural features within the proposed development area.
5. The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.
6. The land uses presented shall provide a mix of uses to perpetuate an economically viable, mixed use port.
7. The project shall demonstrate adequate support services for all activities.

D. Uses Permitted, Subject to Review and Approval. Based upon a recommendation from the Planning Commission and approval by City Council, the uses set forth herein may be

approved. Prior to making a recommendation to Council, the Planning Commission shall transmit the application to the Port Commission for their review and recommendation. A petitioner may voluntarily offer a restriction or use that is more limited than the uses identified in this Section.

1. Docks, wharves, piers or transit sheds or related facilities used in connection with the transfer, handling, storage and transit and incidental processing of cargo from or to waterborne craft
2. Marine cargo handling; loading, unloading, and dock worker facilities
3. Marine terminal uses, including intermodal facilities, including dry bulk transfer, truck scales, liquid holding, and transfer, break-bulk oversize, and rolling .
4. Towing and tugboat services for commercial freight water vessels
5. Barge mooring, and servicing
6. Marine maintenance and inspection facilities
7. Waste and Bilge transfer facilities
8. Palletizing, devanning, container stripping, and packing operations associated with maritime shipping and transport
9. Port Communication/Terminal Operations
10. Offices associated with port facilities and functions
11. Parking
12. Fuel docks
13. Any use with the outside storage of aggregate, limestone, coal, slag, salt, sand, stone, wood pellets, grain or other bulk materials shipped by commercial watercraft vessels and/or barges
14. Grain elevators
15. Bulk and warehouse storage of goods shipped by commercial maritime vessels
16. Commercial engine and hull repair
17. Marine dredging contractors or other dredging facilities
18. Marine dock, breakwater, harbor construction and repair contracting

19. Cruise ship or ferry terminals
 20. Any use currently permitted or permitted by special condition in the underlying zoning district
- E. Procedural Requirements. Before submitting an application, the applicant shall meet with the Zoning Administrator and Port Commission to review the proposed project, the City of Cheboygan Code of Ordinances, and the Master Land Use Plan. Upon receipt of a Commercial Port Overlay District application and site plan in accordance with Article 8, Site Plan Review, the Zoning Administrator shall transmit the application and plan to the Planning Commission. The Planning Commission shall review the plan at its next regularly scheduled meeting. The Planning Commission may elect to postpone a decision of the plan until its next scheduled meeting if the owner or authorized agent fails to be present or the plan is determined to be incomplete. Should the Planning Commission postpone a decision due to a determination that the plan is incomplete, the Planning Commission shall make a recommendation to the City Council relative to the plan at their next regularly scheduled meeting. If the Planning Commission makes a report of the site plan and application, such report shall be taken into consideration by the City Council in determining whether the proposed Commercial Port Overlay District development shall be authorized. The City Council shall hold a public hearing in accordance with [Section 3.12](#).
- F. Required Conditions. All activities and uses approved in the Commercial Port Overlay District shall comply with the following conditions:
1. The proposed density, setbacks, and heights within the Commercial Port Overlay District shall comply with the underlying zoning district. However, if it is deemed necessary in order to achieve the intent set forth in this section, the City Council may require greater or lesser density, setbacks, or heights within such Commercial Port Overlay District than those required in the underlying zoning district.
 2. Off-street parking within the Commercial Port Overlay District shall be sufficient to meet the minimum parking required by Article 10; however, if it is deemed necessary in order to achieve the purposes set forth in this section, the City Council may require more or less parking than that required by such sections.
 3. Landscaping or screening shall be provided, if necessary, within the Commercial Port Overlay District in order to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.
 4. Stockpiles of salt, agricultural lime, and other industrial and chemical materials must be covered, sufficiently isolated and stored on impervious surface to prevent contamination of surface water, ground water and soils.

5. Aggregate salt, lime, or soil stockpiling areas shall not occupy more than fifty (50%) percent of the site or district.
- G. Time for Completion of Development. Within eighteen (18) months of the approval of an application and site plan for a proposed Commercial Port Overlay District development, or for a phase of such development, all proposed buildings, parking spaces, landscaping, useable open spaces, and amenities included in the site plan shall be started or the Commercial Port Overlay District development shall become null and void. Work shall be continued in a reasonably diligent manner and completed within three (3) years of the approval by the City Council. Such eighteen (18) month and three (3) year periods may be extended if applied for by the applicant and granted by the City council in writing following a public notice and public hearing. Failure on the part of the owner to secure the applicable written extension shall result in a stoppage of all construction.
 - H. Consequences of Approval. After approval of a Commercial Port Overlay District development, the parcel to which it pertains shall be developed and used in its entirety only as authorized and described in the resolution approving the Commercial Port Overlay District development.
 - I. Changes. Minor changes to a previously approved Commercial Port Overlay District site plan may be approved without the necessity of action by the Planning Commission or the City Council if the Zoning Administrator certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the site plan as approved by the City Council. Any changes or alterations, other than minor changes as set forth herein, may be made only by following the same procedures as required for the adoption of a Commercial Port Overlay District development in the first instance.

Article 6 – General Provisions

SECTION 6.01 INTENT

The intent of this Article is to provide for those regulations that generally apply regardless of the particular zoning district and to those conditional uses that may be permitted in certain zoning districts.

SECTION 6.02 ACCESS THROUGH YARDS

Access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving the like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this Article not be considered to be a structure, and shall be permitted in any required yard.

SECTION 6.03 ACCESSORY BUILDINGS

Accessory buildings except as otherwise permitted in this article, shall require a land use permit and be subject to the following regulations:

A. General Requirements.

1. No accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building.
2. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this Ordinance.
3. Accessory buildings, structures, and uses shall be supplemental or subordinate to the principal building on a parcel of land, and shall be on the same parcel of land as the principal building, structure, or use they serve.
4. Construction, erection, installation, or placement of accessory buildings or structures shall be in accordance with the requirements of the applicable Building Code. Permits shall be required for buildings greater than one hundred twenty (120) square feet in area and/or greater than ten (10) feet in height.
5. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.

B. Residential.

1. In any residential District, accessory buildings shall not be erected in any required yard, except a rear yard.

2. In any residential District, an accessory building may occupy not more than 25% of a required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
 3. In any residential District no detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than three feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
 4. No detached accessory building in a Residential District shall exceed one story in height or a maximum side wall height of 14 feet.
 5. When an accessory building is located on a corner lot, the exterior side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of the lot to its rear, the building shall not project beyond the side yard line of the lot in the rear of such corner lot. An accessory building shall in no case be located nearer than ten feet to a street right-of-way.
- C. Non-Residential Districts. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which they are located.

SECTION 6.04 CORNER CLEARANCE

No fence, wall shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

SECTION 6.05 ESSENTIAL SERVICES

It is the intent of the Ordinance to regulate essential services and property owned, leased, or operated by public agencies, including local, state, federal, or any other public or governmental body or agency, as follows:

- A. Essential services shall be permitted in any district.
- B. Buildings constructed in conjunction with an essential service shall require site plan approval in accordance with the requirements set forth in Article 8, Site Plan Review.
- C. Property owned, leased, or operated by the state or the United States shall be exempted from the provisions of this Article, only to the extent that said property may not be constitutionally regulated by the City.

SECTION 6.06 GENERAL EXCEPTIONS

- A. Application of Provisions. The regulations in this Article shall be subject to the interpretations and exceptions as to area, height and use contained in this section.
- B. Height Limit. The height limitations of this Article shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless communication towers; provided however that the Zoning Board of Appeals may specify a height limit for any such structure when such structure required authorization as a use permitted on special approval.
- C. Lots Adjoining Alleys. In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Article, one-half of the width of such alley abutting the lot shall be considered as part of such lot.
- D. Lot Area. Any lot existing and of record at the time this Ordinance takes effect may be used for any principal use, other than uses permitted on special approval for which special lot area requirements are specified in this Article, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance; provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.
- E. Lot Coverage. Structures four feet in height or less shall not be considered in computing maximum percent of lot coverage.
- F. Multiple-Family Dwelling Side Yard. For the purpose of side yard regulations, a two-family, a terrace, a row house, or a multiple-dwelling shall be considered as one building occupying one lot.
- G. Projection into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than three inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet. Architectural features shall not include those details which are normally demountable.
- H. Terrace. An open unenclosed paved terrace may project into a front yard for a distance not exceeding ten feet, but this shall not include or permit fixed canopies.
- I. Voting Place. The provisions of this Article shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- J. Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the Multiple-Family District, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site

arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

SECTION 6.07 HOME OCCUPATION

- A. A home occupation must be clearly incidental and secondary to the primary use of a dwelling purpose.
- B. A home occupation shall not change the character or appearance of the structure or the premises, or have any other visible evidence of the conduct of a home occupation. There shall be no external alterations that are not customary in residential areas or structures.
- C. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like that are involved in or resulting from such home occupation.
- D. A home occupation shall be conducted within the dwelling unit or within an accessory building. There shall be no outside display of any kind, or any other external or visible evidence of the conduct of a home occupation.
- E. There shall be no vehicular traffic permitted for the home occupation, other than what is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.
- F. Signs shall comply with Article 12.
- G. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- H. The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

SECTION 6.08 TEMPORARY BUILDINGS, STRUCTURES AND USES

- A. Intent. Certain temporary buildings, structure, or uses of limited duration shall be permitted, subject to the standards set forth in this Section. Temporary buildings, structures, uses, shall not involve the construction or alteration of any permanent building or structure, and are discontinued and removed upon expiration of an approved time period. The Zoning Administrator may issue a permit for temporary structures and uses based upon receipt of an application, plot plan, compliance with permit requirements of this Section, and a permit fee as applicable.
- B. Application Requirements and Standards for Review.
 - 1. Application. An application for approval of any temporary use, building, or

structure shall be filed with the Zoning Administrator. The request shall include at a minimum, the following information:

- a. The name, address, and telephone number of the applicant.
- b. The location of the property.
- c. A complete explanation of the proposed temporary use, building, or structure.
- d. A site plan in sufficient detail to determine the applicable standards of this Section are met.
- e. Any other information requested by the Zoning Administrator and deemed necessary to make the necessary findings for approval.

2. Application Approval.

- a. The Zoning Administrator may refer the application to any city department for review and comment.
- b. The Zoning Administrator may approve, approve with conditions, or deny a temporary building, structure, or use based upon review of the items required pursuant to the requirements of this Section.
- c. Conditions for approval of the temporary building, structure, or use may include a time limit for the expiration of the temporary use, building, or structure permit, and may require the posting of a performance bond or insurance to ensure prompt termination and removal of the use, building, or structure, and clean-up.

3. General Standards. In the review of temporary uses, structures, or events, the Zoning Administrator shall find the following requirements satisfied:

- a. The proposed temporary activity shall be compatible with and shall not adversely affect nearby residential neighborhoods;
- b. There shall be no permanent alterations to a structure or the site.
- c. There shall be no temporary signs associated with the use or structure after the activity ends;
- d. The proposed temporary activity shall be compatible with and shall not interfere with the normal operations of any permanent use located on the property; and

- e. There shall be sufficient area to allow the temporary use, structure, or special event to occur as well as area to accommodate the parking and traffic movement associated with the temporary use.

C. Temporary Construction Buildings, Structures, and Uses. Temporary buildings, structures, and uses related to construction, including construction trailers, trash containers, storage containers, and portable toilets are permitted, subject to the following requirements:

1. Temporary construction buildings, structures, and uses shall be clearly incidental to and necessary for construction which has received all necessary building and/or applicable permits.
2. Temporary constructions buildings, structures, and uses shall be removed within fifteen (15) days of issuance of a certificate of occupancy for the primary building.

D. Temporary Sales Offices or Model Homes. Temporary sales offices are permitted, subject to the following:

1. Maximum Duration. A temporary sales office or model home shall be incidental to and necessary for the sale or rental of real property in a new subdivision or housing project.
2. The temporary office or model home shall be removed when ninety percent (90%) of the lots or units have been sold or leased.

E. Temporary Dwellings. Temporary dwellings are permitted, subject to the following requirements:

1. A temporary dwelling shall be permitted only when a principal dwelling has been destroyed or rendered uninhabitable by fire, flood, wind, or other natural disaster, and the dwelling is being either reconstructed or a new structure built.
2. The Zoning Administrator shall not issue a permit for a temporary dwelling until a building permit has been issued for the reconstruction or new construction of a permanent replacement dwelling on the subject property.
3. The type and condition of the temporary dwelling is permitted under applicable building or housing code requirements.
4. The Zoning Administrator shall approve the location of a temporary dwelling which shall meet setback requirements for the district.
5. A temporary dwelling shall be for one (1) year or less. An extension of up to three (3) months may be granted by the Zoning Administrator, provided the extension is needed due to circumstances beyond the immediate control of the applicant.

F. Temporary Storage in a Portable Commercial Shipping Container. Temporary storage in a portable commercial shipping container shall be permitted to serve an existing use, subject to the following requirements:

1. The container shall be located no closer than ten (10) feet from any lot line or structure.
2. The container will not impede ingress, egress, or emergency access.
3. Such temporary storage shall not exceed four (4), seven (7) day periods within a twelve (12) month period.

G. Temporary Portable Residential Storage Containers. Temporary portable residential storage containers shall be permitted to serve an existing single-family dwelling, subject to the following requirements:

1. The maximum allowable size is one hundred fifty (150) square feet with an overall length not to exceed sixteen (16) feet.
2. Clear vision areas shall be maintained at all times, and portable storage containers shall not obstruct the flow of pedestrian or vehicular traffic.
3. Portable storage containers shall be placed no closer than ten (10) feet from the front lot line or three (3) feet from the side or rear lot line.
4. All portable storage containers in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration.
5. The maximum duration of use shall be a total of fourteen (14) consecutive days over a period of twelve (12) consecutive months.

SECTION 6.09 RECREATIONAL VEHICLE OR BOAT STORAGE

The parking of a recreational vehicle or boat not owned by a resident of the City for periods exceeding 24 hours on lands not approved for recreational vehicle or boat storage shall be expressly prohibited, except that the Zoning Administrator may approve temporary permits allowing the parking of such recreational vehicle or boat in a non-required yard on private property, not to exceed a period of two weeks. All recreational vehicles or boats owned by residents of the City and stored on their individual lots shall not be stored within any required front or side yard and shall further comply with the dimensional standards within the zoning district in which they are located. All recreational vehicles parked or stored, shall not be connected to sanitary facilities and shall not be occupied.

SECTION 6.10 OPEN STORAGE

A. There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance.

Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall or landscaped berm not less than the height of the equipment, vehicles and all materials to be stored, except in the I-1 and I-2 districts and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential or manufactured home park district in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such district, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height or a landscaped berm of sufficient height.

- B. Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners.

SECTION 6.11 **SINGLE-FAMILY DWELLING REGULATIONS**

A single-family dwelling, other than homes situated in a manufactured home park within the jurisdiction of the State Mobile Home Commission, that is constructed, erected, structurally altered, repaired, and/or moved in whole or in part from or to a site in the City shall conform to the following regulations, in addition to all other applicable state and/or federal standards and/or regulations:

- A. It shall comply with all applicable building, construction and fire codes;
- B. It shall comply with a minimum floor area, lot size, and yard setback, requirements of this Ordinance for the District in which it is located;
- C. It shall have a minimum width of twenty (20) feet on the front, rear, and all side elevations;
- D. It shall be firmly attached to a permanent foundation with a minimum forty-two (42) inch footing, constructed of materials required for single-family dwellings pursuant to the state construction code;
- E. It shall have no exposed wheels, towing mechanism, undercarriage, or chassis;
- F. All means of access fixed to the foundation of the dwelling, such as porches, ramps, and the like shall be permanent in nature, with footings below the frost line;
- G. It shall be connected to a public sewer and water supply, or to such private facilities approved by the county health department;
- H. It shall contain inside storage capability equal to ten percent (10%) of the square footage of the building, or one hundred (100) square feet, whichever is less, such storage capability to be in a basement beneath the dwelling, an attic area, one (1) or more closet areas, or an attached or detached structure with construction standards and materials of equal or greater quality and durability than the principal structure, including foundation; and
- I. It shall have no less than two (2) exterior doors situated on different elevations of the dwelling, e.g., front and side.

Article 7 – Specific Use Standards

SECTION 7.01 INTENT

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located. This Article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this Ordinance. See Article 2 (Definitions) and Article 4 (Zoning District Regulations) for additional information related to the uses denoted within this Article.

SECTION 7.02 ADULT FOSTER CARE FACILITIES/ADULT DAY CARES

- A. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. Adult foster care small group homes serving between seven (7) and twelve (12) persons.
 - 1. A site plan, prepared in accordance with Article 8 shall be required to be submitted.
 - 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
 - 3. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - 4. One (1) off-street parking space per employee and/or caregiver shall be provided.
 - 5. Appropriate licenses with the State of Michigan shall be maintained.
- C. Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.
 - 1. Frontage on either a major or minor arterial street shall be required.
 - 2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

3. A site plan, prepared in accordance with Article 8 shall be required to be submitted.
 4. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
 5. The property is maintained in a manner that is consistent with the character of the neighborhood.
 6. One (1) off-street parking space per employee and/or caregiver shall be provided.
 7. Appropriate licenses with the State of Michigan shall be maintained.
- D. Adult foster care congregate facilities serving more than twenty (20) persons. (See [Section 7.09](#)).
- E. Standards for Adult Day Care Facilities.
1. Adult Family and Group Day Care Homes.
 - a. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located;
 - b. The property is maintained in a manner that is consistent with the character of the neighborhood;
 - c. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period, with a limitation on activity between the hours of 10:00 p.m. and 6:00 a.m.; and
 - d. One (1) off-street parking space per employee not a member of the group day care home family shall be provided.
 2. Adult Day Care Center.
 - a. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as not to create congestion on the site or within a public roadway; and
 - b. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) adults intended for maximum enrollment at the facility.

SECTION 7.03 ADULT USE BUSINESSES

The purpose and intent of this section is to regulate adult use businesses, to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult use businesses with the City. It is recognized that the adult businesses identified in this section, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of such businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of City residents.

The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult materials protected by the Constitution of the United States or the Michigan Constitution, or to deny access by the distributors and exhibitors of adult entertainment or adult use businesses to their intended market. It is also neither the intent nor effect of this section to condone or legitimize the distribution of obscene material.

A. Legislative Findings.

1. These findings have been substantiated by numerous land use studies which have been upheld by the United States Supreme Court. Recent Supreme Court cases have concluded that, "municipalities have a substantial interest in protecting and preserving the quality of life for its community against the adverse secondary effects of sexually oriented businesses," regardless of the size of the community (Young v. American Mini Theaters, Inc. (1976)), and Renton v. Playtime Theater, Inc. (1986)).
2. The City Council and the Planning Commission have concluded that they have the right, the duty, and the permission to protect citizens from these harmful effects of sexually oriented businesses, including but not limited to:
 - a. Adult arcades.
 - b. Adult book, novelty (sexual paraphernalia), or video stores.
 - c. Adult cabarets, night clubs, gentlemen's clubs, go-go clubs, strip bars.
 - d. Adult motels or hotels.
 - e. Adult motion picture theaters or adult theaters.
 - f. Escort services or agencies.
 - g. Adult massage parlors.

3. In the event any sexually oriented business in the City discontinues operation for a period of more than six months (181 days), the right to operate the business shall terminate.

B. Conformance with the City of Cheboygan Special Use Provisions. Based on the evidence of adult uses presented in hearings and in the aforementioned reports made available to the City Council, the City Council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that the City is seeking to abate and prevent in the future. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area which would create such adverse effect(s). It is further the intent of these regulations that these uses only be permitted as special land uses.

1. Conditions of Approval: The Planning Commission may recommend that the City Council impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of the Adult Use Business, as shall, in its judgment, considering the standards set forth in Article 9, Special Use Standards of this Ordinance, be necessary for the protection of the public health, safety, welfare and interest, except that any conditions imposed on an Adult Use Business as defined in this section shall be limited to those conditions necessary to assure compliance with the standards and requirements of this section. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of an Adult Use Business shall be fulfilled.
2. Time Limits for Review: An application for special land use approval of an Adult Use Business shall proceed before the Planning Commission for recommendation, and then the City Council for final decision. Applications for special use approval of a regulated use, with the exception of an Adult Use Business, shall be processed in the normal course. The following time limits shall apply to the review of an application by the Planning Commission and City Council for special use approval of an Adult Use Business as defined in this Ordinance.
 - a. The Planning Commission will publish notice and hold a public hearing as required for special land use approval review within sixty (60) days of receiving a complete and technically compliant special land use approval and site plan application, as required by Article 9 of this Ordinance for an Adult Use Business as defined in this Ordinance.
 - b. The Planning Commission will make its recommendation regarding the special land use approval application for an Adult Use Business at the next regularly scheduled meeting of the Planning Commission following the public hearing held to review the application, unless additional information is required from the applicant. If additional information is required, the Planning Commission will make its recommendation at the next regularly scheduled meeting after receipt of the requested additional

information, provided the additional information is received no later than fifteen (15) days prior to the meeting.

- c. The recommendation of the Planning Commission will be forwarded to the City Council within sixty (60) days of the meeting at which Planning Commission issues its recommendation. The City Council will render its decision to grant or deny special approval of the Adult Use Business or to grant approval with conditions, as stipulated by the Zoning Ordinance at this meeting.
- d. Failure of the City Council to act within the above specified time limits shall not be deemed to constitute the granting of special land use approval to the Adult Use Business.

C. Site Plan Review Standards.

A site plan prepared in accordance with Article 8.0 shall accompany a special land use application for an Adult Use Business.

D. Standards.

- 1. Sexually oriented businesses may only locate in the following zones: I-1 and I-2 Districts.
- 2. It shall be unlawful to cause or permit the operation of an adult use business within one thousand (1,000) feet of another adult use business. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.
 - a.
- 3. It shall be unlawful for any person to operate any of the following single businesses, or combinations of the following businesses, within one thousand (1000) feet of a residential use, place of worship, school, preschool, day-care center, or public park in any protected or non-protected zone. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.
 - a. Adult arcades.
 - b. Adult book, novelty (sexual paraphernalia), or video stores.
 - c. Adult cabarets, night clubs, gentlemen's clubs, go-go clubs, strip bars.
 - d. Adult motels or hotels.
 - e. Adult motion picture theaters or adult theaters.

- f. Escort services or agencies.
4. It shall be unlawful to cause or permit the operation or maintenance of more than one (1) adult use business in the same building, structure, or portion thereof.
5. Signage shall conform to the following regulations, in addition to the City Sign ordinance, Article 12. No words, lettering, photographs, silhouettes, drawings or pictorial representations of sexual paraphernalia, specified sexual activities or specified anatomical areas shall be allowed.
6. All off-street parking areas and entry door areas of adult use businesses shall be illuminated from dusk until the closing time of the business with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
7. The premises of all adult use businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted, at an illumination level of not less than two (2) foot-candles of light as measured at the floor level.
8. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted at an illumination level of not less than one (1) foot-candle of light as measured at the floor level.
9. No person shall conduct an adult use business without first having obtained an adult use business license from the City.
10. No person(s) shall reside on or permit any other persons to reside on the premises of an Adult Use Business.
11. All Adult Use Businesses shall be subject to all applicable requirements of the Zoning Ordinance.
12. An Adult Use Business lawfully operating is not rendered a non-conforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within one thousand (1000) feet of the Adult Use Business. However, if the Adult Use Business ceases operation for a period of one hundred eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Ordinances of the City of Cheboygan.

F. Violations, Penalties, and Inspections.

1. Violations of this Section and the enforcement thereof are regulated in accordance with [Section 3.11](#).

2. The City Manager or designated member of the Department of Public Safety shall be allowed to enter any sexually oriented business during hours of operation for the purposes of inspection to confirm compliance with this section, without prior notification.

SECTION 7.04 VEHICLE WASH

Vehicle wash subject to the following:

- A. All buildings shall have a front yard setback of not less than 20 feet;
- B. All washing facilities shall be within a completely enclosed building;
- C. Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than 25 feet from any residential district;
- D. All cars required to wait for access to the facilities shall be provided space off the street right-of-way and parking shall be provided in accord with [Section 10.02](#) of this Ordinance.
- E. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets;
- F. All off-street parking and waiting areas shall be hard-surfaced and dust free;
- G. All lighting shall be shielded and directed away from adjacent residential districts;
- H. A four (4) foot completely obscuring masonry wall shall be provided where abutting a residential district.

SECTION 7.05 VEHICLE FUELING STATION

Automobile service station subject to the following:

- A. The curb cuts for ingress and egress to a fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- B. The minimum lot area shall be 10,000 square feet, with a minimum lot frontage of 100 feet, and so arranged that ample space is available for motor vehicles which are required to wait.
- C. Lighting shall be shielded from adjacent residential districts.

- D. On those sides abutting districts zoned for residential use, screening shall be provided in accordance with Section 10.0.

SECTION 7.06 VEHICLE REPAIR

Vehicle repair subject to the following:

- A. Outdoor Storage. Dismantled, wrecked, or inoperable vehicles awaiting repair shall not be stored outdoors for a period exceeding five (5) days. Outdoor storage shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in [Section 10.05](#).
- B. Disposal Containers. Suitable containers shall be provided and used for disposal of used parts, and such containers shall be screened from view.
- C. Enclosed Buildings. All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, shall be performed entirely within an enclosed building.
- D. Retail Sales Limitations. Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

SECTION 7.07 COLLEGES, UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER LEARNING

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following:

- A. Primary ingress to and egress from said site shall be directly onto a principal or minor arterial or a major collector road;
- B. No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line when the property line is adjacent to any Residential District.

SECTION 7.08 COMMERCIAL OUTDOOR RECREATION

Commercial outdoor recreation such as parks, carnivals, miniature golf courses, and rebound tumbling (trampoline) facilities subject to the following:

- A. Children's amusement park must be fenced on all sides with a four (4) foot wall or fence.
- B. Rebound tumbling facilities shall be fenced on all sides used for trampoline activity. The fence shall be no less than six feet high. Pits shall not exceed four feet in depth, shall be

drained at all times and completely filled with earth to grade when the use is discontinued. All manufacturer's specifications for spacing, safety and construction shall be complied with; and in all cases trampolines shall be equipped with protective padding.

- C. All lighting shall be shielded from adjacent residential districts.
- D. No loud speaker or public address system shall be used.
- E. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four (4) foot wall or obscuring fence where adjacent to the recreational facility.

SECTION 7.09 CONVALESCENT AND CONGREGATE CARE FACILITIES

Convalescent and congregate care facilities subject to the following standards:

- A. Height shall not exceed two (2) stories. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- B. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of fifteen hundred (1,500) feet per adult, excluding employees and/or caregivers.
- C. The property is maintained in a manner that is consistent with the character of the neighborhood.
- D. Appropriate licenses with the State of Michigan shall be maintained.
- E. The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- F. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 7.10 CHURCHES AND PLACES OF WORSHIP

Churches and other facilities normally incidental thereto, subject to the following conditions:

- A. The principal structures on the site shall be set back from abutting properties zoned for residential use not less than 25 feet. Buildings of greater than the maximum height allowed in the zoning district in which they are located, may be allowed provided front,

side and rear yards are increased above the 25-foot minimum requirements by one foot for each foot of building that exceeds the maximum height allowed;

- B. Wherever the off-street parking lot is adjacent to land zoned for residential purposes, a continuous and obscuring masonry wall forty two (42) inches in height or a heavily planted greenbelt ten (10) feet in width, shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall or greenbelt shall be further subject to the provisions of Article 10, Site Design Standards;

SECTION 7.11 CONTRACTOR STORAGE YARDS

Storage facilities for building materials, or construction contractor's equipment and supplies shall be operated within a building or within an obscuring masonry wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare.

In I-1 Districts the extent of such wall may be determined by the Planning Commission on the basis of usage.

Such wall shall not be less than six feet in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of [Section 10.05](#), Landscape Plantings and Greenbelts.

SECTION 7.12 DAYCARES, NURSERIES AND CHILD CARE CENTERS

A. General Standards.

1. It is the intent of this section to establish standards for day care facilities that will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
2. A state licensed child family day care home shall be considered a residential use of property and a permitted use in all residential districts.

B. Standards for Child Day Care Facilities.

1. Child Group Day Care Homes.
 - a. A group day care home shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
 - (1) Another licensed group day care home;

- (2) An adult foster care small or large group home licensed by the State;
 - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people that is licensed by the State; or
 - (4) A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
 - b. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located;
 - c. The property is maintained in a manner that is consistent with the character of the neighborhood;
 - d. There is a provision of an outdoor play area that is at least three thousand (3,000) square feet and which is not part of the front yard setback. This requirement may be waived by the Planning Commission if a public open space is within five hundred (500) feet of the subject parcel;
 - e. All outdoor play areas shall be enclosed by a fence in accordance with [Section 10.05](#) that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet;
 - f. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period, with a limitation on activity between the hours of 10:00 p.m. and 6:00 a.m.;
 - g. One (1) off-street parking space per employee not a member of the group day care home family shall be provided;
 - h. Inspection for compliance with these standards shall be conducted by the City prior to occupancy and once every twelve (12) months thereafter within ten (10) days of the anniversary of the certificate of occupancy;
 - i. Appropriate licenses with the State shall be maintained.
2. Child Day Care Centers/Nursery Schools.
- a. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking

access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway;

- b. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children intended for maximum enrollment at the facility;
- c. There shall be a fenced, contiguous open space of at least five thousand (5,000) square feet provided within the boundaries of the subject parcel. Said open space shall not be located within a required front setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet from the subject parcel;
- d. All outdoor play areas shall be enclosed by a fence in accordance with [Section 10.04](#) that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet;
- e. Appropriate licenses with the State shall be maintained.

SECTION 7.13 DRIVE-IN OR OPEN FRONT STORE

Business in the character of a drive-in or open front store including drive-in restaurant subject to the following:

- A. A setback of at least thirty (30) feet from the right-of-way line of any existing or proposed street shall be maintained;
- B. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two streets measured from the road right-of-way;
- C. All lighting shall be shielded from adjacent residential districts;
- D. Where abutting districts are zoned for residential use, screening shall be provided in accordance with [Section 10.05 D](#).

SECTION 7.14 ENGINE AND HULL REPAIR/BOAT FUELING STATIONS

Engine and hull repair/boat fueling stations, subject to the following:

- 1. Engine and hull repair shops must be conducted within a completely enclosed building, or shall be completely obscured from view beyond the property boundaries with a continuous masonry wall, six feet in height or a heavily planted greenbelt ten feet in width.

2. Boat fueling station shall be located a minimum of two hundred (200) feet from any residential district.

SECTION 7.15 GENERAL HOSPITALS

General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, not to exceed four stories, subject to the following:

- A. All such hospitals shall be developed only on sites consisting of at least five acres in area.
- B. The proposed site shall have primary all ingress and egress for the site to a principal or minor arterial or a major collector road.
- C. All such hospitals shall not exceed four (4) stories in height.
- D. The minimum distance of any main or accessory building from adjacent lot lines or streets shall be at least 100 feet for front, rear, and side yards for all two story structures. For every story above two the minimum yard distance shall be increased by not less than ten feet.
- E. Ambulance and delivery areas shall be obscured from all residential view with a continuous and obscuring masonry wall six feet in height and the wall shall be further subject to the requirements of Article 10, Site Design Standards.

SECTION 7.16 GOLF COURSES

Golf courses, which may or may not be operated for profit, subject to the following:

- A. The site shall be so located as to provide primary ingress and egress directly onto or from a principal or minor arterial or major collector road;
- B. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety;
- C. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement;
- D. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.

SECTION 7.17 HOUSING FOR THE ELDERLY

Housing for the elderly subject to the following conditions:

- A. All housing for the elderly may provide common services containing, but not limited to: central dining rooms, recreational rooms, central lounge, and workshops.
 - 1. Dwellings may be provided for as single-family detached , two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

Dwelling Unit Size	Site Area Required Per Unit
Efficiency/One (1) bedroom	1500 square feet
Two (2) bedroom	2000 square feet
Each additional bedroom	500 additional square feet per bedroom

- B. All dwellings shall consist of at least 350 square feet of floor area per unit (not including kitchen and sanitary facilities.)
- C. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25% of the total site exclusive of any dedicated public right-of-way.
- D. Height and setback shall meet the requirements of the district in which the housing for the elderly is located.

SECTION 7.18 MANUFACTURED HOMES

Manufactured homes as defined in Article 2, Definitions, provided in addition, they meet the following requirements:

- A. Minimum square footage of living area - 600 sq. ft. without any additions or expansions of original unit;
- B. The manufactured home must comply with all requirements of R-1 District as set forth in [Section 4.06](#). Provided however, that in no case shall the front line of the structure be any closer to the front of the lot than the established front line of other R-1 dwellings on the same side of the street as the mobile home;
- C. Each separate dwelling shall provide a patio of approved materials and dimensions which shall be a minimum of 120 sq. ft. Patio shall be located in such a manner as to be contiguous with the main entrance door to the structure but in no case shall any part of the patio be any closer to the front lot line than front most part of the structure.
- D. Each separate dwelling shall provide a minimum of 100 sq. ft. of storage space. Storage space requirements may be met in the following manner:

1. A separate accessory building which shall be located in such a way as to conform to minimum set back requirements.
 2. Basement space which shall conform to the provisions of the definitions as set forth in Article 2, Definitions; in no case, however, shall any material be stored or placed under any portion of a mobile home which is located on a slab.
 3. Accessory building which is generally used for a garage may use that space which is in excess of that space used for parking requirements. Parking requirements are hereby defined as 165 sq. ft. per car.
- E. Any additions to the main structure shall conform to all provisions of the Uniform Building Code, published by the International Code Council, and adopted by the State of Michigan in Public Act 230, § 4, of 1972, as amended, being M.C.L.A. § 125.1504, provided however, that in no case shall the existence of any additional structure lessen the provisions or standards as set forth in the mobile home code of the State of Michigan, Public Act 96, § 5, of 1987, as amended, being M.C.L.A. §§ 125.2305, M.A.C. R.125.1101 et seq.

SECTION 7.19 MATERIALS RECOVERY FACILITY AND WASTE COLLECTION OR TRANSFER FACILITY

Materials recovery facility subject to the following:

- A. Standards.
1. All recyclable materials shall at all times be stored within a completely enclosed building. All other materials shall be stored within containers until transported to a waste disposal facility.
 2. The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
 3. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the area nor unduly conflict with the normal traffic of the area. Vehicles loading or unloading shall be contained within the property. All driveways and parking areas on the site shall be hard-surfaced.
 4. The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights, or the presence of toxic materials.

5. All areas shall be screened from public view and adjacent property, in accordance with the standards set forth in [Section 10.05 D](#).

B. Prohibited Activities.

1. Incineration or open burning in any building or on the site.
2. Overnight storage of any refuse material, other than recyclable materials, in any building.
3. Overnight storage of material on the site outside the buildings unless within enclosed storage containers.

SECTION 7.20 LODGING

Lodging subject to the following:

- A. Each unit shall contain not less than 200 square feet of floor area;
- B. An efficiency kitchen may be provided, subject to compliance with applicable fire code.
- C. Where restaurant, banquet and meeting facilities are included, parking for such facilities shall be provided in accordance with [Section 10.02](#).

SECTION 7.21 OUTDOOR SALES FOR AUTOS, MANUFACTURED HOMES, AND RECREATIONAL VEHICLES

Outdoor sales space for exclusive sale of new or used automobiles, manufactured homes, and recreational vehicles, subject to the following:

- A. All lighting shall be shielded from adjacent residential districts;
- B. Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets measured from the road right-of-way;
- C. No major repair or major refinishing shall be done on the lot except in enclosed buildings provided for this purpose;
- D. All vehicles must be operable.

SECTION 7.22 OUTDOOR SEATING

Outdoor seating at restaurants or taverns, subject to the following:

- A. Outdoor seating must be an extended and integral part and accessory thereto of a restaurant or tavern where patrons are also served while seated within the building.

- B. Outdoor seating for restaurants or taverns serving alcoholic beverages shall be allowed to operate during the hours of 10:00 a.m. until 12:00 midnight Monday through Saturday and during the hours of 12:00 p.m. until 10:00 p.m. on Sunday.
- C. Restaurants or taverns shall not serve food or beverages to a patron at outdoor seating unless the patron is seated at a table;
- D. Advertising on tables, umbrellas or railings is prohibited.
- E. Ingress and egress to the outdoor seating area shall be accessed only from the restaurant or tavern with which it is accessory thereto and provide for a barrier of a quality, design, material and workmanship which ensures safety and convenience of users and the public.
- F. All lighting shall be shielded from adjacent properties.

SECTION 7.23 PLANT MATERIAL NURSERIES AND GREENHOUSES

General and specialized farming, plant material nurseries, and greenhouses subject to the following conditions:

- A. The minimum site size shall be two (2) acres and so located as to provide all ingress and egress directly onto or from a principal or minor arterial road;
- B. Front, side, and rear yards shall be at least 50 feet wide except when abutting a non-residential district and 30 feet when abutting all other districts.
- C. When abutting a residential district, screening shall be required in accordance with [Section 10.05D](#).

SECTION 7.24 PRIVATE RECREATIONAL AREAS

Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool, subject to the following:

- A. Any use permitted herein shall be developed only on acreage of at least one (1) acre in area;
- B. All ingress and egress shall be directly onto a principal or minor arterial or major collector road;
- C. Front, side, and rear yards shall be at least fifty (50) feet when abutting a residential district and thirty (30) feet when abutting all other districts.

- D. When abutting a residential district, screening shall be required in accordance with [Section 10.05D](#).
- E. Buildings erected on the premises shall not exceed one story in height except where due to topography a lower level shall be permitted when said lower level is entirely below the grade of the major thoroughfare abutting the parcel in question;
- F. All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from all Residential Districts;
- G. Any outdoor swimming pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate.

SECTION 7.25 PRIVATE STABLE

Private stables, as an accessory use, for not more than one horse on a lot where the lot is not less than two acres in area and provided further, that for each additional horse stabled thereon, one acre of land shall be provided. All confinement areas and/or stables shall in all instances, be located in the rear yard. In no instance shall a horse be confined nearer than fifty (50) feet to any property line provided there is a natural screening buffer at least six (6) feet in height. No horse shall be allowed to run at large without confinement.

SECTION 7.26 EQUESTRIAN FACILITY

Equestrian facility subject to the following:

- A. A minimum site area of 20 acres shall be provided;
- B. Stables, paddock areas for instruction or paddock areas for the confinement of horses near stables shall be at least 300 feet from any property line;
- C. Bridle paths, and all other riding areas shall be confined to the site of continuous acreage;
- D. Lighting for exterior illumination shall be directed away from and shall be shielded from adjacent residential districts;

SECTION 7.27 WIND ENERGY CONVERSION SYSTEMS

- A. Purpose. The purpose of the Ordinance is to facilitate the installation and construction of wind energy conversion systems to reduce on site consumption of utility supplied electricity for private landowners, subject to reasonable restrictions, which will preserve the public health and safety.
- B. Applicability. The requirements set forth in this Ordinance shall govern the siting of wind energy conversion systems used to generate electricity or perform work which serve as an independent source of energy, or serve in a hybrid system.

The requirements of this Ordinance shall apply to all Commercial and Wind Energy Conversion Systems proposed after the effective date of this Ordinance. Wind Energy Conversion Systems for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, however, that any such pre-existing Wind Energy Conversion System that is not producing energy for a continuous period of twelve (12) months shall meet the requirements of this Ordinance prior to recommencing production of energy. No modification that increases the height of the system or significantly increases its output shall be allowed without full compliance with this Ordinance.

C. Regulatory Framework.

1. Zoning. Small Wind Energy Conversion Systems may be constructed as an accessory use in all zoned areas. Commercial Wind Energy Conversion Systems and MET Towers are a special land use in designated districts.

D. General Requirements for All Wind Energy Systems

1. Visual Appearance; Lighting; Powerlines.

- a. Wind Turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community. All wind energy towers shall maintain galvanized steel, brushed aluminum or white finish, unless FAA standards required otherwise.
- b. The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Conversion System to the natural setting and the existing environment.
- c. Wind Energy Conversion Systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- d. Wind Energy Conversion Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.
- e. Electrical controls and control wiring and power-lines shall be wireless or underground.
- f. The applicant shall provide evidence that the proposed height of the wind energy conversion system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- g. The applicant shall certify that they will comply with all construction and operation requirements of all such proposed wind energy conversion systems and shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

2. Setbacks. The following setbacks and separation requirements shall apply to all Wind Energy Conversion Systems and MET Towers:

- a. Property lines: Each Wind Energy Conversion System shall be set back from the nearest property line a distance no less than 1.1 times its total height, unless appropriate easements are secured from adjacent property owners, or other acceptable mitigation is approved by the Planning Commission.
 - b. At the time of application, each Wind Energy Conversion System shall be set back from the nearest building on neighboring land a distance no less than one and a half (1.5) times its total height.
 - c. Public and Private Roads: Each Wind Energy Conversion System shall be set back from the nearest public road or neighboring private rights-of-way (e.g., shared driveway, neighboring driveway) a distance no less than 1.1 times its total height, determined at the nearest boundary of the underlying right such public rights-of-way for such public road.
 - d. Communication and electrical lines: Each Wind Energy Conversion System shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
 - e. No portion of Wind Energy Conversion Systems or MET Towers, including guy wire anchors, may extend closer than 10 feet from any property line.
3. Sound Levels and Measurement. Audible sound due to Wind Energy Conversion system operations shall not exceed fifty-five (55) dB(A) for-any period-of-time; when measured at the property line of any property containing an occupied building on the date of approval. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
4. Minimum Ground Clearance. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than fifteen (15) feet, as measured at the lowest point of the arc of the blades.
5. Safety.
- a. Wind Turbine towers shall not be climbable up to 12 feet above ground level.
 - b. All access doors to Wind Turbine towers and electrical equipment shall be lockable and locked when not being accessed.
 - c. Appropriate warning signage (e.g., electrical hazards) shall be placed on Wind Turbine towers, electrical equipment, and Wind Energy Conversion Systems.
6. Federal and State Requirements. Compliance with FFA Regulations: Wind energy conversion systems must comply with regulations of the Federal Aviation Administration (FAA), including any necessary approvals for installations close to airports.

7. Removal of Defective or Abandoned Wind Energy Conversion Systems.
Any Wind Energy Conversion System found to be unsafe by the Zoning Administrator shall be repaired by the landowner to meet federal, state and local safety standards or removed within six months. If any Wind Energy Conversion System is not operational for a period of 12 consecutive months or more, the City will request by registered mail and provide 45 days such response for the landowner to provide corrective action. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the City deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine at their own expense within 120 days of receipt of notice from the City.

SECTION 7.28 WHOLESALE WAREHOUSING AND MATERIAL DISTRIBUTION

Wholesale warehousing and material distribution, subject to the following:

- A. Warehousing may include showrooms.
- B. Delivery and shipping operations shall be restricted to the hours between 7:00am and 9:00pm.
- C. Any outside storage shall be screened from adjacent properties and public thoroughfares by an obscuring fence or masonry wall at least six feet in height.

SECTION 7.29 WIRELESS COMMUNICATION FACILITIES

Wireless Communication facilities subject to the following:

- A. Purpose and Intent. It is the general purpose and intent of the City to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It is the further purpose and intent of the City to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
 - 1. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - 2. Establish predetermined areas considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within predetermined areas. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
4. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
5. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way.
6. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
7. Promote the public health, safety and welfare.
8. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
9. Consideration that the presence of numerous tower structures, particularly if located within residential or agricultural areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

B. 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 Article 8, Site Plan Review, and also subject to the conditions set forth in subsection D. below:

1. Attached wireless communication facilities within all districts where the existing structure (e.g. transmission line, water tower, etc.) is not, in the discretion of the planning commission, proposed to be either materially altered or materially changed based upon the following standards:
 - a. Co-location will not increase the overall height of the wireless

communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is less.

- b. Co-location will not increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.
 - c. Co-location will not increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
2. Co-location of an attached wireless communication facility which has been previously approved for co-location within all districts by the Planning Commission.
 3. Within all districts, 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.
 4. All wireless communication facilities which are located, attached or sited on property which is owned, leased, or controlled by the City of Cheboygan.

C. Permitted as a special use.

1. Subject to the standards and conditions set forth in subsections D., new wireless communication facilities with monopole support structures shall be permitted as a special use subject to the conditions hereinafter imposed in the I-1 District, except that they shall not be located within two hundred (200) feet of any district zoned for one-family residential purposes or within a distance equal to the height of the support structure from the right-of-way line major roads and railroads. 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.
2. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of an area identified in either Subsection B. or C.1., such wireless communication facilities may be considered elsewhere in the City as a special use, subject to one or more of the following:
 - a. At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in Subsections B. or C.1. above cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - b. Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the City.

- c. Locations outside of the areas identified in Subsection B. or C.1. above shall be limited to the following locations, subject to application of all other standards contained in this section:
 - 1. Municipally-owned sites.
 - 2. Other governmentally-owned sites.
 - 3. Religious or other institutional sites.
 - 4. Public or private school sites.
 - 5. Public utility sites.
 - 6. Other locations where there is a demonstrated need for service.
- d. All other criteria and standards set forth in Subsection D. are met.

D. Required standards for wireless communication facilities.

1. Required information.

- a. Site plan. A site plan prepared in accordance with Article 8, Site Plan Review, also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.

For co-locations, the applicant may provide a copy of the originally approved site plan if no changes to the approved layout are required.

- b. Demonstration of need. Demonstration of the need for the proposed wireless communication support structure due to a minimum of one of the following:

- 1. Proximity to an interstate highway or major thoroughfare.
- 2. Proximity to areas of population concentration.
- 3. Proximity to commercial or industrial business centers.
- 4. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
- 5. 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, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If the information is on file with the City, the applicant shall update as needed.
 - 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 information:
 1. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 2. Evidence of property owner approvals.
 3. 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, with specific reference to how use of the location would prohibit the applicant/provider from providing services.
 - f. Fall zone certification. To determine setbacks, a certification by a Michigan licensed, registered engineer regarding the manner in which the proposed structure will fall and the minimum area required.
 - g. Description of security for removal. A description of the security for the wireless communication support structure to ensure removal and maintenance. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the City attorney and recordable at the Cheboygan County Register of Deeds, 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 in securing removal.
 - h. Data on FCC and FAA approval. A copy of the application submitted to the Federal Communications Commission and Federal Aviation Administration detailing technical parameters authorization for the facility.
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.

3. Maximum height. The maximum height of wireless communication support structures shall be: a) one hundred seventy-five (175) feet; or b) the minimum height demonstrated to be necessary by the applicant; or c) such lower heights as approved by the Federal Aviation Administration. However, the applicant shall provide an evaluation of alternative designs which might result in lower heights and the minimum height required. Accessory buildings shall be limited to the maximum height for accessory structures within respective districts.
4. Setbacks from non-residential 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 reduce its visual impact, or to meet the required standards of subsection D.10., Co-location. The Zoning Board of Appeals may also grant variances for the height of a support structure of up to twenty (20) feet only in cases where a variance would permit additional co-locations.
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 with 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 surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition.
8. Federal and State requirements. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan.
9. Lighting. Lighting on a wireless communication facility shall be prohibited. If the Federal Aviation Administration requires lighting, 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 their purposes.

10. Co-location. All wireless communication support structures shall accommodate no less than three (3) 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.
 - a. When co-location is not "feasible". Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly co-located or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:
 1. The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by 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.
 2. 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.
 3. 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.
 4. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing support structure or other structure.
 - b. Determining feasibility of co-location. Co-location shall be deemed to be "feasible" when all of the following are met:
 1. The applicant/provider will pay market rent or other market compensation for co-location.
 2. The site is able to provide structural support, considering reasonable modification or replacement of a facility.
 3. The co-location being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
 4. The height of the structure necessary for co-location will not be increased beyond maximum height limits.

- c. Refusal to permit co-location. 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 co-location, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 - d. Refusal to co-locate constitutes violation. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this section of the zoning ordinance.
 - e. New structures prohibited. Consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the co-location.
 - f. Variance from co-location. 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 (5)-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.
 - g. Offer of co-location 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 co-location. The list of potential users shall be provided by the City based on those entities who 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 (30) days after the notice letters are sent to potential users, a user requests, in writing, to co-locate on the new support structure, the applicant shall accommodate the request(s), unless co-location is not feasible based on the criteria of this section.
11. Removal. When a wireless communications facility has not been used for ninety (90) days, or ninety (90) 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 communications facility, including the foundation up to a depth of four feet below grade, shall be removed by the users and owners of the facility and owners of the property.

The removal of antennae 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 communications facility is required may be applied and limited to a portion of the facility.

- a. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
- b. If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City 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.

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.

- a. Subject to subsection b. below, final approval under for a wireless communication support structure shall be effective for a period of six (6) months.
- b. If construction of a wireless communication support structure is commenced within two (2) 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 (30) days following written notice from the City of the commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to co-locate on the support structure that has been newly commenced.

E. Review Period, Fees for Wireless Communication Facilities.

1. An application for wireless communication facility conditional use shall be governed according to the time limits and application fees as specified in PA 110 of 2006, MCL 125. 3514 and as summarized below.
2. After an application for a conditional use approval is filed with the City, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator determines that the application is deficient and notifies the applicant accordingly, the application shall be considered to be administratively complete within fourteen (14) business days after receipt of the application.
3. For wireless communication equipment proposed for placement or installation on an existing wireless support structure, the Planning Commission shall approve or deny the application not more than sixty (60) days after the application has been deemed administratively complete.
4. For wireless communication equipment proposed at new sites without an existing wireless communication support structure, the Planning Commission shall approve or deny the application not more than ninety (90) days after the application has been deemed administratively complete.

SECTION 7.30 UPPER STORY RESIDENTIAL

Upper story residential and live-work units, subject to the following:

- A. Upper story residential units shall not be located below the second story of any building where permitted.
- B. The floor area of the dwelling unit shall be at least three hundred (300) square feet.
- C. Off-street parking shall be provided in the ratio of one space per dwelling unit.

SECTION 7.31 VETERINARY HOSPITALS OR CLINICS

Veterinary hospitals or clinics subject to the following:

- A. All activities shall be conducted within a totally enclosed main building.
- B. Outdoor runs and/or pens shall not be located on a property adjacent to any residential districts.

SECTION 7.32 BED AND BREAKFAST

- A. Resident Proprietor. The proprietor shall reside at the Bed and Breakfast establishment, except as otherwise approved by the Planning Commission..

- B. Length of Stay. Guest stays shall not exceed fourteen (14) consecutive days nor more than sixty (60) days in one (1) year.
- C. Primary Residential Use. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a Bed and Breakfast may be utilized for sleeping rooms, in accordance with this Section.
- D. Minimum Room Square Footage. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

SECTION 7.33 CEMETERY

Cemeteries subject to the following:

- A. Screening. Landscape screening meeting the standards set forth in [Section 10.05](#) shall be provided where a cemetery abuts a residentially zoned or used parcel.
- B. Assembly. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
- C. Ingress and egress. Points of ingress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- D. Setbacks. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

SECTION 7.34 PRIMARY/SECONDARY SCHOOLS

- A. Approvals. All required State and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
- B. Off-Street Parking. Off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
- C. Service and Maintenance Buildings. Those buildings to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened

from view of residentially zoned or used property, in accordance with the standards set forth in [Section 10.05](#).

SECTION 7.35 OPEN AIR BUSINESS

The outdoor storage of goods and materials in all districts shall be prohibited unless otherwise specifically permitted herein. For those uses where the outdoor storage of goods, materials, and equipment is permitted, the following standards shall apply:

- A. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including a description of materials and the height and typical elevation of the enclosure, shall be provided as part of the site plan as set forth in Article 8.
- B. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or any required side or rear setback.
- C. Such storage shall not be located in any required parking, roads, drives, driveways, or loading space.
- D. The area for such storage that abuts residentially zoned or used property shall be screened in accordance with [Section 10.05](#).

Article 8 – Site Plan Review

SECTION 8.01 PROCEDURE ESTABLISHED; PURPOSE.

- A. A site plan review procedure is hereby established for the City. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the City, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance.
- B. The following provisions in this Section shall apply to any application for zoning compliance, with the exception of one-family and two-family development as set forth in [Section 4.06](#) and [4.08](#).
- C. Approved plans shall regulate the development on the premises, unless modified in the same manner as the plans were originally approved. The approval of a site plan is a condition precedent to any allowed use within any zoning district except those set forth in [Section 4.06](#).

SECTION 8.02 SUBMISSION REQUIREMENTS.

All site plans as required by this Section shall be submitted to the City with the number of copies specified by the application. The Zoning Administrator shall adhere to the following procedures in the review of the site plan:

- A. Site plan reviews shall use the following procedures:
 - 1. Upon receipt of the proposed site plan and complete site plan review application, the Zoning Administrator shall route such plan to the applicable City Departments for review and comment, and shall thereupon prepare and forward a written recommendation to the Planning Commission to approve, deny or modify the proposed site plan. If modifications are recommended, the owner or his or her representative shall be notified in advance of the Planning Commission meeting so that adjustments can be made prior to such meeting. Copies of the proposed site plan shall be submitted for staff review no less than 14 days prior to the first Planning Commission meeting to consider the same. The number of copies to be submitted shall be specified by the Zoning Administrator.
 - 2. The Planning Commission shall review the site plan at its next regularly scheduled meeting. The Planning Commission may elect to postpone a decision on the site plan until its next regularly scheduled meeting if the owner or authorized representative fails to be present or the site plan is determined to be incomplete or had not been submitted as required in division (A)(1) above.

3. The Planning Commission shall recommend, recommend with specified changes and/or conditions, or recommend disapproval of the applicant's request, to the City Council using the standards described in this subchapter to the City Council.
 4. Where a variance is required in conjunction with a site plan, the variance request shall be reviewed and granted by the Zoning Board of Appeals prior to action on the site plan by the City Council.
- B. The following information shall accompany all plans submitted for review:
1. A legal description of the property under consideration;
 2. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements, within twenty-five (25) feet from the boundary of the development;
 3. The names and addresses of the property owner, architect, engineer or surveyor responsible for the preparation of the site plan;
 4. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration;
 5. Payment of a non-refundable fee in an amount established by resolution of the City Council from time to time upon recommendation of the City Manager.
- C. The following information shall be included on the site plan:
1. A scale of not less than 1" = 40', If the subject property is less than three acres, and 1" = 100', if it is three acres or more;
 2. Date, north point and scale;
 3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties;
 4. The siting of all existing structures on the subject property;
 5. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points;
 6. The location of all existing and proposed drives and parking areas with the number of parking and/or load spaces provided and compliance with ADA

requirements;

7. All pedestrian walks, malls and open areas;
 8. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained;
 9. The location of all abutting streets;
 10. Types of surfacing, such as paving, to be used at the various locations;
 11. A grading plan with topographic elevations of the area, showing a method of storm drainage in conformance with the Cheboygan County Soil and Sedimentation Ordinance and City Stormwater Control Ordinance;
 12. Site and location of proposed sewer and water lines and connections;
 13. The number of proposed units (for multiple family developments);
 14. Significant environmental features such as wetlands, shoreline, streams, wood lots, existing trees and vegetation; and
 15. Information as may be required by the Planning Commission, City Council, and/or Zoning Administrator to assist in the consideration of the proposed development.
- D. In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:
1. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment;
 2. Pedestrian sidewalks shall be constructed in locations parallel to public streets and in other areas as deemed necessary by the Planning Commission for separation of pedestrian and vehicular traffic, or as may be required under city ordinance;
 3. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in this Article, unless otherwise provided;

4. The requirements for fencing, walks, and other protective barriers shall be complied with as provided in the zoning ordinance of the city and as deemed appropriate by the Planning Commission;
5. The site plan shall provide for adequate storage space for the use therein;
6. Reasonable security measures shall be provided as deemed necessary by the Director of Public Safety for resident protection in all multiple family residential developments;
7. Fire protection measures shall be provided as deemed necessary by the Director of Public Safety in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures;
8. The site plan shall comply with all parking requirements based on proposed use as established by city ordinance.

SECTION 8.03 **SANITARY SEWERS, WATER MAINS & SERVICE LINES,**
STORM SEWERS, STREETS & ROADS

All site developments that propose public sanitary sewers, storm sewers, water mains and services, streets and roads which, upon construction, shall be transferred to City jurisdiction or sanitary sewers, storm sewers, watermains and services which shall remain private and will not connect to City systems shall comply with the criteria set forth in this Section. Roads and streets which shall be private do not have to comply. However, if a developer wishes to determine at a future time to transfer jurisdiction of street and roads to the City, the City will not accept them if they have not been constructed in compliance with City Standards Specifications.

A. Sanitary Sewers

1. Provide detailed construction plans and specifications.
2. Plans drawn to a scale not less than 1" = 100 ft.
3. Comply with City Sewer Specifications.

B. Water Systems

1. Provide detailed construction plans and specifications.
2. Plans drawn to a scale not less than 1" = 100 ft.
3. Comply with City Watermain Specifications.

C. Storm Sewers

1. Provide detailed construction plans and specifications.
2. Plans drawn to a scale not less than 1" = 100 ft.
3. Comply with City Sewer Specifications.
4. Comply with City Storm Water Runoff Ordinance and obtain a permit prior to Site Plan recommendation of approval to City Council.

D. Roads, Streets and Sidewalks

1. Provide detailed construction plans and specifications.
2. Plans drawn to a scale not less than 1" = 100 ft.
3. Comply with City Street, Road, Sidewalk and Curb Specifications.

E. No construction work shall be started on any one or more of items A, B, C or D above until construction permits have been issued by the City Manager.

F. Developer shall be responsible for paying for City inspection during construction activity. The City shall prepare a budget and the developer shall deposit 100% of the budget before any permit(s) will be issued.

SECTION 8.04 **REVIEW BY PLANNING COMMISSION; AUTHORITY OF CITY COUNCIL.**

A. The site plan shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval by the City Council with any conditions the Planning Commission or other appropriate bodies feel should be imposed.

B. The City Council shall have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other ordinances or resolutions of the city. Fourteen (14) copies of the site plan shall be provided to the City fourteen (14) days prior to the City Council meeting scheduled for consideration of the site plan.

C. During the course of their review, the Planning Commission and/or the City Council shall have the authority to request additional professional review from the City Attorney,

Engineering Consultant and/or Planning Consultant, and the permittee shall be responsible for any and all charges incurred therefore.

- D. The Planning Commission and/or City Council may impose reasonable conditions as may be deemed necessary in the interest of public health, safety and welfare. Conditions or changes stipulated by the Planning Commission and/or City Council shall be recorded in the minutes of the meeting and made available to the applicant in writing. Three copies of an approved site plan, with or without changes, shall contain the signatures of the Chairman of the Planning Commission, the Clerk, Zoning Administrator, and the applicant. A signed copy shall be retained by the Planning Commission, Zoning Administrator, and the applicant.
- E. An approved site plan shall be completed within twenty-four (24) months from the date of City Council approval. The City Council may grant extensions of twelve (12) months. The period will begin from the date of issuance of the zoning compliance permit.

SECTION 8.05 ADMINISTRATIVE PLAN REVIEW

- A. The Zoning Administrator or designee is authorized to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Zoning Administrator or designee may conduct an administrative review of a site plan for the following projects or under the following circumstances:
 - 1. Minor changes during construction required by outside governmental agencies.
 - 2. Increase in parking or loading area of up to twenty-five (25) percent or 6,000 square feet of pavement area without any building changes.
 - 3. Changes to building height that do not add additional floor area nor exceed the maximum height requirements of the district.
 - 4. For non-residential uses, an increase in floor area of up to twenty-five (25) percent of the existing for area in the event of no impact to other site requirements or improvements.
 - 5. A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, or sidewalks.
 - 6. Accessory buildings associated with a non-residential use.
 - 7. Aesthetic and architectural changes to a non-residential structure.
- B. Any structure, use, or field change added subsequent to the initial site plan approval must be approved by the City Council after recommendation from the Planning Commission.

SECTION 8.06 PHASED CONSTRUCTION.

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

- A. Relationship and identification of future structures, roadways, drainage, water, and sewer to the extent known;
- B. Pedestrian and vehicular circulation;
- C. Time schedule for completion of the various phases of the proposed construction;
- D. Temporary facilities or construction of same as required to facilitate the stated development.

Article 9 – Special Use Review

SECTION 9.01 INTENT

This Article provides a set of procedures and standards for special uses, which, because of their unique characteristics, require specific consideration in relation to the welfare of adjacent properties and the community as a whole.

These provisions are designed to allow practical latitude for the applicant and at the same time, maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

SECTION 9.02 PROCEDURE

- A. Application. A petitioner seeking Special Use approval shall file an application with the Zoning Administrator, together with the appropriate fee and required information, not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission at which the Special Use application will be considered. The following information shall also be submitted:
1. A site plan with the required information, as set forth in Article 8.
 2. A statement with regard to compliance with the criteria required for approval in [Section 9.03](#), Standards for Special Use approval and any specific standards required by the Ordinance for the requested use.
 3. Failure to provide the required information and materials as a part of the application for Special Use approval shall render the application deficient and said application shall be held in abeyance until the petitioner submits all required items.
- B. Public Notice and Signage.
1. All applications for Special Use Approval require public notice and a public hearing. [Section 3.12](#), Public Hearing Notice Requirements, sets forth notification requirements for all public hearings.
 2. A sign shall be placed on the subject property to inform the public that an application for Special Use approval has been filed, and to indicate where information regarding the request can be obtained.

SECTION 9.03 STANDARDS FOR SPECIAL USE APPROVAL

- A. The Planning Commission shall consider the following general standards and any standards established for a specific use when reviewing a Special Use request.

1. Compatibility with Adjacent Uses. The Special Use shall be designed and constructed in a manner which is harmonious with the character of adjacent property and the surrounding area.
2. Compatibility with the Master Plan. The proposed Special Use shall be compatible and in accordance with the goals and objectives of the City of Cheboygan Master Plan.
3. Traffic Impact. The proposed Special Use shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation and parking design; street and bridge capacity and, traffic operations at nearby intersections and access points.
4. Impact on Public Services. The proposed Special Use shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services shall be provided and accommodated without an unreasonable public burden.
5. Compliance with Zoning Ordinance Standards. The proposed Special Use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.
6. Impact on the Overall Environment. The proposed Special Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses.
7. Special Use Approval Specific Requirements. The general standards and requirements of this Section are basic to all uses authorized by Special Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.

B. The Planning Commission shall also consider the following factors when reviewing a special land use request:

1. The nature and character of the activities, processes, materials, equipment, or conditions of operation; either specifically or typically associated with the use.
2. Vehicular circulation and parking areas.
3. Outdoor activity, storage and work areas.
4. Hours of operation.

5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.

SECTION 9.04 CONDITIONS OF APPROVAL

- A. Authority. The Planning Commission, in its review of a request for Special Use approval, may at its discretion impose additional conditions when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.
- B. Scope. Conditions that are imposed by the Planning Commission shall:
 1. Be related to and ensure that the review considerations of [Section 9.03A](#), and the applicable specific regulations are met.
 2. Run with the property described as part of the approval of a Special Use, including conditions made as part of the approval, and not to the owner of such property.
 3. Remain unchanged unless an amendment to the Special Use approval is approved.

SECTION 9.05 EFFECTIVENESS

Any Special Use approval granted by the Planning Commission shall expire unless a preliminary site plan effectuating the Special Use is submitted within two (2) years of the date of approval. Upon receipt of final site plan approval, Special Use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the Planning Commission resolution of approval. When a use approved under the Special Use approval procedure ceases to function or is abandoned for a period of (12) twelve months, the Special Use approval shall lapse and shall no longer be in effect.

SECTION 9.06 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE

The following provisions apply when there is an amendment or a proposed expansion to approved Special Uses or when there is a proposed change from one (1) Special Use to another.

- A. Amendments. Any applicant who has been granted Special Use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan. The Zoning Administrator shall determine whether a proposed amendment requires new Special Use approval.
- B. Expansions. An expansion of any use requiring a Special Use approval that results in an increase of ten percent (10%) or more of the building, parking, paved areas, or site area shall require resubmittal in the manner described in this Article. A separate Special Use approval shall be required for each use requiring Special Use Approval on a lot, or for any expansions of a Special Use approval.

- C. Change in Use. The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations or activities prior to any such change. The Zoning Administrator shall determine if a new Special Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

Article 10 – Site Design Standards

SECTION 10.01 INTENT

The intent of this Article is to promote public health, safety, and welfare, and improve site design and visual appearance of the City by requiring consistent standards for such site elements as landscaping, lighting, parking, loading, and access.

SECTION 10.02 PARKING REQUIREMENTS

- A. General Standards. Off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of the Ordinance from which this section is derived, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article.
1. *Area for parking space.* For the purpose of this article, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle.
 2. *Employee Parking.* Where required parking is based either solely or partly on the number of employees, the parking calculation shall be based on full-time equivalent number of employees.
 3. *Fractional requirements.* When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded, and fractions over one-half ($\frac{1}{2}$) require one (1) parking space.
 4. *Location of parking space for one- and two-family dwellings.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
 5. *Location of parking space for other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

6. *Seating capacity of seats.* As used in this article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat.
7. *Similar uses and requirements.* In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use, which is so mentioned, and which said use is similar, shall apply.
8. *Existing off-street parking at effective date of Ordinance.* Off-street parking existing at the effective date of the Ordinance from which this section is derived, which serves an existing building or use, shall not be reduced in size less than that required under the terms of this article.
9. *Collective provisions.* Nothing in this Article shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses; provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with [Section 10.02.C](#).
10. *General use conditions.* In nonresidential districts, except when land is used as storage space in connection with the business, a twenty-four (24) hour time limit for off-street parking shall be required.
11. *Restriction on parking on private property.* It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use on said private property for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.
12. *Joint use.* Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums and other places of public assembly, stores, office buildings, and industrial establishments, lying within three hundred (300) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty percent (50%) of the off-street parking requirements of a church.
13. *Disabled parking requirements.* On each site proposed for use, addition, and/or conversion for which a site plan is required to be submitted, there shall be provided on the same site a minimum of one (1) off-street parking space designed pursuant to the State of Michigan Disabled Parking Standards. Such space shall be a minimum of twelve (12) feet wide and twenty (20) feet in depth clearly depicted upon the site plan and clearly indicated by designation of a sign illustrating the disabled space location. For each parking lot area containing up to twenty-five (25) off-street spaces, at least one (1) such space shall be designated for disabled only. Should the parking lot contain more than twenty-five (25) spaces, one (1) additional disabled space shall be

designated for each additional twenty-five (25) spaces and/or fraction thereof. All disabled parking spaces shall be within one hundred (100) feet of the main entrance door to the structure, which the spaces are designed to serve. Access from the parking lot to the principal use and all accessory uses shall be by means of ramping consisting of asphalt and/or concrete materials constructed to the engineering specifications and standards of the City.

B. Flexibility in Application.

1. The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in [Section 10.02.C](#) may result in development with inadequate parking or parking in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and storm water runoff and the hard-surfacing of space, which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations from the requirements of [Section 10.02.C](#), and may require more or allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:
 - a. *Nature of use.* The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.
 - b. *Allocation of square footage.* The allocation of square footage to and among uses, including the anticipation of long-term parking (e.g., grocery or movie theater uses), short-term parking (e.g., dry cleaner use), and/or the absence of parking for some portion of the use (e.g., drive-through use).
 - c. *Impact.*
 1. The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces is reduced, e.g., consideration should be given to alternate parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.
 2. The need for and benefit of additional open space or landscaped area on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of

need for all of such spaces, taking into consideration accepted planning principles.

d. *Specific reasons.* Other specific reasons which are identified in the official minutes of the Planning Commission.

2. The Planning Commission may attach conditions to the approval of a deviation from the requirements of [Section 10.02.C](#) that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions, which ensure that adequate reserve area is set aside for future parking, if needed.

C. Off-Street Parking Requirements. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit:

Table 10.02 C-1 Off-Street Parking Requirements		
	Use	Number of Minimum Parking Spaces Per Unit of Measure
1.	Residential:	
	a. Residential, one-family and two-family	Two for each dwelling unit.
	b. Residential, multiple-family.	Two for each dwelling unit plus one for each ten dwelling units.
	c. Housing for the elderly.	One space per dwelling plus one per employee.
	d. Independent living for the elderly.	One for each one dwelling unit plus one per employee.
	e. Assisted living for the elderly.	One per each two dwelling units plus one per employee.
	f. Manufactured housing park.	Two for each manufactured home site and one for each employee of the mobile home court.
	g. Bed and breakfast.	One for each sleeping room.

2.	Institutional:		
	a.	Places of worship.	One for each three seats or six lineal feet of pew in the main unit of worship.
	b.	Hospitals.	One for each three beds and one for each employee.
	c.	Homes for the aged and convalescent homes.	One for each three beds and one for each employee.
	d.	Elementary and junior high schools.	One for each one teacher and administrator in addition to the requirements of the auditorium.
	e.	Senior high school.	One for each one teacher, administrator and one for each five students, in addition to the requirements of the auditorium.
	f.	Private clubs or lodge halls.	One for each three persons allowed within the maximum occupancy load as established by County or State fire or Health codes plus one for each employee.
	g.	Private golf clubs, swimming pool clubs, tennis clubs, athletic clubs, saunas and physical exercise clubs, and similar uses.	One for each two-member families or individuals plus one for each employee.
	h.	Golf courses open to the general public.	Six for each one golf hole and one for each employee
	j.	Day care center and nursery schools.	One for each employee plus one for every five pupils intended for maximum enrollment.
	k.	Stadium, sports arena, or similar place of outdoor assembly.	One for each three seats or six feet of benches
	l.	Theaters and auditoriums.	One for each four seats plus one for each two employees.
	m.	Colleges and vocational schools.	One for each student at a peak enrollment plus one for each employee.
	n.	Libraries and museums.	One for each 200 square feet of usable floor area plus one for each employee.

3.	Business and commercial:	
a.	Beauty parlor or barbershop.	Three spaces for each of the first two beauty or barber chairs, and 1½ for each additional chair.
b.	Bowling alleys, racquetball establishments, handball courts, squash courts, and similar uses.	Five for each lane, court or similar use area plus one for each 60 square feet of any use area designated by retail sales of goods, merchandise, food, beverages, or refreshments.
c.	Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats.	One for each three persons allowed as established by applicable fire, building or health codes.
d.	Restaurant, fast food.	One space for each 60 square feet of gross floor area.
e.	Restaurant, standard.	One space for each two seats, plus one space for every ten seats, based on maximum seating capacity as determined by State Construction Code adopted by the County Building Department.
f.	Bar/lounge.	One space for each two seats, based on maximum seating capacity established by Fire and/or State Construction Codes.
g.	Furniture and appliance, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair and other similar uses.	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
h.	Automobile service stations, including self-service gasoline stations.	Two for each lubrication stall, rack, or pit; and one for each employee (excluding service vehicle parking). In addition for self-service stations, two for each gasoline pump on each island.
i.	Laundromats and coin-operated dry cleaners.	One for each two washing machines.
j.	Miniature or "Par 3" golf course.	Three for each hole plus one for each employee.
k.	Mortuary establishments.	One for each 50 square feet of usable floor space.
l.	Motel, hotel, or other commercial lodging establishments.	One for each unit plus one for each one employee, plus one for each 60 square feet of usable floor space in each dining room, ballroom and meeting room.

	m.	Motor vehicle sales and service establishments.	One for each 200 square feet of usable floor space of sales room and one for each auto service stall in the service room (exclusive of inventory parking).
	n.	Retail stores except as otherwise specified herein.	One for each 100 square feet of gross floor space.
	o.	Ambulance service.	One for each vehicle operated plus one for each employee.
	p.	Automatic car wash, car laundries and similar uses.	One for each employee plus a parking area equivalent to an area five times the maximum capacity of the auto wash building obtained by dividing the length of the building by 20 feet.
	q.	Auto repair including buffing, polishing and collision work.	One for each employee plus one for each 300 square feet of usable floor area.
	r.	Planned shopping center.	One for each 100 square feet of usable floor area for the first 15,000 square feet. One for each 150 square feet of usable floor area in excess of 15,000 square feet.
4.	Offices:		
	a.	Banks, including banks with drive-up self-service terminals.	One for each 150 square feet of usable floor space.
	b.	Business offices or professional offices except as indicated in the following item c.	One for each 200 square feet of gross floor space.
	c.	Professional offices of doctors, dentists, or similar professions.	One for each 100 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
5.	Industrial:		
	a.	Industrial or research establishments.	Five plus one for every 1 ½ employees in the largest working shift, or one for every 550 square feet of usable floor space, whichever is greater.
	b.	Wholesale establishments.	Five plus one for every employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.
	c.	Self-storage facility.	One parking space for every 100 storage units plus one for each employee, with a minimum of five parking spaces. Required parking spaces shall be located in order to serve the management office.

D. Off-Street Parking Space Layout, Standards, Construction, and Maintenance.

Wherever 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. The construction of any parking lot shall be in accordance with the requirements and provisions of this section and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot commences. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The Zoning Administrator shall transmit the development plans to the City engineer for review. The plans are to be prepared by a licensed Professional Engineer, licensed Professional Surveyor or licensed Professional Architect;
2. All such parking lots shall be constructed, graded and drained in accordance with City engineering design standards.
3. For regulations relating to the illumination of parking areas, see Section 10.07;
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles. Drives shall be at least fourteen (14) feet wide for one-way access and twenty-six (26) feet wide for two-way access;
5. Wheel stops shall be provided, so located as to prevent any vehicle from projecting over the lot line. A suitable barrier must be provided between any nonparallel parking space where said space abuts a sidewalk or building; and
6. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Table 10.02 D-1			
Off-Street Parking Layout			
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (parallel parking)	12 feet	9.0 feet	24 feet
30° to 53°	15 feet	9.0 feet	24 feet
54° to 74°	18 feet	9.0 feet	20 feet
75° to 90°	24 feet	9.5 feet	20 feet

E. Drive-Through Facilities. In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobile shall meet the following requirements:

1. No more than one (1) drive-through servicing a pickup window shall be permitted for each individual building, regardless of the number of uses. Dual ordering stations for drive-through food service may be permitted;
2. Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety. Where necessary, protective fencing and/or landscaping shall be used to separate vehicular and pedestrian traffic. Exits from drive-throughs shall be designed to ensure clear visibility of other vehicular traffic;
3. Any speaker at drive-throughs shall not be audible from adjacent residential uses;
4. Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements;
5. Each drive-through facility shall provide adequate stacking space meeting the following standards:
 - a. Each stacking lane shall be one (1) way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length;
 - b. Each drive-through facility shall have an escape lane a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served;

- c. For car wash uses, a sufficient additional lane shall be provided for the active or passive drying of the vehicle after the wash. Where the drying process is to be passive, greater lane space shall be required in the discretion of the Planning Commission, applying accepted principles; and
- d. The number of stacking spaces per service lane shall be provided for the uses limited below. Each stacking space shall be computed on the basis of twenty (20) feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined in the discretion of the Planning Commission, shall apply.

Due to the specific requirements of any given development, the unique nature of the use and/or physical limitations of the site, the Planning Commission may reduce the number of required stacking spaces by no more than fifty (50) percent, provided said reduction shall not create an adverse impact on a public street or adjacent property.

Table 10.02 E-1	
Drive-Through Stacking Requirements	
Use	Stacking Space Per Service Lane
Banks, Pharmacy, Photo service, and Dry cleaning	4
Restaurants with drive-through	6
Auto washes (self service)	
Entry	4
Exit	2
Auto washes (automatic)	
Entry	4
Exit	2

- F. **Off-Street Waiting Space.** Uses such as day cares, schools, hospitals, nursing homes, and churches shall provide 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.

SECTION 10.03

OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building, structure, or part thereof, erected and occupied with uses 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 services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking area.
- B. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by sixty (60) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

Table 10.03 B-1	
Off-Street Loading Requirements	
Gross Floor Area (Sq. Ft.)	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area
0 - 2,000	None
2,000 - 20,000	1 space
10,000 - 100,000	1 space plus 1 space for each 20,000 square feet in excess of 20,000 square feet
100,000 - 500,000	5 spaces plus 1 space for each 40,000 square feet in excess of 500,000 square feet

SECTION 10.04

FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS

- A. *General Standards.*
 - 1. The erection, construction, or alteration of any fence, wall or other type of protective barrier shall be approved by the Zoning Administrator wherever required by the section.
 - 2. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection; excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall meet corner clearance requirements set forth in [Section 6.04](#).
 - 3. No person or entity shall place or maintain any barbed wire fencing or any strands of barbed wire along the line of or in any street, alley or public place. No person

or entity shall place or allow barbed wire fencing or barbed wire to remain between any premises owned or occupied by him or her and the adjoining premises, or place or allow to remain any barbed wire fencing or barbed wire in any place where it may expose any person to injury. However, a person or entity may place such barbed wire at the top of a legal fence when placed not less than six feet from the ground.

4. Fences or other screening structures shall consist of materials commonly used in conventional construction, including but not limited to wood, metal, vinyl, masonry brick, or natural stone. If, because of the design or construction, one side of the fence or other screening structure has a more finished appearance than the other, the side of the fence or other screening structure with the more finished appearance shall face the exterior of the lot.
5. Fences or other screening structures shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed.

B. Residential, All Single-Family and Multi-Family Districts.

1. Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein. No fence, wall or hedge shall rise over forty-eight (48) inches in height on any required front yard.
2. On waterfront lots, fences that are located between the rear of the principal building and the shoreline shall be of an open-air type, permitting visibility through at least eighty percent (80%) of its area.

C. Non-Residential Districts.

1. Fences shall be permitted in the rear or side yard of non-residential districts, and shall not extend in front of the principal building.
2. Height shall not exceed eight (8) feet in height.

SECTION 10.05

LANDSCAPING

A. ***Intent.*** The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the City. It is further the intent of this section to achieve the following:

1. Minimize noise, air, and visual pollution;
2. Provide buffering of residential areas from non-residential adjacent land uses and,
3. Protect and preserve the appearance, character, and value of the community.

B. ***Screening between Land Uses.***

1. On any site plan required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of berms and/or living materials to maintain a minimum opacity of at least eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.
2. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade. The required wall or fences shall be located at least one (1) inch but not more than two (2) inches from lot line except where underground utilities interfere. Upon review of the landscape plan, the Planning Commission may approve alternate appropriate screening. The Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone, wood, or pressured treated wood. The required wall or fence shall have the finished side facing outward from the development. A required wall or fence shall also be subject to the approval of the Cheboygan County Building Department.

C. ***Screening of Trash Containers.***

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 that is compatible with the

architectural materials used in the site development. The Planning Commission, at its discretion, may approve alternative methods of screening.

2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
3. Containers and enclosures shall be located away from public view insofar as possible.
4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) thirty (30) gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
7. Screening and gates shall be of a durable construction.

D. **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 this county, conform to the current minimum standards 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 and 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 one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
4. *Coordination with utilities.* Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
5. *Existing trees.* The preservation and incorporation of existing trees in a landscape plan 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 trees 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 City; and
- c. In the event that healthy trees which are used to meet the minimum requirements of this section or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the City, the contractor shall replace them with trees which meet Ordinance requirements.

6. *Installation, maintenance, and completion.*

- a. All landscaping required by this section shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash, letter of credit, and/or certified check shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
- b. 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.
- c. Landscaping required by this section shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

E. Minimum Size and Spacing Requirements. Where landscaping is required, the following minimum size and spacing requirements for representative landscape materials shall be applicable, unless otherwise specified in this section:

**Table 10.05 K-1
Minimum Size and Spacing Requirements**

	Minimum Size Allowable				Recommended On-Center Spacing (in feet)				
	Height/Caliper								
Trees	6'	3'-4'	2"	2.5"	30	25	15	10	
Evergreen Trees, such as Fir, Spruce, Pine & Hemlock	•						•		
Narrow Evergreen Trees, such as Red Cedar, Arborvitae, and Juniper		•						•	
Large Deciduous Trees, such as Oak, Maple, Beech, Linden, Honeylocust, and Sycamore				•	•				
Small Ornamental Deciduous Trees, such as Flowering Dogwood, Cherry, Plum, Pear, Crabapple, Hawthorn and, Redbud			•				•		
	Minimum Size Allowable				Recommended On-Center Spacing (in feet)				
	Height/Caliper								
Shrubs	6'	3'-4'	24" – 36"	18" – 24"	10	6	5	4	3
Large Evergreen Shrubs (upright), such as Pyramidal or Hicks Yew		•					•		
Large Evergreen Shrubs (spreading), such as Spreading Yews or Junipers			•				•		
Small Evergreen Shrubs (upright), such as Brown's or Ward's, or Yews, and Boxwood				•			•		
Small Evergreen Shrubs (spreading), such as horizontal Juniper varieties or spreading Euonymous varieties				•			•		
Large Deciduous Shrubs, such as Lilac, Sumac, Weigela, Dogwood (Red Osier and Grey), and Viburnum varieties			•			•			
Small Deciduous Shrubs, such as Spirea, Fragrant Sumac, Japanese Quince, Cotoneaster, and Potentilla				•					•

SECTION 10.06

EXTERIOR LIGHTING AND GLARE

A. **General Standards.** The purpose of this section is to provide reasonable regulations to direct the location, design, illumination level, and use of outdoor lighting from both direct and indirect sources to minimize its undesirable effects. Lighting standards recognize that parking areas, walkways, driveways, building entryways, off-street parking and loading areas, other outdoor pedestrian ways, and building complexes with common areas need to be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas. Lighting standards set forth herein are also intended to:

1. Provide for and control lighting in outdoor public places where public health, safety, and welfare are potential concerns;
2. Protect drivers and pedestrians from the glare of non-vehicular light sources;
3. Protect neighbors, the environment, and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained, or shielded light sources;
4. Promote energy efficient lighting design and operation; and
5. Protect and retain the visual character of the City.

B. **Standards for Light from Direct Sources.**

1. Only non-glare, color-corrected lighting shall be permitted. Lighting shall be placed, directed and shielded so as to direct the light onto the site and away from adjoining properties through the use of full-cutoff luminaires. Lighting shall be shielded so that it does not cause glare for motorists;
2. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.5 foot-candles at ground level along common property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candle at ground level along common property lines. Maximum light levels shall not exceed 20.0 foot-candles in any given area measured at ground level;
3. Except as noted above, lighting fixtures shall not exceed a height of twenty-five (25) feet. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of eighteen (18) feet, and shall be located so as to result in the minimum interference with residential users; and
4. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon

adjacent properties and traffic safety. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.

5. All outdoor lighting shall be reduced to at least fifty percent (50%) of the light level at full illumination one (1) hour after closing.

C. Standards for Light from Indirect Sources.

1. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and so as not to create a public nuisance or hazard along lot lines.
2. The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, including residential property.
3. Exterior doors shall be located, operated and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses.

D. Exemptions.

1. Luminaires used for public roadway illumination.
2. All temporary emergency lighting needed by the police, fire, or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Ordinance.
3. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all such luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
4. Luminaires used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating.
5. Seasonal holiday lighting and illumination of the American and state flags shall be exempt from the requirements of this Ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.
6. Installations existing prior to the enactment of this Ordinance are exempt from its requirements. However, any changes to an existing lighting system, fixture replacements, or any grandfathered lighting system that is moved must meet these standards.

E. Prohibited Lighting. The following types of outdoor lighting are specifically prohibited:

1. Lighting that could be confused for a traffic control device;
2. Lighting that is oriented upward, except as otherwise provided for in this Ordinance;
3. Searchlights, beacons, and laser source light fixtures;
4. Lights that blink, flash, move, revolve, flicker, change intensity, or change color;
5. Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting; and
6. Lighting inside of an awning when the awning material is translucent.

Article 11 – Environmental Standards

SECTION 11.01

ENVIRONMENTAL PERFORMANCE STANDARDS

- A. No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operations, which are standards hereby established as the minimum requirements to be maintained within the area.
- B. Airborn Emissions.
1. ***Smoke and air contaminants.*** It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health or safety of persons or which cause injury or damage to business or property.
 2. ***Odors.*** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.
 3. ***Gases.*** The escape or emission of any gas that is injurious, destructive, or harmful to persons or property or explosive shall be unlawful and shall be abated.
- C. Glare and radioactive materials. Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultra-violet rays shall be performed in such a manner as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electro-magnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- D. Fire and explosive hazards. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941, being M.C.L.A. §§ 29.1 to 29.34, as amended.
- E. Noise. Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- F. Wastes. No waste shall be discharged in the public sewer systems which, in the determination of the Director of the Department of Public Works, is dangerous to the public health and safety.

SECTION 11.02

CONSTRUCTION WITHIN FLOODPLAIN AREAS

- A. Intent. It is the intent and purpose of this Section to establish those standards necessary to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City of Cheboygan; and further, to comply with the provisions and requirements of the National Flood Insurance Program.
- B. Delineation of the Flood Hazard Area. The boundaries of Flood Hazard Areas shall initially be determined by reference to the Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, and any amendments thereto, as provided by the National Flood Insurance Program.
- C. Development Requirements. In cases of conflict, the Flood Hazard Area development requirements shall take precedence over the standards and requirements of the existing Zoning District. Compliance with the requirements of this Section shall be necessary for all development occurring within Flood Hazard Areas.
- D. Uses Permitted.
1. Within Flood Hazard Areas, no land shall be used except for one (1) or more of the following uses:
 - a. Grazing, agriculture and pastureland.
 - b. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, nature paths and trails and wildlife preserves.
 - c. Required open space or lot area for uses in compliance with the Zoning District requirements or contiguous property not within the Flood Hazard Area.
 - d. Off-street parking, streets, drives, roads, and outdoor play equipment or structures, provided that such equipment and/or structures would not cause an increase in water surface elevation, obstruct flow, or reduce impoundment capacity. Such equipment and/or structures shall be anchored to prevent flotation and lateral movement.
 2. New and/or substantially improved residential structures shall be permitted, provided that such residential structures comply with the standards and requirements of Section 612.2.1, 612.2.2, or 612.2.3. of the Army Corps of Engineers "Flood Proofing Regulations".
 3. New and/or substantially improved non-residential structures permitted by the applicable Zoning District shall be permitted, provided that such non-residential structures comply with the standards and requirements of Sections 612.2.1, 612.2.2, or 612.2.3 of the Army Corps of Engineers "Flood Proofing Regulations".

- E. Permits. No building or structure shall be erected, converted, or substantially improved or placed, and no land filled or used in a Flood Hazard Area without the granting of an applicable permit by the Zoning Administrator and the Cheboygan County Building Department.

Article 12 – Signs

SECTION 12.01 **TITLE**

This Article shall be known and may be cited as the “Sign Ordinance of the City of Cheboygan.”

SECTION 12.02 **PERMITS**

- A. No sign shall be erected, installed, replaced or reconstructed on any lot, parcel, or structure, unless or until a permit has been issued by the City for such sign.
- B. Application for a sign permit shall be submitted to the City on the appropriate forms supplied by the City. The application shall contain the following information:
 - 1. Name, address and telephone number of applicant;
 - 2. Written permission of property owner, if other than an on-premises sign;
 - 3. Type of sign or sign structure, as defined in this Article;
 - 4. Sketch showing sign size, height, type of support (if applicable) and zoning district in which sign is located, location of sign on property including front and side yard setback distances and any other information required herein;
 - 5. Street address of the property upon which the sign is proposed to be located;
 - 6. The name of the contractor who is producing and/or erecting the sign or the business or property owner who is producing and/or erecting the sign themselves.
- C. The following signs shall not require permits; however, they shall not be located within any right-of-ways:
 - 1. Residential signs that include the name of the resident or residence and the address, when such sign surface area is less than two square feet in display area, per side;
 - 2. Real estate sign that is placed upon a property advertising that particular property for sale, rent or lease;
 - 3. Political signs and temporary non-illuminated signs advertising sales, bazaars, etc., for a period not to exceed 30 days.

SECTION 12.03 **NO VESTED RIGHT**

Nothing in this Article should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign, and it is hereby declared to be subject to

subsequent amendment, change or modification as may be necessary for the preservation of public health, safety and welfare.

SECTION 12.04 PROVISIONS APPLICABLE TO ALL SIGNS

The following provisions shall apply to all signs in the city:

- A. Signs over a right-of-way. Any sign which overhangs a dedicated public right-of-way shall require the approval of the governmental unit having jurisdiction over that right-of-way and shall comply with all local provisions as well.
- B. Sign maintenance. All signs shall be maintained in a clearly legible condition and shall be kept in good repair. Wall-mounted signs, projecting signs and nameplates shall be thoroughly secured to the building by metal anchors, bolts, supports, rods or braces. Any permanent sign which is determined structurally or electrically unsafe by the Zoning Administrator shall be removed or repaired within ten days of notification of the hazard at owner's expense. A temporary sign found by the Zoning Administrator to be in an unsafe condition must be removed by the owner within three days after notice to do so.
- C. Abandoned signs. Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or product sold, or an abandoned sign, shall be removed, at the expense of the property owner within 30 days after the cessation of business.
- D. Signs constituting a traffic hazard. No sign shall be located so as to obstruct or impair driver vision. A sign shall not obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Signs which by reason of their location, shape, size or color can be confused with an official traffic sign, signal, or marking shall not be permitted.
- E. Illumination of signs. Illumination of signs shall be limited to the face of the sign and not supporting structures or devices such as poles, posts, etc. Exterior lighting of signs shall be shielded so as not to glare or be hazardous to traffic.
- F. Alterations. A sign which was erected before the adoption of these requirements shall not be rebuilt or relocated without conforming to the requirements of this Article.
- G. Installation. A sign shall not be erected, constructed or maintained so as to obstruct any fire escape, window, door or other opening; or so as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, or shall not be placed as to interfere with an opening which is required for legal ventilation.
- H. Permit fees. A permit shall be required for every sign structure regulated by this Article. Every applicant, before being granted a permit hereunder shall pay the proper fee in effect at the time of application. The fee for such permit shall be as established by resolution of City Council from time to time.

- I. Conditions. The following conditions shall apply to all signs erected or located in the City:
1. All signs shall conform to all codes and ordinances of the City and shall be approved by the Zoning Administrator and a permit issued.
 2. No sign except those established and maintained by the City, County, State or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement except as set forth in [Section 12.09](#).
 3. No sign otherwise permitted shall project above or beyond the maximum height limitation of the zoning use district in which located.
 4. All directional signs required for the purpose of orientation, when established by the City, County, State or Federal Government, shall be permitted.
 5. All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.
 6. Non-accessory signs shall be permitted which satisfy either of the following:
 - a. In an Industrial District.
 - b. Which advertise financing provided by financial institution's for a public institution infrastructure project at the project site with total signage not exceeding 25 square feet and displayed only during the duration of the project.
 7. No sign shall contain flashing lights, unless otherwise specified in [Section 12.10](#).
 8. No sign shall be located within, project into or overhang the triangular area formed at the intersection of street right-of-way lines at a distance along each line of 25 feet from their point of intersection.
 9. A sign used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.

SECTION 12.05 APPROVED MATERIALS FOR TRIM

Non-structural trim may be made of metal or wood or approved combustible plastics or any combination thereof. Facing, letters, and decorations of all types of signs may be made of metal or approved combustible plastics. Facings, letters and decorations or signs other than electric signs may be made of wood.

SECTION 12.06

GROUND SIGNS

- A. Ground signs or billboards may be constructed of combustible materials if approved by the Zoning Administrator. Also, the letters, figures, characters or representation in cut out, or irregular form, decorations and structural trim of ground signs may be made of approved combustible materials if approved by the Zoning Administrator.
- B. In case of all ground signs hereafter erected, replaced or reconstructed, none shall be set with its bottom less than 1½ feet above ground at its lowest point which space shall not be closed in any manner while the ground sign stands, nor shall any such ground sign approach nearer than six feet to any building or to the side line of any lot, nor nearer than two feet to any other ground sign. A ground sign being erected perpendicular to the sidewalk line shall be set back three feet from said sidewalk line; and where a ground sign is being erected at any other angle (less than 90°) to the sidewalk line, then it shall be set back at least three feet.
- C. Where buildings are hereafter built near or adjacent to a ground sign, such ground sign shall be so moved or cut off as to leave a space of not less than six feet between the building and the sign.
- D. Ground signs may be erected flat against the wall of a building provided they do not exceed the height and size requirements as described in [Section 12.15](#) and are securely fastened to the walls of the building and do not obstruct any window, exit or fire escape.
- E. Every such ground sign shall be safely and securely constructed, anchored, fastened and located in accordance with the provisions of this Article, and shall be subject to the approval of the Zoning Administrator.
- F. The person operating, maintaining, in charge, in possession of, or in control of any ground signs within the City shall maintain the same at all times in as clean a condition as possible, removing all loose or torn material from the boards and removing all paper, paste and other waste material from the grounds around the boards and the grounds shall be maintained clean and free from noxious weeds. The framework shall be neatly painted, and maintained.
- G. Letters, figures, characters or representation in cut out or irregular form, maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built, or attached to the sign structure.
- H. No ground sign shall be erected so as to obstruct free access to any building on the premises.
- I. The area and height of all ground signs identifying a business or service are restricted according to the following schedule:

<i>District</i>	<i>Maximum Height</i>	<i>Maximum Sign Area in sq. ft. (all sides)</i>
R-1, R-MH, R-2	Six feet	Three feet
R-M, W-M, I-1, I-2	Twelve feet	Twenty-four feet
B-1, O-1	Twelve feet	Parcels containing 50 front feet or less - 50 sq. ft. maximum Parcels containing over 50 front feet - 1 sq. ft. for each front foot with a maximum of 150 sq. ft.
B-2, T-1	Eighteen feet	Parcels containing 50 front feet or less - 50 sq. ft. maximum Parcels containing over 50 front feet - 1 sq. ft. for each front foot with a maximum of 150 sq. ft.
B-3	Eighteen feet	Parcels containing 50 front feet or less - 50 sq. ft. maximum Parcels containing over 50 front feet - 1 sq. ft. for each front foot with a maximum of 250 sq. ft.
B-4	Eighteen feet	Fifteen percent of first floor wall area with a maximum wall height of 20 feet allowed, if actual wall height exceeds 20 feet

SECTION 12.07 ROOF SIGNS

- A. Roof signs, including the uprights, supports and braces thereof, shall be constructed of noncombustible materials; however, facings, letters, figures, decorations and structural trim thereof may be made of approved combustible materials. All roof signs shall be secured by or bear upon masonry-bearing walls, columns, girders or roof joists.
- B. Roof signs shall be securely attached, braced or constructed.

SECTION 12.08 WALL SIGNS

- A. Construction. Wall signs and facings, letters, figures, decorations and structural trim thereof may be made of approved combustible materials approved by the Zoning Administrator.
- B. Supports and attachments. Wall signs shall meet all applicable Building Code requirements in terms of support and method of attachment.
- C. Location. No wall sign shall extend more than 24 inches beyond the building and shall be attached to a wall at a height of not less than seven feet above the grade line or not less than 15 feet, six inches, above the grade line of any alley, and shall not extend more than three feet above the parapet wall or roof level.

SECTION 12.09 PROJECTING SIGNS

- A. Extension. No sign of any kind or character shall extend over any public sidewalk or into any public street, avenue or alley, within 18 inches of the curb line. No sign shall be less than ten feet, at the lowest point, above the sidewalk over which it is installed, and if hung over an alley, the lowest edge shall be at least 15 feet, six inches, above the grade of such alley, at property line. All signs extending more than 36 inches into and over any street, alley or public place shall be securely fastened to a building with steel or iron hinges, or sockets so arranged as to permit the sign being bolted back horizontally upon the building to which it is fastened.
- B. Area. All sides of the sign shall not exceed 50 square feet in area.
- C. Support and attachment of signs. Projecting signs shall meet all applicable Building Code requirements in terms of support and method of attachment.

SECTION 12.10 ILLUMINATED AND ELECTRONIC MESSAGE SIGNS

- A. Illuminated signs shall be constructed of noncombustible materials; however, facings, letters, figures, decorations and structural trim may be made of approved combustible plastics.
- B. Illuminated signs produced in quantity (other than signs custom built for specific locations) shall be constructed in accordance with the standards then applicable in the

industry.

C. Electronic Message Signs.

1. A single Electronic Message Sign (EMS) shall be permitted as a ground sign and subject to all area and height requirements for ground signs in the District in which it is located.
2. Frequency of message changes shall be no more than once every ten (10) seconds.
3. Scrolling words or blinking and flashing images are prohibited;
4. The rate of change between two (2) messages shall be one (1) second or less.
5. City, state, and federal governments shall be permitted to post messages in the event of an emergency; and
6. The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. In no case shall the light from an electronic message sign exceed 0.1 footcandles above ambient light along any adjacent property that is zoned or used for residential purposes.

SECTION 12.11 TEMPORARY SIGNS

A. Duration of permits. Permits for temporary signs shall authorize the erection of the signs and their maintenance for a period not over 30 days.

B. Construction.

1. Temporary signs shall not exceed 50 square feet in area.
2. Frames may be of wood. Panels may be of approved wall board. Cloth or plastic panels or pennants shall be treated so as to be flame retardant.

C. Erection.

1. Temporary signs shall be attached to the wall of the building with wire or steel cables. No strings, ropes or wood slats for anchorage or support purposes shall be permitted.
2. No temporary sign shall be erected so as to prevent free ingress to or egress from any door, window, fire escape or ventilating equipment, nor shall any sign be attached to any stand pipe or fire escape.
3. No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare a distance greater than 24 inches from the wall upon which it is erected, and shall not be placed or projected over any wall opening.

- D. Advertising permitted. The advertising contained on any temporary sign shall pertain only to the business conducted on or within the premises on which such sign is erected or maintained. The provision shall not apply to signs of a civic, political or religious nature.

SECTION 12.12 **COMBINATION SIGNS**

Each portion of a combination sign shall be subject to the regulations for that type of sign.

SECTION 12.13 **MARQUEES AND MARQUEE SIGNS**

A. Construction of marquees.

1. Marquees shall be constructed of noncombustible materials and shall not project within 18 inches of the curb line. No portion of any marquee shall be less than ten feet above the level of the sidewalk or other public thoroughfare.
2. The roofs of all marquees shall be properly guttered and connected by downspouts to a storm water sewer so that water will not drip or flow onto public property.
3. All applicable Building Code requirements shall be met in terms of support and method of attachment.

B. Marquee signs.

1. Marquee signs shall be constructed of noncombustible materials; however, the facings, letters, figures and decorations thereof may be made of approved combustible plastics.
2. Marquee signs may be attached to the sides and front of a marquee, and such signs may extend the entire length and width of the marquee. Such marquee signs may also be attached to, or hung from a marquee. When hung from a marquee shall be at least ten feet at their lowest level above the sidewalk level and, further, no such sign shall extend beyond the line of such marquee.

- C. Projecting signs. Projecting signs installed over marquees shall not be supported by the marquee.

SECTION 12.14 **PYLON AND POLE SIGNS**

- A. Construction. Pylon, pole and banjo signs shall be constructed of noncombustible materials; however, facings, letters, figures, decorations and structural trim thereof may be made of approved combustible materials.

B. Erection.

1. Pylon pole or signs may not project within 18 inches of the curb line.

2. Supports for pylon or pole signs shall be located only on private property.
3. Pylon or pole signs shall be set in concrete footings of sufficient size and weight to prevent overturning the sign.

SECTION 12.15 NONCONFORMING SIGNS.

- A. It is the intent of this Article to permit most legal nonconforming signs until they are removed but not to encourage their survival unless the City Council has otherwise provided; and where the City Council has so otherwise provided, the remaining provisions of this section shall not apply.
1. It is recognized that there exists within the City signs which were lawful before this Article was passed or amended which would be prohibited, regulated, or restricted under the terms of this Article or future amendments. Such signs are declared by this Article to be incompatible with signs permitted within the City. It is further the intent of this Article that nonconformities shall not be enlarged upon, expanded or extended.
 2. A nonconforming sign shall not be extended or enlarged after passage of this Article.
- B. No nonconforming sign:
1. Shall have the face or faces changed when such sign is of a type of construction which requires a complete change of face after the effective date of this Article;
 2. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign. Nonconformities shall not be enlarged upon, expanded or extended;
 3. Shall be re-established or utilized after the activity, business or usage to which it relates has been discontinued for 30 days or longer; and
 4. If destroyed by any means, shall be reconstructed as it existed previous to the destruction. It shall be reconstructed only in conformity with the provision of this Article. Likewise, should any sign be moved for any reason for any distance whatever, it shall thereafter conform to this Article.
- C. The following types of signs shall be removed within 30 days of the effective date of this Article:
1. Tripod, sandwich board and portable signs;
 2. Temporary signs which do not conform to [Section 12.11](#).

- D. No person shall be required to remove a sign which was erected in compliance with this Article if the sign becomes nonconforming due to a change occurring after the effective date of this Article in the location of buildings, streets or other signs which change is beyond the control of the owner of the sign and the premises on which it is located.
- E. If the owner of a sign or the premises on which a sign is located changes the location of the building, property line or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign shall be made to conform to this Article.

SECTION 12.16 UNSAFE SIGNS.

When any sign or advertising device is found by the Zoning Administrator to be in such condition as to make it immediately dangerous, the Zoning Administrator is hereby authorized and empowered to abate such nuisance by taking action as in his judgment shall be necessary to protect the public and property, including the authority to take down and remove such signs without notice to the owner thereof.

SECTION 12.17 SIGN REMOVAL.

No nonconforming sign or signs pertaining to the use of the premises on which it is located shall be continued after that use has abandoned or otherwise vacated the premises; it being the intent herein, that all such signs and their supporting structure(s) are to be removed from the premises at the time the premise is abandoned or otherwise vacated, except that one temporary sign in the form of a window sign not exceeding 25% in total display area identifying the relocated use, and a real estate sign advertising the premises for sale, lease or rent shall be permitted.

If signage is not removed after 30 days, it will be removed by the City and the cost of removal charged to the property owner.

SECTION 12.18 USE DISTRICT REQUIREMENTS.

In addition to the provisions set forth herein, the following requirements shall apply to signs in the various use districts as follows:

<i>Use Districts</i>	<i>Signs Permitted and Requirements</i>
"R" Districts	For each dwelling unit, name-plates not exceeding three square feet in area, indicating name of occupant are allowed including those signs advertising home occupation as defined in Article 2, Definitions.
	For structures other than dwelling units, one identification sign not exceeding ten square feet, total area, is allowed.
	For rental and/or management offices in a multiple housing development, one identification sign not exceeding six square feet, total area, is allowed.
	In "R-M" Districts, ground or wall signs not exceeding 18 square feet, total area, indicating the name of multiple housing projects shall be permitted provided that no ground sign shall be located closer than 100 feet to any property line in any adjacent single family district.
T-1, B-1, B-3, B-4, and W-M Districts	Accessory ground signs, provided they shall not be located closer than 100 feet to any property line of any adjacent residential district and provided that they not be larger than 50 square feet, are allowed.
O-1 Districts	For each office unit occupying a building, one wall sign is allowed.
	For each office building, one wall sign and/or one ground sign indicating the name of the building, business or firm.
I-1 and I-2 Districts	Accessory ground signs provided they shall not be located closer than 200 feet to any property line of any adjacent residential district are allowed.
	Wall signs, provided they shall not project above or beyond the highest point of the roof or parapet of a building are allowed.
	Non-accessory ground signs not exceeding 300 square feet in area, shall be permitted but shall not be located closer than 200 feet to any public right-of-way line and provided further that there shall be not less than 1,000 feet between non-accessory signs located on the same side of a right-of-way.

SECTION 12.19 **VIOLATIONS DEEMED PUBLIC NUISANCE**

Any sign which is erected, altered, converted, or which is begun or changed subsequent to the time of passage of this Article and in violation of any provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 12.20 **PENALTY**

Any person, firm or corporation violating any of the provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$500 and the cost of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or both. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Article 13 – Non-Conforming Lots, Uses and Structures

SECTION 13.01 NONCONFORMING LOTS, USES AND STRUCTURES

- A. Intent. It is the intent of this section to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival unless the Council has otherwise provided; and where the Council has so otherwise provided, the remaining provisions of this section shall not apply.
1. It is recognized that there exist within the districts established by this Ordinance and subsequent amendments certain lots, structures, and uses of land and structures that were lawful before this Ordinance was passed or amended and that would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.
 2. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
 3. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this code by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.
 4. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- B. Nonconforming lots.
1. In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Article, one-family dwelling and customary accessory buildings may be erected on any single lot of record at the

effective date of adoption or amendment of this Article. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; providing that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of the 1967 Zoning Ordinance or amendment of said Ordinance or this Article, and if all or part of the lots do not meet the requirements for lot width and area as established by this Article, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Article, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Article.

C. Nonconforming uses of land. Where, at the effective date of adoption or amendment of this Article, lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article.
3. If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Article for the district in which such land is located.

D. Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this Article that could not be built under the terms of this Article by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

1. No such structure may be enlarged or altered in a way which increases its nonconformity. (For example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements of yard space and land coverage are met.)
2. Should such structure be destroyed by any means to an extent of more than 60% of its replacement cost, exclusive of the foundation at the time of destruction, it

shall not be reconstructed except in conformance with the provisions of this Article.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located.

E. Nonconforming uses of structures and land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Article, that would not be allowed in the district under the terms of this Article, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
3. In any T-1, B-1, B-2, B-3, B-4, W-M, I-1, or I-2 District if no structural alterations are made, any nonconforming use of structure or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where nonconforming use of structure, land or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempt from this provision.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

- F. Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repairs or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- G. Uses permitted subject to special conditions not nonconforming uses. Any use for which special conditions are required as provided in this Article shall not be deemed a nonconforming use, but shall without further action be deemed a nonconforming use in such district.

- H. Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

Article 14 – Zoning Board of Appeals

SECTION 14.01 **CREATION AND MEMBERSHIP**

A Zoning Board of Appeals is hereby established, in accordance with Act 110 of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.), and in such a way that the objectives of this Zoning Ordinance shall be observed, public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals is established to ensure that the objectives of this Ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, and that reasonable relief be provided in the application of this Ordinance.

A. Membership and Terms:

1. The Zoning Board of Appeals shall consist of five members appointed by the City Council. One member shall be a member of the Planning Commission with appointment coinciding with the Planning Commission term and one of whom shall be a member of the City Council with appointment coinciding with the City Council term.
2. The City Council may appoint two alternate members serving the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified in the Zoning Ordinance to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend for one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.
3. The term of each permanent member shall be three (3) years, except for the members serving because of their membership on the Planning Commission or City Council, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed within one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
4. Each member of the Board of Appeals shall be a resident of the City and shall be a qualified and registered elector of the City on such day of appointment and throughout his or her tenure in office.

5. Appointed members may be removed for misfeasance, malfeasance, or nonfeasance by the City Council only after consideration of written charges and a public hearing.
6. Any appointive vacancies on the Board of Appeals shall be filled by the City Council for the remainder of the unexpired term.
7. The Board of Appeals shall annually elect its own Chairperson, Vice-Chairperson, and Secretary.
8. The compensation of the appointed members of the Board of Appeals shall be fixed by the City Council.
9. An employee or contractor of the City Council may not be a member or employee of the Zoning Board of Appeals.

SECTION 14.02 RULES GOVERNING THE BOARD OF APPEALS

- A. Rules: The Zoning Board of Appeals shall adopt rules of procedures to govern its procedures. The Zoning Board of Appeals shall elect a Chairperson Vice-Chairperson and Secretary from its membership in accordance with adopted rules of procedure.
- B. Votes: A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary for any decision related to administrative review, interpretation and variances other than use variances. Use variances shall require an affirmative vote of two-thirds (2/3) of the members for approval. A current member of the Zoning Board of Appeals who is also a current member of the Planning Commission 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.
- C. Representation: Any applicant may appear on their own behalf at a hearing or may be represented by an agent or attorney.
- D. Time Limit: The Zoning Board of Appeals shall hear and decide upon all matters properly before it within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant and the Zoning Board of Appeals.
- E. Meetings and Record of Proceedings: All meetings of the Zoning Board of Appeals shall be held as needed. All hearings conducted by said Board shall be open to the public. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present. The Board shall maintain a record of its proceedings, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting, which shall be filed in the office of the City Clerk. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books,

papers, files, and other evidence pertinent to the matters before it.

SECTION 14.03 **POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS**

- A. General: The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and Act 110, of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article.
- B. Delegated Duties: The Zoning Board of Appeals shall hear and decide upon the following:
1. Appeals of administrative decisions.
 2. Requests for interpretation of the Zoning Ordinance or Zoning Map.
 3. Requests for dimensional and other non-use variances.
 4. Requests for use variances.
 5. All matters upon which it is required to pass under this Ordinance.
- C. Appeals of Administrative Decisions: The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this Ordinance.
1. Appeals shall be filed in writing within thirty (30) days of the written decision in question with the Zoning Administrator. The appellant must have a property interest and standing to be recognized under the law to challenge the decision. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.
 2. Appeals may be taken by the person aggrieved or by any officer, department, board, or agency of the City or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.
 3. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

4. An administrative decision may be reversed, in whole or in part, or may be modified. To that end, the Zoning Board of Appeals shall have all the powers of the Zoning Administrator from whom the appeal is taken. In reaching its decision, the Zoning Board of Appeals shall only modify or reverse an administrative decision being appealed if one (1) or more of the following requirements are met:
 - a. The administrative decision was arbitrary or capricious.
 - b. The administrative decision was based on an erroneous finding of material fact.
 - c. The administrative decision constituted an abuse of discretion; or
 - d. The administrative decision was based on erroneous interpretation of the Zoning Ordinance or zoning law.
- D. Interpretation: The Zoning Board of Appeals shall hear and decide upon the following:
1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the Rules of Interpretation set forth in [Section 4.03](#), Boundaries. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.
 2. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that would correct or clarify the Ordinance.
- E. Dimensional and Other Non-Use Variances:
1. Where a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done.
 2. Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:
 - a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness,

shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.

- b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

F. Use Variances:

- 1. Use Variance Standards for Review. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that ALL of the following conditions are met:
 - a. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
 - b. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
 - c. That the proposed use will not alter the essential character of the neighborhood.
 - d. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 - e. The owner will not be able to secure a reasonable return on his or her investment due to the circumstances set forth in a. through d. above.

SECTION 14.04

RULES AND PROCEDURES FOR VARIANCES

A. General:

1. An application for a variance shall be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner's behalf, with the Zoning Administrator. The applicant shall provide such information as is required by the Zoning Board of Appeals by way of completed application form, fee and additional information.
2. After a public hearing and upon findings of fact based upon the applicable standards set forth in this Article, the Zoning Board of Appeals may approve the variance(s) as requested, approve variance(s) that better complies with the Ordinance than that requested, or deny the request.
3. The Zoning Board of Appeals may impose conditions with an affirmative decision. The conditions may include those necessary to promote the public health, safety and welfare, ensure compatibility with surrounding land uses, and protect and preserve natural features. Any conditions imposed by the Zoning Board of Appeals must be related to a valid exercise of the police power, and purposes which are affected by the proposed use or activity.
4. Any variance approved by the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period of one (1) year, provided a building permit for the work has been obtained within that time period and work has commenced on the site. Additionally, the applicant must demonstrate continued progress towards completion of the project. The Zoning Administrator may grant extensions, not to exceed six (6) months for each extension, upon a showing of good cause and good faith effort being made to achieve completion.
5. A variance which is legally utilized and maintained runs with the property and any subsequent owners may legally continue the variance under its original or amended terms.
6. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of denial, except on grounds of new evidence not previously discovered at the time the variance was denied or changed conditions found by the Zoning Board of Appeals to be valid.

B. Use Variances:

1. Application. In addition to the information required for other variance requests, an application for a use variance shall include a sketch plan with the required information as set forth in [Section 8.02 A](#), detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:

- a. Applicant's property cannot be used for the purposes permitted in the zoning district.
- b. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
- c. Applicant's suggested use would not alter the essential character of the area.
- d. Applicant's problem has not been self-created.
- e. Unavailability of administrative relief which may afford reasonable use of applicant's property.

The applicant shall identify all persons who will testify at the hearing with respect to each of the facts and respective conclusions. If any person is to be offered as an expert witness, the application shall include a resume which shows the education and experience of such person within the particular area.

C. Decision of the Zoning Board of Appeals:

- 1. The Zoning Board of Appeals may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
- 2. At the conclusion of the hearing, the Zoning Board of Appeals may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision. The Zoning Board of Appeals may also request the Zoning Administrator to prepare findings and conclusions.
- 3. If the demand for appeal is for a variance, the Zoning Board of appeals shall either: grant, grant with conditions, or deny the application. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the Zoning Board of Appeals is necessary to grant a dimensional variance and rule on an interpretation of the Ordinance. A two-thirds majority vote of the membership of the Zoning Board of Appeals is necessary to grant a use variance. The decision shall be in writing and reflect the reasons of the decision. At a minimum, the record of the decision shall include:
 - a. Formal determination of the facts;
 - b. The conclusions derived from the facts (reasons for the decision).
 - c. The decision.

4. Within eight days of the decision the record of decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the Administrator, and other parties.
5. Any person having an interest affected by the decision shall have a right to appeal to the circuit court within 30 days of the certified decision of the Zoning Board of Appeals, as provided by law.
6. If the Zoning Board of Appeals determines to grant variance relief, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one (1) or more non-use variances and/or in the form of a use variance. The motion may include conditions that are authorized by law.

D. Public Hearings and Notifications. The Zoning Board of Appeals shall hold a public hearing on all appeals, interpretations, and requests for variances. Public hearing and notification requirements are set forth in [Section 3.12](#), Public Notice Requirements.

SECTION 14.05 SITE PLAN REQUIREMENTS

If an application to the Board of Zoning Appeals requires site plan approval pursuant to the provisions of Article 8, the applicant shall first apply for site plan approval as set forth in Article 8. The Planning Commission and City Council shall review the site plan, including site layout and other design features, but shall not grant Site Plan Approval nor make a recommendation on the variance. The Planning Commission and City Council shall then transmit the site plan and the minutes related to said site plan to the Board of Zoning Appeals. The Board of Zoning Appeals shall transmit its decision related to the application to the Planning Commission and City Council. The Planning Commission and City Council shall then take action on the site plan.

Article 15 – Amendments

SECTION 15.01 AUTHORITY

The City Council may amend the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006 as amended. Amendments to the Ordinance requirements are referred to as text amendments. Amendments to the official zoning map that constitute a change in zoning classification are referred to as rezonings.

Amendments may be initiated by: resolution of the City Council or the Planning Commission; petition of one (1) or more property owners; or by one (1) or more persons acting on behalf of a property owner(s).

SECTION 15.02 REZONING PROCEDURES

A. Procedure for Rezoning of Property.

1. An applicant seeking the rezoning of property within the City of Cheboygan shall file an application with the Zoning Administrator, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.
2. A completed application for rezoning shall be transmitted by the Zoning Administrator to the appropriate departments, and/or staff for a report on the application.
3. The Planning Commission shall review the application for rezoning, any supplementary materials or reports and hold a public hearing. Following the public hearing, the Planning Commission shall make a recommendation to the City Council.
4. The application for rezoning, the entire record at the Planning Commission, any supplementary reports, and the recommendation of the Planning Commission shall be forwarded to the City Council.
5. The City Council shall review the application for rezoning, the Planning Commission recommendation, and any supplementary reports. The City Council, after a review of the matter, shall adopt a resolution which shall either:
 - a. Approve the rezoning application for all or part of the property.
 - b. Deny the rezoning application; or,
 - c. Postpone the rezoning application.

- B. Application Requirements. A rezoning shall be submitted on forms provided by the Zoning Administrator. Failure to provide the information and materials required as a part of the application for rezoning shall render the application deficient and the application shall be held in abeyance until all required items are submitted. The following information shall be submitted:
1. The present zoning classification of the property.
 2. The proposed zoning classification.
 3. The name, address and telephone of the person applying for the rezoning.
 4. The name, address and telephone of the person who owns the subject property.
 5. The relationship between the applicant and the property owner.
 6. A Certified Survey that meets PA 132.
 7. The proposed use of the property shall be indicated on the application.

SECTION 15.03 **CONDITIONAL REZONING PROCEDURES**

- A. Authorization and Limitations. City Council shall have the authority to place conditions on a rezoning provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the City Council.

In exercising its authority to consider a conditional rezoning, the City is also authorized to impose the following limitations:

1. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
2. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
3. Any use or development proposed as part of an offer of conditions that would require conditional use approval under the terms of this Ordinance may only be commenced if conditional use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

4. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 5. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.
- B. Amendment of Conditions. The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. Procedure. The procedure for consideration of Conditional Rezoning requests shall be the same as provided in [Section 15.02](#) for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:
1. Application Requirements. A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
 - a. A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
 - b. A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
 - c. A list of conditions proposed by the applicant.
 - d. A time frame for completing the proposed improvements.
 - e. A legal description of the land.
 - f. A Site Plan prepared in accordance with the requirements set forth in Article 8.

2. Public Hearing. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
 3. Standards for Approval. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:
 - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
 - b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - i. A change in City policy since the Master Plan was adopted.
 - ii. A change in conditions since the Master Plan was adopted.
 - iii. An error in the Master Plan.
 - c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
 - d. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
 - e. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- D. Amendment to Zoning Map. Upon approval by City Council of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.
- E. Expiration. A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the City.
1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
 2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning

district classification of the property has become effective as a result of one or both of the following actions that may be taken:

- a. The property owner seeks a new rezoning classification for the property, and/or
 - b. The City initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- F. A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Cheboygan County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.
- G. If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

SECTION 15.04 PUBLIC NOTICE OF PROPOSED REZONINGS AND TEXT AMENDMENTS

Public hearing and notification requirements for proposed rezoning and text amendments are set forth in [Section 3.12](#) Public Notice Requirements.

SECTION 15.05 PROTEST PETITION

If a protest petition in conformance with State law is presented to the City Council prior to the final adoption of an amendment to this ordinance, such amendment shall not be passed except by a two-thirds (2/3) vote of the City Council. A protest petition shall be signed by the owners of at least twenty percent (20%) of the area of land included in the proposed change, or by the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, excluding publicly owned land. The protest petition shall be submitted to the City Clerk by 12:00 P.M. on the day of the City Council Meeting on the proposed amendment.