

CHAPTER 155: ZONING CODE

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GENERAL PROVISIONS

§ 155.001 SHORT TITLE.

This chapter shall be known and may be cited as the "Zoning Chapter of the City of St. Johns, Michigan."

(Ord. 616, passed 9-23-2013)

§ 155.002 OBJECTIVES.

In order to implement the purposes of zoning as set forth in Act 207 for the maximum benefit of the people of St. Johns, the objectives of this chapter are to:

- (A) Achieve the goals represented in the St. Johns Community Development Plan of current adoption by establishing standards for community development in accordance with these goals.
- (B) Realize optimum economy in the expenditure of public funds for facilities and services.
- (C) Allow each use of land to develop with the assurance that it may be carried on without facing the possibility of detrimental influence from the use on any other parcel in the zoning district.
- (D) Provide for orderly physical development by encouraging uses of land in accordance with its character, adaptability, and suitability for particular purposes and an arrangement of land uses which will recognize the best use and location of land in order to maximize economic benefit for the community as a whole.
- (E) Provide for an intensity of the several land uses which will allow full utilization of land without overcrowding, without overtaxing of utility services, and without interfering with the functions of particular streets and highways as indicated in the Community Development Plan.
- (F) Eliminate to the maximum extent possible potential dangers to life and health from all uses of the land.
- (G) Lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles.
- (H) Provide for the conservation of social and economic stability, property values, and the general character and trend of community development by encouraging the maintenance and strengthening of those features of the city's development which contribute to the citizen's welfare.
- (I) Encourage all uses of the land to conform to all applicable provisions of this chapter and encourage discontinuance of existing uses that are not permitted as new uses under the provisions of the chapter.

(Ord. 616, passed 9-23-2013)

§ 155.003 DEFINITIONS - GENERAL.

For the purposes of this chapter certain words and terms used herein shall be defined and interpreted as follows:

- (A) Words used in the present tense include the future.
- (B) The singular number includes the plural and the plural, the singular.
- (C) The word **STRUCTURE** includes the word **BUILDING** .
- (D) The word **LOT** includes the word **PLOT** or **PARCEL** .
- (E) The word **PERSON** includes a **CORPORATION** as well as an **INDIVIDUAL** .
- (F) The word **USED** or **OCCUPIED** as applied to any land or building shall be construed to include the words **INTENDED, ARRANGED, OR DESIGNED TO BE USED OR OCCUPIED** .
- (G) The word **SHALL** is always mandatory, not directory. The word **MAY** is permissive.
- (H) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

(Ord. 616, passed 9-23-2013)

§ 155.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY APARTMENT. A dwelling unit in a permitted single-family residence that is subordinate to the principal one-family dwelling unit in terms of size, location, and appearance, and provides complete housekeeping facilities for one family, including independent cooking, bathroom, and sleeping facilities, with physically separate access from any other dwelling unit. A single-family residence with an accessory dwelling does not constitute a duplex.

ACCESSORY BUILDING. A supplemental and subordinate building or structure on the same lot as the main building but not part of the main building.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

ADULT BUSINESSES. This term includes adult merchandise stores, adult motion picture theaters, adult mini-motion picture theaters, nude body painting or modeling studios, cabarets, adult novelty businesses, escort services, and peep shows, which incorporate in their business name, or otherwise describe their business as "adult," "adult entertainment," "adults only," and those businesses which fit the definitions hereinafter set forth, and which exclude minors from entry. In addition, the adult regulated businesses are more specifically defined as follows:

(1) **ADULT MERCHANDISE STORE.** A commercial establishment having a substantial or significant portion of its stock and trade in books, magazines, periodicals, photographs, videotapes, video cassettes, laser discs, films, or other visual representations which depict, describe, or portray "specified sexual activities" or "specified anatomical areas," as defined herein.

(2) **ADULT MOTION PICTURE THEATER.** A commercial establishment used for presenting film or videotapes recordings, having a dominant theme distinguished or characterized by emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(3) **NUDE BODY PAINTING OR MODELING STUDIO.** An establishment which features, or offers, as a portion of its business, the services of body painting or nude photography of the human body through services of its models, masseurs, masseuses, employees who are nude, semi-nude, or topless when performing those services.

(4) **ADULT MINI-MOTION PICTURE THEATER.** Means of adult entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film, video film, laser discs, which depicts, described, or portrays "specified sexual activities" or "specified anatomical areas," as defined herein;

(b) A booth, or other such constructed area, where an individual may, for the payment of a fee, view a motion picture, film, videotape recording, or live entertainment which depicts, describes, or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(5) **CABARET.** Means a café, restaurant, or bar, where patrons are entertained by dancers, strippers, male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as defined herein.

(6) **ADULT NOVELTY BUSINESS.** Means a business which has, as a principal activity, the sale of devices which simulate human genitals or devices designed for sexual stimulation.

(7) **ADULT PERSONAL SERVICE BUSINESS.** Means a business having as its principal activity a person, while nude, or while displaying "specified anatomical areas," as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors, and theatrical performances or entertainment.

(8) **SPECIFIED SEXUAL ACTIVITIES.** Are defined as:

(a) Human genitalia in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse, or sodomy.

(c) Fondling, or other erotic touching, of human genitalia, pubic regional, buttock, or female breast.

(9) **SPECIFIED ANATOMICAL AREAS.** Are defined as:

(a) Less than completely and opaquely covered:

1. Human genitalia and pubic region;
2. Buttock; and
3. Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(10) **MASSAGE PARLOR.** Means an establishment wherein private massage is practiced, used, or made available as the principal use of the premises.

(11) **MASSAGE.** Means manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another, for a fee.

(12) **PROTECTED USE.** Means church, school, and residential.

(13) **SCHOOL.** Means a public, or private, school offering education to students enrolled in kindergarten, or one or more grades, 1 through 12.

(14) **CHURCH.** Means a building used for regular public worship services and exempt from taxation under the General Property Tax Act of Michigan.

(15) **ESCORT SERVICE.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.

(16) **ADULT PEEP SHOW.** A means of entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas," as defined herein.

(b) A booth or other such constructed area where an individual may, for the payment of a fee, view a motion picture film, videotape recording, or live entertainment which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(17) **RESIDENTIAL.** Means any designated residential use by the City of St. Johns Zoning Chapter, including R-1, R-2, R-3L and R-3H.

ADULT FOSTER CARE LARGE GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least 13 but not more than 20 adults.

ADULT FOSTER CARE MEDIUM GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least seven but no more than 12 adults.

ADULT FOSTER CARE SMALL GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for six or fewer adults.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

AUTOMOBILE CIRCULATION AREA. Space provided on a lot for automobile maneuvering, parking or storage.

AUTO REPAIR SHOP. An establishment providing auto repair services such as auto body repair, major engine repair, undercoating, glass replacement and upholstery work.

AUTO SERVICE STATION. An establishment offering retail sale of motor fuels, oil and lubricants and/or minor vehicle repair and service such as replacement of tires, batteries, mufflers, brakes, or starters; oil changes and engine tune-ups.

BASEMENT. A story partly underground or wholly underground. Where more than one-half of its height is above the highest level of the adjoining ground, a basement shall be counted as a story for the purposes of height measurement.

BED AND BREAKFAST. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodgings and breakfast, are provided for three or more persons.

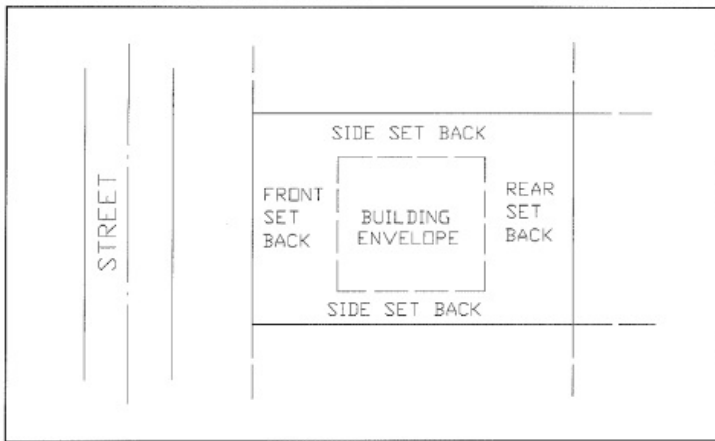
BUFFER PLANTING. Living vegetation designed and maintained to enclose activities, use, light, noise and materials within the specified lot or area.

BUILDING. Any covered structure built for the support, shelter or enclosure of persons, animals or property, and which is permanently affixed to the land.

BUILDING CODE. The Building Code of the City of St. Johns, as amended.

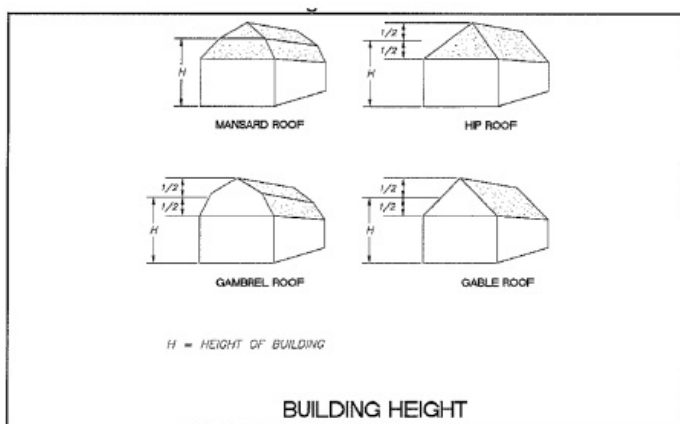
BUILDING ENVELOPE. A volume based on that portion of the lot exclusive of required yards, of maximum permitted height. (See Figure 3-1.)

Figure 3 - 1



BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge for gable, hip, and gambrel roofs. (See Figure 3-2.)

Figure 3 - 2



BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings which exist to serve the primary or chief purpose for which a lot is used.

BUSINESS AND PROFESSIONAL OFFICES. Concerns engaged in service activities of a customarily professional nature (not offering personal services required by the general public frequently for hygienic and grooming purposes), and business concerns of a headquarters of district staff operation activity.

BUSINESS SCHOOL. An educational or training establishment designed and operated for learning specific business office skills.

CAR WASH. An area of land and/or a structure used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CITY COMMISSION. The City of St. Johns Commission.

CLUSTER HOUSING. A method of development in which minimum lot sizes are reduced in return for an equal amount of open space for the development.

CONDOMINIUM. The following definitions shall apply to all condominium developments:

(1) **CONVENTIONAL CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

(2) **SITE CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

(3) **GENERAL COMMON AREAS.** Portions of the condominium development owned and maintained by the condominium association.

(4) **LIMITED COMMON AREAS.** Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

(5) **CONDOMINIUM SUBDIVISION PLAN.** Means drawings and information prepared pursuant to § 66 of the Condominium Act, Public Act 59 of 1978.

(6) **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 including those items required in § 8 of the Condominium Act, Public Act 59 of 1978.

(7) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

(8) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under § 71 of the Condominium Act, Public Act 59 of 1978.

(9) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added in accordance with the Condominium Act, Public Act 59 of 1978.

COMMUNITY DEVELOPMENT PLAN. The plan for the future development of the St. Johns area, prepared, adopted, and amended pursuant to Act 285 of the Public Acts of 1931, as amended.

COURT, OPEN. A court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines with one side or end open to a street, way, alley, or yard.

COVERAGE. The ratio of gross floor area of the first floor of a building or of a group of buildings on the same lot to the area of the lot, expressed as a percentage.

DAY CARE FACILITIES. Includes the following definitions as defined and regulated by Public Act 116 of 1973, as amended:

(1) **FAMILY DAY CARE HOME.** A state licensed private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(2) **GROUP DAY CARE HOME.** A state licensed private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(3) **CHILD CARE CENTER.** A state licensed facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

DENSITY OF POPULATION. A ratio expressed as either the number of persons or the number of families per gross acre or net acre of land.

DISCONTINUANCE. The failure to pursue customary operations.

DRIVE-IN. Partially or wholly oriented and designed to accommodate vehicle-borne customers who generally plan to remain in the vehicle.

DRIVE, PRIVATE. A privately owned pathway to provide access for automobiles into and through a parcel or group of parcels being developed. A drive does not include individual driveways on individual lots used to provide access to a garage or a parking area.

DRIVE-THROUGH. A business establishment that provides customers with the opportunity to pay for and receive goods or services without leaving their car. A drive-through establishment is distinguished from a drive-in establishment by the fact that drive-through operations involve a driveway approach that the customer uses to enter the service area, receive service and departs, while a drive-in involved parking spaces the customer parks in to receive service.

DRIVEWAY. A pathway for motor vehicles that provides direct access to a garage or a parking area from a street or private drive

DUMP. An area, either public or private, utilized for the deposit of collect materials of very low or nonexistent value. Generally regarded as the terminal deposit for unwanted matter, but not including organic garbage.

DWELLING UNIT. A house, building, or mobile home, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered as a dwelling. In case of mixed occupancy where a building occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions thereof relative to dwelling. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

(1) **DWELLING, MULTIPLE.** A multiple dwelling is a building used for as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotel, but not including mobile homes.

(2) **DWELLING, ONE-FAMILY.** A detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family or functional family only.

(3) **DWELLING, TWO-FAMILY.** A detached two-family dwelling is that occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

(4) **EFFICIENCY UNIT.** An efficiency unit is a dwelling unit consisting of one or more rooms exclusive of hallways or closets directly off the principal room.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal or state departments or commissions, of overhead, surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply, treatment or disposal systems, including mains, drains, sewers, pipes, conduits, or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes,

traffic signals, hydrants, towers, poles, signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare.

FAMILY. An individual; or a group of two or more persons related by lineal descentance, marriage, or adoption; together with not more than two additional persons not so related to such individual or group, living together as a single housekeeping unit in a dwelling unit.

FARM BUILDING. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of a particular type for the pursuit of their agricultural activities.

FENCE. An artificially constructed barrier of wood, masonry, metal or other manufactured material, or combination of materials, erected to enclose, screen or separate areas.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building used or intended to be used for office, merchandising or services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

FLOOR AREA RATIO. FAR is a measurement of building density wherein a ratio of 1.0 means that the floor area may equal the lot area or other unit of land area. An FAR of 5.0 means that the floor area may be up to five times as large as the lot area; and an FAR of 0.5 means that the floor area may be no more than one-half of the lot area.

FUNCTIONAL FAMILY. The functional equivalent of domestic family consisting of not more than six persons living together in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

GROSS FLOOR AREA. The total floor area, as measured to the outside surfaces of exterior walls, but not including the following spaces: crawl spaces, unfinished and non-habitable portions of the building, garages and open porches, balconies and terraces.

GROSS SITE AREA. An area proposed for development, including portions of the building, garages and open porches, balconies and terraces.

HOME OCCUPATION. Any occupation or profession carried on only by a member of a family residing on the premises as an accessory use, and meeting the standards set forth in this chapter.

HOSPITAL, GENERAL CARE. An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments training facilities, central service facilities, and staff offices.

HOTEL. A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are more than 15 sleeping rooms.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter.

HOUSEKEEPING UNIT. A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

INCINERATOR. A mechanical device and/or inclosing structure for the burning of refuse, collected or produced on the site.

INDUSTRY. An extraction, production, processing, testing, cleaning, repair, storage, or distribution of commodities.

INTENSITY OF LAND USE. A ratio relating the total floor area of buildings to a unit of land area.

JUNK YARD. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. The following are not included in this definition:

- (1) Places where such uses are conducted entirely within a completely enclosed building;
- (2) The sale of used vehicles in operable condition; and
- (3) The sale of salvaged materials incidental to manufacturing operations.

KENNEL. Any premises on which three or more dogs, four months old or older, are kept.

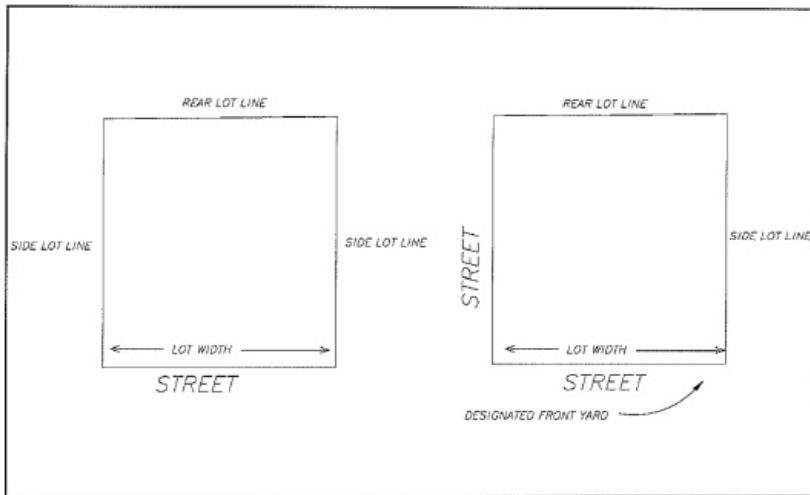
LIGHT SOURCE. Any device or fixture producing artificial light including those parts and surfaces of reflectors, refractors, globes, baffles, shades, and hoods upon which the light falls.

LOADING BERTH. A facility used and/or designed for receiving cargo from or discharging cargo into a vehicle.

LOT. A parcel of land occupied or capable of being occupied by a land use, building, structure, or group of buildings together with such yards, open spaces, lot width, and lot area, as are required by the chapter.

LOT, CORNER. A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lines with the street lines intersect at an interior angle of less than 135 degrees. (See Figure 3-3.)

Figure 3 - 3



LOT, DEPTH OF. The mean horizontal distance between the rear and front lot lines.

LOT, INTERIOR. Any lot other than a corner lot. (See Figure 3-3.)

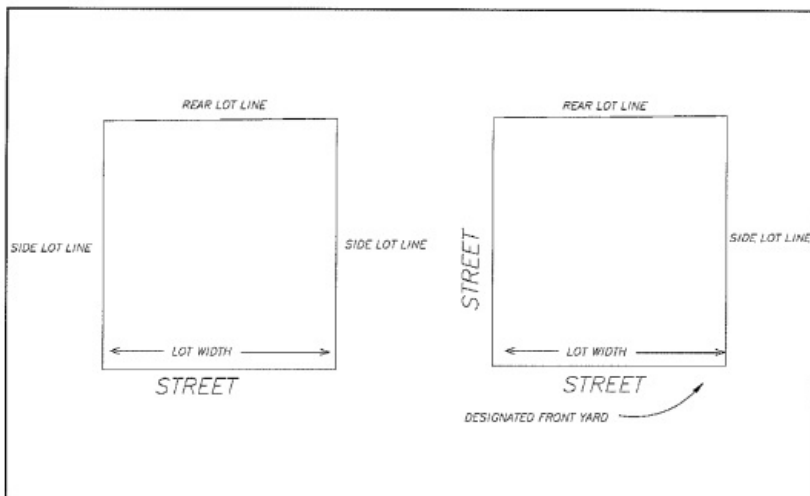
LOT LINES. The lines of demarcation between the properties of different owners or between any privately owned property and any street, alley, park or other public land, or the lines of demarcation between lots as recorded on a subdivision plat.

LOT OF RECORD. A lot which actually exists in a subdivision plat or condominium plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, SIDE OF. That edge of a lot not designated as front or rear.

LOT, WIDTH OF. The distance between side lot lines measured at the intersection of those lot lines and the street right-of-way. In the case of a corner lot it shall be the distance between the side lot line and the edge of the street right-of-way. In the case of a cul-de-sac or curvilinear street, the setback shall be measured at the required front setback line. (See Figure 3-4.)

Figure 3 - 4



MAIN RESIDENTIAL BUILDING. One or more individual dwelling structures, each having all of its parts connected in a substantial manner by common walls and completely enclosed rooms or garages, and each dwelling structure containing one or more dwelling units.

MEDICAL AND DENTAL CLINIC. A facility organized and operated for the primary purpose of providing health service in medical or dental specialty for out-patient medical or dental care of the sick or injured, and including related facilities such as laboratories and other service facilities operated in connection with the clinics.

MIXED USE. The intermingling of land uses or activities within a single zoning lot, such as residential and commercial.

MOBILE HOME. A structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to required utilities and includes the plumbing, heating, air-condition and electrical systems contained in the structure.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. For the purpose of this chapter, is a specifically designated parcel of land designed and developed to accommodate two or more mobile home sites for residential use.

MOTEL. A business comprised of a series of attached, semidetached, or detached rental units for the overnight accommodation of transient guests, each unit containing bedroom, bathroom, and closet space, with each unit having its own entrance from the parking area.

NET DEVELOPMENT AREA. The total area within the property lines of a project less the acreage of private streets, drives and internal streets, sites for churches and stores but including land reserved for schools and parks.

NONCONFORMING. A building, structure, or use lawfully established which does not conform to the current regulations of the district or zone in which it is situated.

NONCONFORMING USE, LEGAL. A building, structure, or use lawfully existing at the time of enactment of this Code or amendment thereto which does not conform to the regulations of the district or zone in which it is situated.

NURSING HOME. A facility which:

- (1) Provides nursing services on a continuing bases;
- (2) Admits the majority of the occupants upon advice of physicians as ill or infirm persons requiring nursing services;
- (3) Provides for physicians' or supervision; and
- (4) Maintains medical records.

OCCUPANCY OF LAND. The ownership and exercise on a permanent or temporary basis of that right of property which includes the use of land.

PARCEL. An area of land defined by property lines; a parcel need not be in single ownership.

PARK. Any lot, site, field or tract of land used for active or passive recreation purposes, primarily out-of-doors.

PARKING AREA. The temporary storage of registered motor vehicles of rated capacity not exceeding one and one-half tons.

PHYSICAL DEVELOPMENT. The arranging of land for human use, including the subdivision of land, the provision of facilities for communication and transportation, and the placement and erection of structures.

PLANNING COMMISSION. The St. Johns City Planning Commission.

PLAYFIELD. Any area of open space utilized for active recreation and designed to accommodate over 15 persons at one time.

PLAZA. An open area accessible to the public, which is either:

- (1) An open area along the front lot line not less than five feet deep, measured perpendicular to the front lot line; or
- (2) An open area on a through lot, extending from street (front lot line) to street (rear lot line) and not less than 15 feet wide, and which is at no point more than five feet above the curb level of the nearest adjoining street and is unobstructed from its lowest level to the sky, except for approved covered pedestrian walks.

PRIME RETAIL FRONTAGE. The first floor space on property within the Central Business District that abuts Clinton Avenue (State Street – Railroad Street), Walker Street (Brush Street – Spring Street), Higham Street (Brush Street – Spring Street) and Railroad Street (Brush Street – Spring Street), where the prime use of land is retail in nature.

PRIVATE SCHOOL. An educational institution not supported in any direct manner by general taxation, assessment, or other forms of public revenue.

PROPERTY. Real estate.

PUBLIC HOUSING. Dwelling units owned and/or operated by a public agency.

PUBLIC SCHOOL. An educational institution partially or wholly supported by general taxation, assessment, or other forms of public revenue.

RELIGIOUS INSTITUTION. Churches or other places of worship, including related plant, administrative and living facilities, such as: parsonage, vicarage, rectory, staff living quarters, Sunday school and day school buildings or other religious education buildings, include pre-school, parish house or place of public assemblage, operated and maintained in each case as an adjunct of an adjacent or nearby church, but not including schools providing education pursuant to state laws concerning compulsory education, seminaries, colleges, or facilities for the education or training of religious personnel.

RESIDENCE. A place used for human habitation other than on a transient basis.

ROOMING HOUSE. A building other than a hotel or motel where lodging only is provided for compensation for three or more persons.

SANITARY LANDFILL. A method of refuse disposal utilizing alternate layers of soil, sand, or other inert matter with the dumped and leveled refuse.

SCHOOL, ELEMENTARY. A public or private institution providing education below the ninth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, HIGH. A public or private institution providing education above the eighth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, PRIMARY. A public or private institution providing education below the fourth grade pursuant to the laws concerning compulsory education of the state of Michigan.

SETBACK LINE. Distance from the lot lines to an existing principle structure.

SETBACK LINE, REQUIRED. The line delineating the minimum required depth of the front yard.

SIDEWALK CAFÉ. Any outdoor dining area located on any public sidewalk or right-of-way that is associated with a restaurant or other eating and drinking establishment contiguous to the café area.

SIGN. A presentation or representation by letters, figures, designs, devices, pictures, emblems, insignia, numbers, lines, colors displayed so as to be visible to the public for the purpose of making anything known or attracting attention.

STANDARD DWELLING STRUCTURE. Any building, or portion of building, for which a certificate of occupancy for dwelling purposes has been issued and which conforms to all applicable health and building laws and this chapter.

STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the ceiling joists.

STREET, INTERNAL. A pathway that provides access by automobiles to individual lots that connects those lots with an existing public street.

STREET LINE. The dividing line between the street and a lot.

STREET, PRIVATE. A pathway not owned, controlled or maintained by a city, township, county, state or federal governmental agency that provides access by automobiles to individual lots.

STRUCTURAL ALTERATION. Any change in the supporting members of a building such as bearing walls, columns, girders or beams.

STRUCTURE. Anything constructed or erected, which requires a location on the ground or attached to something having a location on the ground (for example, decks, gazebos, playsets, at-grade patios).

TRADE. Actions or business involving the exchange of commodities by barter or trade, including necessary activities attendant thereto, but not including the production, processing or consumption of commodities.

TRADE SCHOOL. An educational or training establishment designed and operated for learning specific non-office skills or vocations, generally of a manual nature.

TRAFFIC. Vehicles in motion, unless otherwise modified (e.g., pedestrian traffic).

TOWNHOUSE. A building containing two or more dwelling units, with individual rear yards and/or front yards designed as an integral part of each one family dwelling unit.

USABLE OPEN SPACE. Yard space exclusive of the required front and side yards on a residential lot reserved for and devoted to the admittance of light and air and semi-private outdoor activities, and effectively separated from automobile circulation and parking.

USE. If not otherwise modified, the activity by humans, or consequent to human initiation or taking place; the remaining manifestations of such past activity.

VARIANCE. An authorization permitting change in the requirements of this chapter by the Zoning Board of Appeals in cases where the general requirements of this chapter and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

YARD. A space on the same lot with a building, unoccupied and unobstructed from the ground upward, except for certain specified building projections.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than certain specified building projections. In the case of a corner lot, the front yard will be one of the two sides of the lot fronting on a street that is designated as the front yard by the property owner at the time of applying for a zoning permit.

YARD, REAR. A yard extending across the back of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear line of the main building or any projection thereof, other than certain building projections.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front yard or street line if there is no front yard required, to the rear yard, or the rear lot line if there is no rear yard required, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof, other than certain building projections.

ZONING ADMINISTRATOR. That person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering this chapter.

ZONING LOT. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may be subsequently subdivided into two or more zoning lots. A zoning lot, therefore, may or may not coincide with a lot as shown on any recorded subdivision plat or deed.

(Ord. 616, passed 9-23-2013; Am. Ord. 626, passed 8-22-2016; Am. Ord. 627, passed 8-22-2016; Am. Ord. 642, passed 4-23-2018)

DISTRICT REGULATIONS - GENERAL

§ 155.010 ESTABLISHMENT OF DISTRICTS.

In order to carry out the objectives of this chapter, the city is hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.011 TYPES OF DISTRICTS.

R-1 District	Low Density Residential
R-2 District	Medium Density Residential
R-3L District	Multi-Family Low Density Residential
R-3H District	Multi-Family High Density Residential
R-MH District	Mobile Home Residential
CBD District	Central Business
MC District	Municipal Center
GC District	General Commercial Business
I-1 District	Industrial, High Performance Standards
I-2 District	Industrial, Liberal Performance Standards
O District	Offices
P District	Parking
T District	Transitional
MU District	Mixed Uses

(Ord. 616, passed 9-23-2013)

§ 155.012 ZONING MAP.

The boundaries of the district are shown upon the map designated as the zoning districts map of St. Johns, Michigan, adopted by the City Commission as a part of this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.013 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning districts map, the following rules shall apply:

(A) Where district boundaries are indicated as approximately coinciding with the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be the boundaries.

(B) Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be the boundaries.

(C) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

(Ord. 616, passed 9-23-2013)

§ 155.014 APPLICATION OF REGULATIONS.

Except as hereinafter provided:

(A) No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations specified for the district in which it is located.

(B) No building shall hereafter be erected or altered or located on a lot:

(1) To exceed the height;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, front yards, side yards, or usable open space;

(5) The maintenance of yards, open space, lot width and area legally required for a building shall be a continuing obligation of the owner of such building or of the owner of the property on which the building is located.

(C) Furthermore, legally required yards, open space or lot area allocated to one building shall not, by virtue of change of ownership or for any other reason, be used to satisfy yard, open space or lot area requirements for any other building or use.

(Ord. 616, passed 9-23-2013)

§ 155.015 INTERPRETATION OF USES PERMITTED.

Property and structures may be used only for those uses specifically listed in District Regulations subchapter and conditioned on the requirements of this chapter. In interpreting the list of uses permitted in this chapter, a specific use such as "school" shall not be assumed to be included in a more general term such as "governmental buildings" if the specific use is listed elsewhere in the District Regulations.

(Ord. 616, passed 9-23-2013)

§ 155.016 ZONING OF VACATED STREETS AND ALLEYS.

When a street or alley in the city is vacated, the vacated land shall automatically be zoned to the classification of the property to which it is attached as a result of the vacation.

(Ord. 616, passed 9-23-2013)

§ 155.017 ZONING OF ANNEXED AREAS.

When property is annexed into the city, it is automatically zoned R-1 unless the City Commission, as part of its resolution approving the annexation, designates a different zoning classification.

(Ord. 616, passed 9-23-2013)

R-1 LOW DENSITY RESIDENTIAL

§ 155.030 PURPOSE.

(A) It is the purpose of the R-1 District to encourage a predominance of dwelling structures located on individual parcels of land housing only one family or functional family. The requirements for this district are designed to protect and stabilize the essential character of these areas and to promote and encourage a suitable and safe environment for family life.

(B) It is recognized that a desirable living environment includes many nonresidential uses of land and buildings. In order to ensure compatibility and protect against potentially injurious effects upon residential property, certain minimum requirements are set forth for these uses, whether permitted by right or permitted by special use permit.

(Ord. 616, passed 9-23-2013)

§ 155.031 USES PERMITTED BY RIGHT.

The following uses are permitted in the R-1 District subject to all applicable regulations of the chapter:

(A) Residence, one-family.

(B) Accessory uses and buildings.

(C) Adult foster care family home or adult foster care small group home (one through six persons).

(D) Customary agricultural operations; provided that farm animals is expressly prohibited.

(E) Essential services.

(F) Family day care home.

(G) Fences.

(H) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.

(I) Golf course and country club.

(J) Home occupations.

(K) The keeping of household pets.

(L) Off-street parking and loading.

(M) Signs.

(N) Swimming pools.

(O) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.032 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the R-1 District by the application for and the issuance of a

special use permit when specified procedures and requirements as outlined in §§ 155.255 through 155.261 are met:

(A) Communication antennas (not including towers).

(B) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.

(C) Group day care home.

(D) (1) Two-family dwellings consequent to a conversion of a single-family dwelling existing on the effective date of this chapter, provided that:

(2) The floor area not be increased thereby.

(Ord. 616, passed 9-23-2013)

§ 155.033 SITE DEVELOPMENT REQUIREMENTS.

Requirements for minimum lot area; minimum lot width; required front side and rear setbacks; maximum lot coverage and maximum building height identified in § 155.170, shall apply to development in the R-1 District unless otherwise provided for in this chapter.

(A) *Usable open space.* There shall be provided on each lot an area at least equal to the required rear yard of the lot area for usable open space which shall be completely open except for projections as permitted in § 155.214 and which shall be effectively separated from areas of automobile circulation. Such area may be located anywhere on the lot other than in the required front or side yards but shall have no dimension less than 20 feet.

(B) *Permitted encroachments into the rear yard.* In addition to the projections permitted in §155.214, the main residential building may project into the required rear yard up to, but not within, ten feet of the rear lot line. This projections shall observe the required side yard and shall be no wider than one-half of the average lot width at the projection.

(Ord. 616, passed 9-23-2013)

R-2 MEDIUM DENSITY RESIDENTIAL

§ 155.040 PURPOSE.

The R-2 District is applied to those areas within the city which are particularly suitable for a higher population density by virtue of location, present development, availability of public services, or traffic facilities. It is the purpose of the district to achieve the same character, stability, and soundness of residential environment as intended for achievement by the regulations in the low density residential district.

(Ord. 616, passed 9-23-2013)

§ 155.041 USES PERMITTED BY RIGHT.

The following uses are permitted in the R-2 District subject to all specific regulations of this chapter.

(A) Residence, one-family.

(B) Accessory uses and buildings.

(C) Adult foster care family home or adult foster care small group home (one through six persons).

(D) Essential services.

(E) Family day care or group day care home.

(F) Fences.

(G) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.

(H) Golf course and country club.

(I) Home occupations.

(J) The keeping of household pets.

(K) Off-street parking and loading.

(L) Signs.

(M) Swimming pools.

(N) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.042 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the R-2 District by application for and the issuance of a special

use permit when specified procedures and requirements as outlined in §§ 155.255 through 155.261 are met:

- (A) Communication antennas (not including towers).
- (B) Bed and breakfast.
- (C) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.
- (D) Infill PUD.
- (E) Residences, two-family.
- (F) Rooming and boarding houses.
- (G) Two-family dwellings consequent to a conversion of a single-family dwelling existing on the effective date of this chapter, provided that:
 - (1) The floor area not be increased thereby;
 - (2) All applicable requirements for usable open space and off-street parking are complied with;
 - (3) Two wholly separate dwelling units be created, with individual entrances into the building; and
 - (4) That all applicable provisions of the Building Code be complied with.

(Ord. 616, passed 9-23-2013)

§ 155.043 SITE DEVELOPMENT REQUIREMENTS.

(A) *Usable open space.* There shall be provided on each lot an area at least equal to the required rear yard of the lot area for usable open space which shall be completely open except for projections as permitted in § 155.214 and which shall be effectively separated from areas of automobile circulation. Such area may be located anywhere on the lot other than in the required front or side yards but shall have no dimension less than 20 feet.

(B) *Permitted encroachments into the rear yard.* In addition to the projections permitted in §155.214, the main residential building may project into the required rear yard up to, but not within, ten feet of the rear lot line. This projections shall observe the required side yard and shall be no wider than one-half of the average lot width at the projection.

(Ord. 616, passed 9-23-2013)

R-3L MULTI-FAMILY LOW DENSITY RESIDENTIAL

§ 155.050 PURPOSE.

It is the purpose of the R-3L District to achieve the same character, stability and soundness of residential environment as intended for achievement by the regulations in the medium density residential district. The only essential difference between the R-2 and R-3 Districts is that a higher density of population is permitted and a wider variety of building types will be permitted as a matter of right. The district is applied to those areas within the city which are particularly suited for higher population density because of their central location, present high density development, and high degree of public services and transportation facilities available.

(Ord. 616, passed 9-23-2013)

§ 155.051 USES PERMITTED BY RIGHT.

The following uses are permitted in the R-3L District subject to all specific regulations of this chapter:

- (A) Residence, one-family.
- (B) Residences, two-family.
- (C) Residence, townhouse (up to four units per building).
- (D) Accessory uses and buildings.
- (E) Adult foster care family home or adult foster care small group home (one through six persons).
- (F) Adult foster care small group homes (seven through 12) and large group homes.
- (G) Essential services.
- (H) Family day care or group day care home.
- (I) Fences.
- (J) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.
- (K) Golf course and country club.
- (L) Home occupations.
- (M) The keeping of household pets.

- (N) Off-street parking and loading.
- (O) Rooming and boarding houses.
- (P) Signs.
- (Q) Swimming pools.

(R) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.052 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the R3L District by application for and the issuance of a special use permit when specified procedures and requirements as outlined in §§ 155.255 through 155.261 are met:

- (A) Bed and breakfast.
- (B) Cluster housing developments.
- (C) Communication antenna (not including towers).
- (D) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.
- (E) Infill PUD.
- (F) Planned unit development.
- (G) Residential cluster housing development.
- (H) Rooming and boarding houses.
- (I) Two-family dwellings consequent to a conversion of a single-family dwelling existing on the effective date of this chapter, provided that:
 - (1) The floor area not be increased thereby;
 - (2) All applicable requirements for usable open space and off-street parking are complied with;
 - (3) Two wholly separate dwelling units be created, with individual entrances into the building; and
 - (4) That all applicable provisions of the Building Code be complied with.

(Ord. 616, passed 9-23-2013)

§ 155.053 SITE DEVELOPMENT REQUIREMENTS.

(A) *Usable open space.* There shall be provided on each lot an area at least equal to the required rear yard of the lot area for usable open space which shall be completely open except for projections as permitted in § 155.214 and which shall be effectively separated from areas of automobile circulation. Such area may be located anywhere on the lot other than in the required front or side yards but shall have no dimension less than 20 feet.

(B) *Permitted encroachments into the rear yard.* In addition to the projections permitted in §155.214, the main residential building may project into the required rear yard up to, but not within, ten feet of the rear lot line. This projections shall observe the required side yard and shall be no wider than one-half of the average lot width at the projection.

(Ord. 616, passed 9-23-2013)

R-3H MULTI-FAMILY HIGH DENSITY RESIDENTIAL

§ 155.060 PURPOSE.

The R-3H District is intended to provide sites for a wide range of multi-family developments including townhouses, duplexes and apartments.

(Ord. 616, passed 9-23-2013)

§ 155.061 USES PERMITTED BY RIGHT.

The following uses are permitted in the R3H District subject to all specific regulations of this chapter:

- (A) Residence, one-family.
- (B) Residence, townhouse.
- (C) Apartments.
- (D) Accessory uses and buildings.
- (E) Adult foster care family home or adult foster care small group home (one through six persons).

(F) Adult foster care small group homes (seven through 12) and large group homes.

(G) Essential services.

(H) Family day care or group day care home.

(I) Fences.

(J) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.

(K) Golf course and country club.

(L) Home occupations.

(M) The keeping of household pets.

(N) Off-street parking and loading.

(O) Signs.

(P) Swimming pools.

(Q) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.062 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the R-3H District by application for and the issuance of a special use permit when specified procedures and requirements as outlined in §§ 155.255 through 155.261 are met:

(A) Bed and breakfast.

(B) Cluster housing developments.

(C) Communication antenna (not including towers).

(D) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.

(E) Infill PUD.

(F) Planned Unit Development.

(G) Residential cluster housing development.

(H) Rooming and boarding houses.

(Ord. 616, passed 9-23-2013)

§ 155.063 SITE DEVELOPMENT REQUIREMENTS.

(A) *Usable open space.* There shall be provided on each lot an area at least equal to the required rear yard of the lot area for usable open space which shall be completely open except for projections as permitted in § 155.214 and which shall be effectively separated from areas of automobile circulation. Such area may be located anywhere on the lot other than in the required front or side yards but shall have no dimension less than 20 feet.

(B) *Permitted encroachments into the rear yard.* In addition to the projections permitted in §155.214, the main residential building may project into the required rear yard up to, but not within, ten feet of the rear lot line. This projections shall observe the required side yard and shall be no wider than one-half of the average lot width at the projection.

(Ord. 616, passed 9-23-2013)

R-MH MOBILE HOME RESIDENTIAL

§ 155.070 PURPOSE.

It is the purpose of the R-MH District to provide appropriate sites for development and maintenance of mobile home parks within the city.

(Ord. 616, passed 9-23-2013)

§ 155.071 USES PERMITTED BY RIGHT.

The following uses are permitted in the R-MH District subject to all specific regulations of this chapter:

(A) Mobile home parks.

(B) Accessory uses and buildings.

(C) Adult foster care family home or adult foster care small group home (one through six persons).

(D) Essential services.

(E) Family day care or group day care home.

(F) Fences.

(G) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.

(H) Home occupations.

(I) The keeping of household pets.

(J) Off-street parking and loading.

(K) Signs.

(L) Swimming pools.

(M) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.072 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the R-MH District by application for and the issuance of a special use permit when specified procedures and requirements as outlined in §§ 155.255 through 155.261 are met:

(A) Communication antennas (not including towers).

(B) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.

(Ord. 616, passed 9-23-2013)

§ 155.073 SITE DEVELOPMENT REQUIREMENTS.

The site development requirements for mobile home parks shall be those standards adopted by the Michigan Mobile Home Commission. All other development shall comply with the requirements in the R-3L Zoning District.

(Ord. 616, passed 9-23-2013)

MC MUNICIPAL CENTER DISTRICT

§ 155.080 PURPOSE.

The MC District is designed to provide for a variety of non-profit, municipal, religious, school and similar uses, which serve the citizens of the city. The MC District is intended to facilitate the development of the governmental and other non-profit functions, consistent with the aims of the people of the city as expressed in the Community Development Plan.

(Ord. 616, passed 9-23-2013)

§ 155.081 USES PERMITTED BY RIGHT.

In the MC District the following uses are permitted:

(A) Accessory uses and buildings.

(B) Cemeteries.

(C) Child care centers.

(D) Christmas tree sales.

(E) Continuation of present residential uses.

(F) Essential services.

(G) Fences.

(H) Fraternal, armory and legion halls.

(I) Funeral homes and mortuaries.

(J) Gas regulator stations, utility pumping stations, power substations and water towers necessary for service to the adjacent area.

(K) Government offices and facilities including police and fire halls, Department of Public Works, water plants and fire halls, Department of Public Works, water plants and wells, sewage treatment facilities and municipally owned utilities.

(L) Hospitals and quasi public health care clinics.

(M) Non-municipally owned public utility offices, and substations, excluding warehouses and heavy equipment storage.

- (N) Off-street parking.
- (O) Parks and playgrounds not conducted for profit.
- (P) Religious institutions.
- (Q) Schools, including day nurseries, elementary, junior high, primary and high schools.
- (R) Signs.
- (S) Swimming pools.
- (T) Temporary building structures or yards.

(Ord. 616, passed 9-23-2013)

§ 155.082 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the MC District by the application for and the issuance of a special use permit when specified procedures and requirements as outlined in §§ 155.255 through 155.261 are met:

- (A) Communication antenna (not including towers).
- (B) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.
- (C) Hospital facilities serving psychiatric and incarcerated patients.

(Ord. 616, passed 9-23-2013)

§ 155.083 SITE DEVELOPMENT REQUIREMENTS.

Requirements for minimum lot area; minimum lot width; required front side and rear setbacks; maximum lot coverage and maximum building height identified in § 155.170, shall apply to development in the MC District unless otherwise provided for in this chapter.

(Ord. 616, passed 9-23-2013)

GENERAL COMMERCIAL DISTRICT

§ 155.090 PURPOSE.

The GC District is intended to accommodate those business activities that typically require large areas of land, may generate a large volume of motor vehicle traffic, may require large areas of off-street parking, and are potential obstacles to an efficient, convenient neighborhood service or central business district.

(Ord. 616, passed 9-23-2013)

§ 155.091 USES PERMITTED BY RIGHT.

In the GC District the following uses are permitted:

(A) Generally recognized retail business or service establishments, such as the following:

- (1) Food stores including supermarkets and all types of specialty food stores such as bakeries, candy stores, and similar uses.
- (2) Drug stores, variety stores.
- (3) Hardware and related stores, such as paint, wallpaper, and similar uses.
- (4) Department stores.
- (5) Apparel shops, including specialty shops of all sorts, shoe stores, and similar uses.
- (6) Furniture and appliances, including rugs, floor coverings, drapery, sewing machine shops, used furniture, office supplies, and similar uses.
- (7) Gift shops, camera shops, record shops, and similar uses.
- (8) Service shops such as barber, beauty, laundry, cleaner, copying and similar uses.
- (9) Minor repair shops such as shoe and watch repair.
- (10) Banks, loan offices, stock exchange offices and other financial institutions.
- (11) Hotels and motels.
- (12) Travel agencies, automobile club, chamber of commerce.
- (13) Eating and drinking establishments without drive-in or drive-thru service.
- (14) Professional and other offices drawing a large number of clients and/or customers such as:

(a) Doctors, dentists, lawyers, architects; offices and clinics;

(b) Insurance, realty, union offices;

(c) Post office, public utility office.

(15) Newspaper offices and related printing facilities.

(16) Miscellaneous business services such as consumer-credit reporting agencies, mailing list and stenographic services business and management consulting services.

(B) Accessory uses and buildings.

(C) Adult businesses.

(D) Building materials sales, feed store and fuel dealer with outdoor display and storage.

(E) Car wash.

(F) Child care facility.

(G) Christmas trees sales.

(H) Continuation of present residential uses.

(I) Commercial recreation.

(J) Restaurants and bars without drive-in or drive-thru service.

(K) Essential services.

(L) Fences.

(M) Funeral homes and mortuaries.

(N) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.

(O) Motor vehicle, trailer, farm implement and boat display, sales and rental; provided any repair or service shall be carried on in a completely enclosed building. Outdoor space used for display of motor vehicles, trailers, or boats shall be paved and adequately maintained so as to provide a durable, smooth and dustless surface; no such display may take place in the required front yard.

(P) Motor vehicle repairing and car wash, when all storage of vehicles, as well as, all activities, are conducted wholly within a permanent, fully enclosed building.

(Q) Newspaper offices and related printing facilities.

(R) Off-street parking facilities.

(S) Office parks.

(T) Photographic studios.

(U) Post office, public utility office.

(V) Religious institutions.

(W) Retail sales of building materials, feed store, fuel dealer with outdoor display and storage.

(X) Signs.

(Y) Swimming pools.

(Z) Temporary buildings, structures and yards.

(AA) Theatres, auditoriums, and other places of public assembly where all activities are conducted inside a building.

(BB) Veterinary hospital or kennel when all activities are carried on in completely enclosed buildings.

(CC) Video gaming establishments.

(DD) Video sales and rental establishments.

(EE) Warehouse.

(Ord. 616, passed 9-23-2013)

§ 155.092 USES PERMITTED BY SPECIAL USE PERMIT.

(A) Auto repair shop.

(B) Auto service facility.

(C) Communication antenna (not including towers).

(D) Drive-in and drive-thru business where service may be in automobiles or outdoors, but all other activities shall be carried on within a building.

(E) Educational development and professional training services and related office functions.

(F) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.

(G) Gas station.

(H) Kennels, when all activities are carried on in completely enclosed buildings.

(I) Manufacturing and processing establishments selling their entire output at retail on the premises.

(J) Sidewalk cafes.

(K) Storage facilities.

(Ord. 616, passed 9-23-2013)

§ 155.093 SITE DEVELOPMENT REQUIREMENTS.

Open storage. Open storage in conjunction with any retail sales establishment is permitted only when said storage is effectively screened by a solid uniformly finished wall or fence with solid entrance and exit gates, which wall or fence shall in no case be lower than the enclosed storage.

(Ord. 616, passed 9-23-2013)

CBD CENTRAL BUSINESS DISTRICT

§ 155.100 PURPOSE.

The CBD District is designed to provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime retail frontage in the Central Business District, and which serve the comparison, convenience and service needs of a consumer population well beyond the corporate boundaries of the city. The district regulations are also designed to provide for a centrally located major shopping complex, serviced by conveniently located off-street parking facilities and allowing safe pedestrian movement; but to exclude non-retail uses which typically require large areas of land or generate truck traffic.

(Ord. 616, passed 9-23-2013; Am. Ord. 660, passed 3-22-2021)

§ 155.101 USES PERMITTED BY RIGHT AND SPECIAL USE.

The following chart shows uses are permitted by right and by special use in the CBD District subject to all applicable regulations of this chapter, and only when all activities, including all storage, are conducted in permanent, fully enclosed buildings. In the chart, P= permitted by right, S = permitted by Special Use, and X= prohibited. The street names referenced refer to the front lot line of the lot in question. All uses not listed in the chart shall be considered prohibited in the CBD Zoning District.

	<i>Clinton Ave</i>	<i>Spring Street</i>	<i>Brush Street</i>	<i>Higham Street</i>	<i>Walker Street</i>	<i>Railroad Street</i>	<i>State Street</i>	<i>All Other Streets</i>
	<i>Clinton Ave</i>	<i>Spring Street</i>	<i>Brush Street</i>	<i>Higham Street</i>	<i>Walker Street</i>	<i>Railroad Street</i>	<i>State Street</i>	<i>All Other Streets</i>
<i>Single residential unit (no other uses)</i>	X	X	X	X	X	X	X	P
<i>2 or more residential (no other uses)</i>	X	S	S	(B)	(B)	P	P	P
<i>Residential uses in mixed use buildings</i>	P(A)	P	P	P(A)	P(A)	P	P	S
<i>Retail</i>	P	P	P	P	P	P	P	S
<i>Restaurant</i>	P	P	P	P	P	P	P	S
<i>Hotel</i>	S	S	S	S	S	S	S	S
<i>Office</i>	P	P	P	P	P	P	P	S
<i>Financial services/bank</i>	P	P	P	P	P	P	P	S
<i>Personal services</i>	P	P	P	P	P	P	P	S
<i>Appliance/ electronic repair</i>	P	P	P	P	P	P	P	S
<i>Manufacturing</i>	X	S	X	X	X	S	X	X

<i>Religious institution</i>	X	X	X	X	X	X	S	S
<i>Government operations building</i>	(C)	S	S	(C)	(C)	X	S	S
<i>Museum/ art gallery</i>	P	P	P	P	P	P	P	S
<i>Indoor recreation/ community center/ library</i>	P	P	P	P	P	P	P	S
<i>Outdoor recreation/ public park/ community garden/ outdoor market</i>	P	P	P	P	P	P	P	P
<i>Outreach Mission/ Community Services Organization</i>	S	S	S	S	S	S	S	S

(A) Residential units shall not be located on the first floor of buildings fronting Clinton Avenue, Higham Street, or Walker Street. On all other streets, residential units may be located on the first floor of mixed use buildings.

(B) Residential buildings with no non-residential uses shall be prohibited on Higham and Walker Streets between Brush Street and Spring Street, but shall be permitted by right on Higham and Walker Streets in all other locations within the CBD District.

(C) Government operations buildings shall be prohibited on Clinton Avenue between Railroad Street and State Street and on Higham Street and Walker Street between Brush Street and Spring Street, but shall be permitted by right on those streets in all other locations within the CBD District.

(D) The minimum gross floor area of any dwelling unit in the city shall be 500 square feet (see §155.199). The City Commission may allow the construction of units that are smaller than the minimum by special use approval. In order for the special use to be approved, the criteria in § 155.258 must be met, and the City Commission must determine that the dwelling unit, or units, will be safe, sanitary, housing promoting high quality of life for the residents.

(Ord. 616, passed 9-23-2013; Am. Ord. 633, passed 2-12-2018; Am. Ord. 660, passed 3-22-2021)

§ 155.102 REQUIRED CONDITIONS.

Uses permitted in the CBD District shall be subject to the following conditions:

(A) Establishments of a "drive-in" or "drive-thru" type offering goods or services directly to customers waiting in parked motor vehicles are not permitted on Clinton Avenue.

(B) The operation of any machinery, or the conduct of any process or activity, or the storage or display of goods, shall be such as not to be obnoxious or offensive by reason of the emission of odors, fumes, dust, smoke, noise, or vibration, or glare of lights; nor through any sort of physical obstruction of pedestrian or vehicular traffic; and provided that any use shall not cause a measurable noise emanating from the premises which is greater than that specified under § 155.124, as measured at the property line.

(C) *Number of studio and one bedroom units.* Studio units shall not account for more than 25% of the dwelling units on a given lot. Studio units and one bedroom units combined shall not account for more than 60% of the dwelling units on a given lot. Lots with fewer than ten dwelling units shall be exempt from this standard.

(D) *Maximum number of housing units.* There shall be no maximum number of housing units on a given lot, provided all minimum unit size requirements are met, all setback requirements are met, and all building height requirements are met.

(Ord. 616, passed 9-23-2013; Am. Ord. 626, passed 8-22-2016; Am. Ord. 660, passed 3-22-2021)

O OFFICE DISTRICT

§ 155.110 PURPOSE.

The O District is intended to facilitate the development of the highest standard of office and allied functions consistent with the aims of the people of St. Johns as expressed in the community development plan. It is, therefore, also intended that the site development requirements are essential to the purpose and are designed specifically to implement it.

(Ord. 616, passed 9-23-2013)

§ 155.111 USES PERMITTED BY RIGHT.

In the O District, the following uses are permitted subject to all specific regulations of this chapter:

- (A) Business offices of a public utility, transportation, advertising, real estate, insurance, commercial or industrial establishment.
- (B) Accessory uses and buildings.
- (C) Child care facility.
- (D) Christmas tree sales.
- (E) Continuation of existing residential uses.

(F) Essential services.

(G) Fences.

(H) Banks, loan offices, stock exchange offices and other financial institutions.

(I) Government offices.

(J) Professional and other offices drawing a large number of clients and/or customers such as:

(1) Doctors, dentists, lawyers, architects; offices and clinics;

(2) Insurance, realty, union offices;

(3) Post office, public utility office.

(K) Miscellaneous business services such as consumer-credit reporting agencies, mailing list and stenographic services business and management consulting services.

(L) Mortuaries, funeral homes, and museums.

(M) Offices, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations, and religious organizations.

(N) Photo studios.

(O) Restaurants and bars without drive-in service.

(P) All uses permitted by right in the residential district, under all requirements applicable in the R3L District. The uses are:

(1) Residence, one-family.

(2) Residence, townhouse.

(3) Accessory uses and buildings.

(4) Adult foster care family home or adult foster care small group home (one through six persons).

(5) Adult foster care small group homes (seven through 12) and large group homes.

(6) Essential services.

(7) Family day care or group day care home.

(8) Fences.

(9) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.

(10) Golf course and country club.

(11) Home occupations.

(12) The keeping of household pets.

(13) Off-street parking and loading.

(14) Signs.

(15) Swimming pools.

(16) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.112 USES PERMITTED BY SPECIAL USE PERMIT.

(A) Communication antenna (not including towers).

(B) Drive-in and drive-thru businesses where service may be in automobiles or outdoors but all other activities shall be carried on within a building.

(C) Gas regulator stations, utility pumping stations, power substations and water towers.

(D) Drive-thru for financial institutions.

(Ord. 616, passed 9-23-2013)

§ 155.113 SITE DEVELOPMENT REQUIREMENTS.

(A) *Usable open space.* There shall be provided on each lot an area at least equal to the required rear yard of the lot area for usable open space which shall be completely open except for projections as permitted in § 155.214 and which shall be effectively separated from areas of automobile circulation. Such area may be located anywhere on the lot other than in the required front or side yards but shall have no dimension less than 20 feet.

(B) *Permitted encroachments into the rear yard.* In addition to the projections permitted in §155.214, the main residential building may project into the required rear yard up to, but not within, ten feet of the rear lot line. This projections shall observe the required side yard and shall be no wider than one-half of the average lot width at the projection.

(Ord. 616, passed 9-23-2013)

I-1 INDUSTRIAL - HIGH PERFORMANCE STANDARDS

§ 155.120 PURPOSE.

(A) The I-1 District is intended to accommodate industrial uses, uses directly serving industrial uses, and high tech and office uses. It is intended that uses in the I-1 District shall generate a minimum of noise, glare, odors, dust, vibration, air pollution, fire and safety hazards and emit no potentially harmful or obnoxious matter or radiation.

(B) The specific intent of this section is as follows:

(1) To encourage the establishment in this district of all industrial activities which meet the requirements and the intent of this section.

(2) To prohibit, for the benefit of the types of uses for which this district is designed, any and all other uses, such as residential and retail commercial, as well as industrial uses not compatible with all other uses in this district.

(3) To encourage the discontinuance of uses presently existing in the district which are nonconforming by virtue of the type of use.

(4) To encourage compliance with the requirements and the intent of this section by uses presently located in the district which are nonconforming by virtue of not complying with any of the applicable requirements or provisions specified in this section.

(Ord. 616, passed 9-23-2013)

§ 155.121 USES PERMITTED BY RIGHT.

In the I-1 District, no building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, or enlarged except for the following uses:

(A) Production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products on the lot, all of which uses shall comply with the requirements specified in section § 155.214.

(B) (1) Accessory uses and structures clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use, such as:

(2) Incidental offices for management and materials control.

(C) Adult business.

(D) Bus terminals and garages.

(E) Christmas tree sales.

(F) Continuation of present residential uses.

(G) Contractor offices and shops such as buildings, concrete, electrical, heating, air conditioning, masonry, painting, plumbing and roofing.

(H) Corporate headquarters and offices.

(I) Essential services.

(J) Fences.

(K) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent area. If these uses are to service a larger area, a special use permit is required.

(L) High tech businesses.

(M) Offices for management and material controls.

(N) Off-Street parking and loading.

(O) Public utility and public service uses including:

(1) Bus terminals and garages.

(2) Telephone exchanges.

(P) Restaurant or cafeteria facilities for employees.

(Q) Retail sales of material manufactured on the site.

(R) Signs, including identification signs referring to the principal activities performed on the premises or to the person or firm performing these activities.

(S) Swimming pools.

(T) Temporary building structures or yards.

(U) Truck or rail freight terminal.

(V) Warehouse.

(Ord. 616, passed 9-23-2013)

§ 155.122 USES PERMITTED BY SPECIAL USE PERMIT.

(A) Auto repair shop.

(B) Auto service facility.

(C) Communication towers.

(D) Communication antenna.

(E) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.

(F) Kennels.

(G) Gas storage facilities.

(Ord. 616, passed 9-23-2013)

§ 155.123 APPLICATION REQUIREMENTS.

Any application for a zoning permit for a use in the I-1 District shall be accompanied by all information required in section § 155.403, plus:

(A) A description of the operations proposed, in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire and safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

(B) Designation of the fuel to be used and any necessary engineering plans for controlling smoke.

(C) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(D) A written statement, submitted and signed by the applicant, certifying that the proposed use will be operated in complete conformance with the use requirements below.

(Ord. 616, passed 9-23-2013)

§ 155.124 USE REQUIREMENTS.

(A) Activities in the I-1 District shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, but shall be effectively screened by a solid, uniformly finished wall or fence which shall in no case be lower than the enclosed storage. Such storage shall not be deemed to include the parking of licensed motor vehicles under one and one-half tons rate capacity. Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of the lot. Short intermittent noise peaks may be excepted if they do not exceed normal traffic noise peaks at any point on the lot boundaries.

(B) Uses in this district shall be such that they:

(1) Emit no obnoxious, toxic, or corrosive fumes or gases except for those produced by internal combustion engines under design operating conditions.

(2) Emit no odorous gases or other odorous matter in such quantities as to be perceptible at or beyond any point on the lot boundaries, provided that any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

(3) Emit no smoke greater than that emitted by properly operating domestic heating equipment.

(4) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing.

(5) Produce no heat or glare humanly perceptible at or beyond the lot boundaries.

(6) Utilize all lighting in a manner which does not permit any light source illuminating vehicular ways, parking or service areas, or which is a part of or illuminates a sign to be visible from any point beyond the lot line of the lot on which it is located.

(7) Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.

(8) Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, or of an intensity that interferes with the lawful use of any other property.

(9) Do not engage in the production or storage of any material designed for use as an explosive nor in the use of such material in production.

(10) Do not by their particular location hinder the residential function of residential streets through generation of non-

residential type and high-volume traffic over these streets.

(Ord. 616, passed 9-23-2013)

§ 155.125 AREA AND HEIGHT REQUIREMENTS.

In the I-1 District, the following requirements shall apply:

(A) Front yard setback shall be minimum 35 feet. Side yard setback shall be minimum 20 feet with minimum 50 feet if abutting residential district. Rear setback shall be minimum 35 feet with minimum 50 feet if abutting residential district.

(B) Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten feet in width, may be used for parking and loading, but not for storage. The rear or side yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

(C) Rear, side and front yard requirements shall be increased by one foot for each foot in height of structure above 25 feet.

(D) Solid fences or walls more than eight feet in height shall be set back from the lot boundary one foot for each additional foot in height above eight feet.

(Ord. 616, passed 9-23-2013)

I-2 INDUSTRIAL - LIBERAL PERFORMANCE STANDARDS

§ 155.130 PURPOSE.

The I-2 District is established to provide location and space for those activities which necessarily require extensive open storage of materials and goods and/or outdoor production, processing, cleaning, testing, or repair. To benefit those types of uses for which this district is designed, residential uses and most retail commercial uses are excluded from this district.

(Ord. 616, passed 9-23-2013)

§ 155.131 USES PERMITTED BY RIGHT.

In the I-2 District, the following uses are permitted:

(A) Production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products on the lot, all of which uses shall comply with the requirements specified in § 155.214.

(B) (1) Accessory uses and structures clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use, such as:

(2) Incidental offices for management and materials control.

(C) Adult business.

(D) Bus terminals and garages.

(E) Continuation of present residential uses.

(F) Contractor offices and shops such as buildings, concrete, electrical, heating, air conditioning, masonry, painting, plumbing and roofing.

(G) Corporate headquarters and offices.

(H) Essential services.

(I) Fences.

(J) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent area. If these uses are to service a larger area, a special use permit is required.

(K) High tech businesses.

(L) Office park.

(M) Offices for management and material controls.

(N) Off-street parking and loading.

(O) Public utility and public service uses including:

(1) Bus terminals and garages.

(2) Telephone exchanges.

(P) Restaurant or cafeteria facilities for employees.

(Q) Retail sales of material manufactured on the site.

(R) Signs, including identification signs referring to the principal activities performed on the premises or to the person or firm performing these activities.

- (S) Swimming pools.
- (T) Temporary building structures or yards.
- (U) Truck or rail freight terminal.
- (V) Warehouse.

(Ord. 616, passed 9-23-2013)

§ 155.132 USES PERMITTED BY SPECIAL USE PERMIT.

In the I-2 District, the following uses are permitted:

- (A) Airports.
- (B) Auto repair shop.
- (C) Auto service facility.
- (D) Communication antenna.
- (E) Communication tower.
- (F) Gas regulator stations, utility pumping stations, power substations and water towers.
- (G) Junk yards.
- (H) Kennels.
- (I) Open storage of materials and goods and outdoor production, processing, cleaning, testing and repair.
- (J) Sand and gravel pits, quarries, and other extraction of materials (except water) from the earth.
- (K) Storage facilities.
- (L) Any use that stores, manufactures or uses hazardous material in the Title III Threshold Quantity.

(Ord. 616, passed 9-23-2013)

§ 155.133 USE REQUIREMENTS.

The following requirements apply in the I-2 District:

(A) Any industrial or storage uses located outside of a building shall be provided with a solid, permanently maintained wall or fence completely surrounding said uses and such wall or fence shall be no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete or wall to foundations.

(B) Uses in this district shall be such that they:

- (1) Emit no obnoxious, toxic, or corrosive fumes or gasses except for those produced by internal combustion engines under design operating conditions.
- (2) Emit no odorous gases or other odorous matter in such quantities as to be perceptible at any point in any other district.
- (3) Emit no smoke darker than No. 1 of the Ringlemann chart. For the purpose of grading the density of smoke, the Ringlemann chart, as published and used by the United States Bureau of Mines, which is hereby made a part of this Chapter, shall be the standard.
- (4) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing in such quantities as to be perceptible at any point in any other district.
- (5) Produce no heat or glare humanly perceptible at or beyond the lot boundaries.
- (6) Utilize all lighting in a manner which does not permit any light source illuminating vehicular ways, parking or service areas, or which is a part of or illuminates a sign to be visible at any point in any other district.
- (7) Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals, or vegetation, or of an intensity that interferes with the lawful use of any other property.
- (8) Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.
- (9) Do not by their particular location hinder the residential function of residential streets through generalization of nonresidential type and high volume traffic over these streets.
- (10) Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of such material in production.
- (11) Noise emanating from a use in this district shall not exceed the level of normal traffic noise at any point in any other district.

(Ord. 616, passed 9-23-2013)

§ 155.134 APPLICATION REQUIREMENTS.

Any application for a zoning permit for a use in the I-2 District shall be accompanied by all information required in §155.403, plus:

(A) A description of the operations proposed, in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire and safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

(B) Designation of the fuel to be used and any necessary engineering plans for controlling smoke.

(C) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(D) A written statement, submitted and signed by the applicant, certifying that the proposed use will be operated in complete conformance with the use requirements below.

(Ord. 616, passed 9-23-2013)

§ 155.135 AREA AND HEIGHT REQUIREMENTS.

In the I-2 District, the following requirements shall apply:

(A) Front yard setback shall be minimum 35 feet. Side yard setback shall be minimum 20 feet with minimum 50 feet if abutting residential district. Rear setback shall be minimum 35 feet with minimum 50 feet if abutting residential district.

(B) Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten feet in width, may be used for parking and loading, but not for storage. The rear or side yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

(C) Rear, side and front yard requirements shall be increased by one foot for each foot in height of structure above 25 feet.

(D) Solid fences or walls more than eight feet in height shall be set back from the lot boundary one foot for each additional foot in height above eight feet.

(Ord. 616, passed 9-23-2013)

P OFF-STREET PARKING DISTRICT

§ 155.140 PURPOSE.

The P District is intended to provide for flexibility in the provision of off-street parking facilities for nonresidential uses in certain locations, to protect residentially zoned land from undesirable influences from automobile parking operations, and to facilitate the transition between residential and nonresidential uses.

(Ord. 616, passed 9-23-2013)

§ 155.141 USES PERMITTED BY RIGHT.

The following uses are permitted in the P District, subject to all applicable provisions of this chapter:

(A) Parking.

(B) Accessory uses and structures.

(C) Essential services.

(D) Fences.

(E) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.

(F) Signs essential for the operation of the parking facility.

(G) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.142 USES PERMITTED BY SPECIAL USE PERMIT.

(A) Communication antenna (not including towers).

(B) Gas regulator stations, utility pumping stations, power substations and water towers.

(Ord. 616, passed 9-23-2013)

§ 155.143 SITE LOCATION AND DEVELOPMENT REQUIREMENTS.

The following requirements shall apply in the P District:

(A) In order to be eligible for the affixing of this district, the site must bear a residential district designation and be immediately adjacent to the principal use to which the parking is to be accessory, which principal use must be in a nonresidential zoning district.

(B) Front yard requirements as well as streets side yard requirements are the same as those of the residential district in which the site was classified in accord with division (A) immediately above.

(C) Screening shall be provided to a height of four feet by a solid, uniformly finished wall or fence, or by a combination of wire fence and plant materials. The screening shall be placed wherever a P district is bounded by a public way on which fronting property on either or both sides of the P District is zoned residentially.

(D) Pedestrian and/or vehicular access shall not be permitted from any land or any public way which requires screening in accord with division (C) immediately above.

(E) Parking areas shall be improved in accordance with section §155.343.

(Ord. 616, passed 9-23-2013)

T TRANSITIONAL DISTRICT

§ 155.150 PURPOSE.

The T District is an overlay zoning district intended to provide for uses other than those prescribed for in the CBD, I-1 or commercial districts when the same abut and adjoin the R3L areas when the conditions and requirements set forth herein are met.

(Ord. 616, passed 9-23-2013)

§ 155.151 USES PERMITTED BY PERMIT.

Land in the defined transitional area is made with the approval of the St. Johns City Commission, upon recommendation and review by the St. Johns Planning Commission, to be used for residential purposes, professional offices, parking lots, service establishments, industrial uses, financial institutions, retail business outlets, and public or semipublic facilities.

(Ord. 616, passed 9-23-2013)

§ 155.152 REQUIRED CONDITIONS.

(A) Uses in the transitional area shall be subject to city specifications and upon review and recommendation by the Planning Commission and upon St. Johns City Commission approval.

(B) (1) Uses shall be subject to the following conditions:

(2) All business, servicing, storage, or processing shall be conducted within completely enclosed buildings.

(Ord. 616, passed 9-23-2013)

§ 155.153 PLANNING COMMISSION REQUIREMENTS.

For the approval of a use in the transitional area, other than what is allowed in the specified zoning district, the Planning Commission shall review a detailed development plan of all structures to be erected or changed, and make their recommendation to the City Commission for approval or denial. The following shall be considered by the Planning Commission shall review a detailed development plan of all structures to be erected or changed, and make their recommendation to the City Commission for approval or denial. The following shall be considered by the Planning Commission in its review:

(A) All required conditions will be complied with to the satisfaction of the Planning Commission.

(B) Yard area requirements of the zoning district in which the parcel is located should be complied with.

(C) Parking areas and access drives will meet the needs of the building and use.

(D) Landscaping and screening shall be sufficient to screen the building or parking areas from adjacent residential property and provide safe, compatible surroundings for neighboring uses.

(E) Architectural design as a transition from one type of use to another is compatible with the neighborhood.

(F) Sign requirements for the zoning district in which it is located are met.

(Ord. 616, passed 9-23-2013)

§ 155.154 DEVELOPMENT PLAN REQUIREMENTS.

(A) The following items are required in development plans for the T District:

(1) Owner's and applicant's name, address, telephone number and signature.

(2) Legal description and address of the property.

(3) Dimensions of all existing and proposed buildings, along with the location on the property.

(4) Property dimensions.

(5) All water, sanitary sewer and storm sewer connections.

(6) Proposed grades and site drainage pattern.

(7) Existing and proposed easements, drives, walkways, and traffic flow patterns.

(8) A detailed explanation of the proposed use of all structures.

(9) All parking areas, dimensions and landscaping proposed and existing.

(10) Any other information requested by the Planning Commission or department heads, needed to determine compliance with all conditions and requirements.

(11) If a building permit will not be needed, a letter certifying that adequate electrical and plumbing exists in the structures.

(B) If, in the opinion of the Planning Commission, all standards, specifications, conditions and requirements are complied with, they shall recommend the plan for the specified use, and forward their recommendation to the City Commission. Upon receipt of the Planning Commission's recommendation and review, the St. Johns City Commission shall either grant or deny the plan and its specified use.

(Ord. 616, passed 9-23-2013)

§ 155.155 TRANSITIONAL DISTRICT OVERLAY DESCRIPTION.

Original Plat, Blks 1-12; Walker Sub Outlot B Blk 7; Walker Sub Outlot A plus Lots 1-5, 40-44; Francis Lynds Add Blk 1, Lots 1 & 8 together with vacated alley adjacent thereto; Francis Lynds Add Blk 6, Lot 1, N ½ Lot 2, Lots 10-12; Francis Lynds Add Blk 7 Lots 1 & 2.

(Ord. 616, passed 9-23-2013)

MIXED USES DISTRICT

§ 155.160 PURPOSE.

The MU District is intended to cover an area north of the railroad right-of-way near the CBD. It is intended to serve as a buffer between the residential uses to the north and the commercial and industrial uses to the south and east.

(Ord. 616, passed 9-23-2013)

§ 155.161 USES PERMITTED BY RIGHT.

In the MU District the following uses are permitted:

(A) Residence, one-family.

(B) Residences, two-family.

(C) Residence, townhouse.

(D) Accessory uses and buildings.

(E) Adult foster care family home or adult foster care small group home (one through six persons).

(F) Adult foster care small group homes (seven through 12) and large group homes.

(G) Essential services.

(H) Family day care or group day care home.

(I) Fences.

(J) Gas regulator stations, utility dumping stations, power substations, and water towers; provided these uses are necessary for service to the adjacent residential area. If these uses are to service a larger area, a special use permit is required.

(K) Golf course and country club.

(L) Home occupations.

(M) The keeping of household pets.

(N) Off-street parking and loading.

(O) Rooming and boarding houses.

(P) Signs.

(Q) Swimming pools.

(R) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property. Such buildings shall be incidental to construction work.

(Ord. 616, passed 9-23-2013)

§ 155.162 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the MU District by application for and the issuance of a special use permit when specified procedures and requirements as outlined in §§ 155.255 through 155.261 are met:

(A) Bed and breakfast.

- (B) Banks, loan offices, stock exchange offices and other financial institutions.
- (C) Business offices of a public utility, transportation, advertising, real estate, insurance, commercial or industrial establishment.
- (D) Child care facility.
- (E) Cluster housing developments.
- (F) Communication antenna (not including towers).
- (G) Fraternal, armory and legion halls.
- (H) Gas regulator stations, utility pumping stations, power substations and water towers not necessary for service to the adjacent residential area.
- (I) Government offices.
- (J) Infill PUD.
- (K) Miscellaneous business services such as consumer-credit reporting agencies, mailing list and stenographic services business and management consulting services.
- (L) Mortuaries, funeral homes, and museums.
- (M) Offices, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations, and religious organizations.
- (N) Photo studios.
- (O) Professional and other offices drawing a large number of clients and/or customers such as:
 - (1) Doctors, dentists, lawyers, architects; offices and clinics;
 - (2) Insurance, realty, union offices;
 - (3) Post office, public utility office.
- (P) Religious institutions.
- (Q) Residential cluster housing development.
- (R) Restaurants and bars without drive-in service.
- (S) Rooming and boarding houses.
- (T) Two-family dwellings consequent to a conversion of a single-family dwelling existing on the effective date of this chapter, provided that:
 - (1) The floor area not be increased thereby;
 - (2) All applicable requirements for usable open space and off-street parking are complied with;
 - (3) Two wholly separate dwelling units be created, with individual entrances into the building; and
 - (4) That all applicable provisions of the Building Code be complied with.

(Ord. 616, passed 9-23-2013)

DIMENSIONAL REQUIREMENTS - TABLE OF DIMENSIONAL REQUIREMENTS

§ 155.170 TABLE OF DIMENSIONAL REQUIREMENTS.

<i>Table of Dimensional Requirements</i>								
<i>Zoning Districts</i>	<i>Minimum Lot Area (sq ft)</i>	<i>Minimum Lot Width (ft)</i>	<i>Setbacks</i>				<i>Maximum Lot Coverage (%)</i>	<i>Maximum Height of Building (ft/stories)</i>
			<i>Front Yard (ft)</i>	<i>Side Yard (1) (ft)</i>	<i>Side Yard (both) (ft)</i>	<i>Rear (ft)</i>		
<i>Table of Dimensional Requirements</i>								
<i>Zoning Districts</i>	<i>Minimum Lot Area (sq ft)</i>	<i>Minimum Lot Width (ft)</i>	<i>Front Yard (ft)</i>	<i>Side Yard (1) (ft)</i>	<i>Side Yard (both) (ft)</i>	<i>Rear (ft)</i>	<i>Maximum Lot Coverage (%)</i>	<i>Maximum Height of Building (ft/stories)</i>
R-1	22,000 (a) 7,500 (b)	150 (a) 75 (b)	25	20 (a) (c) 10 (b) (c)	50 (a) 20 (b)	35	40	30/2.5
R-2	7,500 5,000 (d)	75 (e)	25	10 (c)	20	35	45	30/2.5
R-3	7,000 4,356 (d)	75 (e)	10	10	20	35	55	30/2.5

MC	6,000	60	50	(f)	(f)	25	60	35/2.5
GC	10,000	100	25	(g)	-	(h)	70	35/2.5
CBD	-	-	-	-	-	-	100	(k)
O	7,000	75 (e)	10	10	20	35	60	30/2.5
I-1	-	-	35	20 (i)	40	35 (i)	70	-
I-2	-	-	35	20 (i)	40	35 (i)	70	-
P	-	-	-	-	-	-	-	-
T	-	-	-	-	-	-	-	-
M	7,000 4,000 (d)	75 (e)	10	10	20	35	60	30/2.5

Footnotes:

- (a) Lots without public water and sewer.
 - (b) Lots with public water and sewer.
 - (c) Minimum street side setback is 20 feet.
 - (d) Per dwelling unit for a multi-family development.
 - (e) On curvilinear street where lots are irregularly shaped and have non-parallel sides, the lot width requirement is measured at the front setback.
 - (f) Side yards shall not be less than 1/4 the height of the principle building, but in no case shall be less than ten feet.
 - (g) No side yard is required, but if one is provided it shall not be less than ten feet. If the lot is adjacent to a residential district then a side yard of at least ten feet is required.
 - (h) No rear yard is required unless the lot is adjacent to a residential district in which case the required rear setback is the setback required by the adjacent residential zoning district.
 - (i) A setback of 50 feet shall be required if adjacent to residentially-zoned property.
 - (j) Children’s playsets and related playground-type equipment/structures are not considered in the determination of maximum lot coverage.
 - (k) There shall be no specific height limitation in the CBD District; provided, however, that no building permit shall be issued for any structure exceeding 35 feet in height except pursuant to a special use permit granted by the Planning Commission. Application for such special use permit shall be made in accordance with the provisions of § 155.257. Further, prior to the granting of the special use permit, the City Commission shall make a finding that any such excessive height will not be detrimental to the light, air, or privacy of any other structure or use currently existing or approved for construction, and shall also determine whether the proposed height is consistent with the city's Downtown Master Plan.
- (Ord. 616, passed 9-23-2013; Am. Ord. 638, passed 2-26-2018; Am. Ord. 660, passed 3-22-2021)

SUPPLEMENTARY REGULATIONS

§ 155.180 ONE BUILDING PER LOT.

No more than one principle building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this chapter, such as a multiple-family development.

(Ord. 616, passed 9-23-2013)

§ 155.181 UNSAFE BUILDINGS.

Nothing in this chapter shall prevent compliance with an order by an appropriate authority to correct, improve, or strengthen or restore to a safe condition any building or any part of a building declared to be unsafe.

(Ord. 616, passed 9-23-2013)

§ 155.182 PROHIBITION OF USE OF STRUCTURES FOR TEMPORARY DWELLING.

No structure shall be used for dwelling purposes that is not considered a standard dwelling structure. No garage or other accessory building, mobile home, basement, partial structure, or other temporary structure, whether of a fixed or portable construction shall be erected or moved onto a lot and used for any dwelling purposes except as herein provided.

(Ord. 616, passed 9-23-2013)

§ 155.183 TEMPORARY USES PERMITTED.

- (A) A temporary building, structure, or yard for construction materials or equipment or a temporary office for the sale or rental of

real property, if in connection with and incidental and necessary to a real estate development, shall be permitted in any district provided that authorization for this temporary use, issued in conjunction with a building permit for the project shall be valid for not more than six months and may not be renewed more than three times. All temporary buildings, structures, construction material or equipment shall be removed immediately upon completion or abandonment of the construction work.

(B) Christmas tree sales may be permitted in any district upon application for an issuance of a temporary Christmas tree sales permit by the Zoning Administrator provided that any permit for such use shall be valid for not more than 30 days.

(C) A temporary permit may be issued to residents of the city for the use of a camper trailer or recreational vehicle as a temporary residence under the following conditions:

(1) The permit may be issued for a maximum of 14 days. Only two permits may be issued to any household per year.

(2) The vehicle must be parked on a single-family or duplex residential lot. The vehicle may not be parked in the street.

(3) The occupants of the vehicle must have access to bathroom facilities on the lot they are parked on other than those in their vehicle.

(D) Garage sales are permitted as an accessory use to any attached or detached single-family residence, provided that any one garage sale does not last more than seven consecutive days and only two garage sales are permitted per residence per year.

(Ord. 616, passed 9-23-2013)

§ 155.184 ACCESSORY BUILDINGS.

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(Ord. 616, passed 9-23-2013)

§ 155.185 SINGLE-FAMILY DWELLING REGULATIONS.

A single-family dwelling and any additions or alterations thereto, erected, moved or placed in the city, other than a mobile home park, shall conform to the following regulations in addition to all other regulations of this chapter:

(A) The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 20 feet on a side. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved.

(B) It shall be firmly attached to a permanent foundation constructed on the site in accordance with the city Building Code and shall have a wall of the same permitted dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

(C) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

(D) It shall be connected to a public sewer and water supply, if available or if connection is required by the city sewer or water ordinances, otherwise they may be connected to private facilities approved by the Mid-Michigan Health Department.

(E) The construction of all new single and two family residences shall include, if none are present, the construction of a public sidewalk. The sidewalk shall be constructed in accordance with city specifications.

(F) It shall comply with all pertinent zoning, subdivision, and other ordinances regulating use, floor area, lot size, setback, yards, and the like, in the zoning district in which it is located.

(G) It shall comply with all pertinent building construction and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(H) It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the Zoning Administrator to determine whether this standard is met. The City of St. Johns Zoning Administrator may at his or her discretion, refer the matter to the Zoning Board of Appeals for the determination. Any party aggrieved by an adverse decision by the City Zoning Administrator may appeal to the Zoning Board of Appeals, which board shall make the determination, with findings, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design and appearance of residential dwellings located outside of mobile home parks within 300 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or where said area is not so developed, by the character, design, and appearance of the residential dwellings generally found throughout the city. The determination of compatibility shall also be based upon compliance with the following standards:

(1) The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.

(2) The dwelling shall have a chimney that is constructed of a material and style similar to those of other dwellings typically

found in the neighborhood in which it is to be located.

(3) The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is located.

(4) The dwelling and roof shall be covered with a material which is in composition, comparable to those typically found in the neighborhood in which it is to be located.

(5) The dwelling shall have windows located on the front sides, and exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.

(6) The orientation of the dwelling's front entrance shall be similar to the orientation of homes in the neighborhood in which it is located.

(7) A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

(Ord. 616, passed 9-23-2013)

§ 155.186 EXCAVATION OF TOP SOIL.

Top soil shall not be stripped, excavated, or otherwise removed on any premises for sale or for any use other than on the premises on which the top soil was originally located except:

(A) When in connection with construction operations and the grading operating necessary thereto, top soil in surplus amounts.

(B) When as a product of an authorized excavation of other soils as provided in §§155.259 and § 155.431.

(Ord. 616, passed 9-23-2013)

§ 155.187 FENCES, WALLS OR SCREENS.

(A) *Zoning permit required.* No fence shall be erected prior to the issuance of a zoning permit by the city. The permit application shall describe the fence and include the height, length, location, material, and general type of fence.

(B) *Right-of-way.* Fences shall not be erected within or extend into a street right-of-way.

(C) *Permitted and prohibited fence types.* Fence types can include, but are not limited to: chain link, picket, stockade, wood slat, shadow box, and wrought iron. Woven wire fences, such as poultry netting, field fences, cattle fences and snow fences, are not permitted. No fence shall be constructed of corrugated metal, corrugated plastic or similar materials, or include old doors or other discarded material.

(D) *Dangerous fence elements prohibited.* No fence shall contain barbed wire, electric current, broken glass, sharp edges or other dangerous elements.

(E) *Height.*

(1) A residential fence shall not exceed a height of six feet, measured from grade to the highest point of the fence.

(2) Fences must comply with § 155.188, Visibility Controls.

(3) Fence height includes any barbed or razor wire additions as may be allowed on commercially or industrially zoned parcels.

(4) Fence height shall be measured from the ground elevation prior to any filling, berming or excavation.

(F) *Visibility.*

(1) No solid fence, hedge, tree or other planted screen shall be erected or maintained within the clear vision triangle of two streets in such a way as to obstruct vision between the height of three feet and ten feet, measured from grade.

(2) Fences placed within the clear vision triangle shall comply with the requirements of this section.

(a) *Clear vision triangle.* The **CLEAR VISION TRIANGLE** is formed by the intersecting rights-of-way of two intersecting streets, and a line connecting the rights-of-way at points 25 feet from the point of intersection.

(b) *Fences within a clear vision triangle.* A fence shall provide visibility through at least 75% of its surface area through open spaces uniformly distributed along its surface area, on any portion of the fence that is above three feet in height and within a clear vision triangle, to meet the requirements of this section.

(G) *Exterior and interior sides of fences or walls.* The finished side or most visibly attractive side of the fencing or wall shall face the exterior property line. Fence posts shall be on the side of the fence facing the interior of the lot or parcel of land upon which the fence is constructed. Fences constructed of alternating boards on opposite sides of the supporting structure are considered as finished on both sides.

(H) *Maintenance, repair or removal of fences.* Fences shall be maintained to retain their original appearance, shape and configuration. Any fence that deteriorates due to a lack of repair or type of construction shall be deemed a nuisance and shall be

repaired or removed. The city shall notify the owner of the property on which such a fence is located and specify the time period in which required repairs shall be made or the fence shall be removed.

(I) *Fences enclosing public or institutional areas.* Fences enclosing public or institutional parks, playgrounds or school yards shall be of open type, not exceeding six feet in height, except as required for recreational purposes, such as baseball backstops or similar purposes.

(J) *Safety fences.* Safety fences for pools and hot tubs shall comply with all applicable codes, including required height.

(K) *Garden fences.* A garden fence is constructed to keep wildlife out of personal garden space. Special approval from the Zoning Administrator can be obtained for alternate building materials for this purpose. The garden fence must comply with all other applicable requirements of this section.

(L) *Increased heights for commercial and industrial fencing.* The Zoning Administrator may authorize fence heights above six feet, but not greater than ten feet, for commercially and industrially zoned properties. If these properties are adjacent to residentially zoned properties, the request needs to be approved by the Planning Commission.

(M) *Decorative fences for front yards and corner lots.* Fences placed in a front yard or in the side yard of a corner lot that abuts a street right-of-way shall be decorative in nature. Split rail and picket fences are examples of typical decorative fences. However, any fence that complies with the following requirements would be considered decorative.

(1) *Height.* Decorative fences shall not exceed a height of four feet, measured from grade to the highest point of the fence.

(2) *Surface.* Except as provided in division (F)(2)(b) of this section, decorative fences shall be constructed so that the surface of the fence shall be no more than 50% solid, so as to ensure adequate visibility at the right-of-way or property line.

(3) *Orientation.* Decorative fences shall be installed with the structural members or framing directed inward toward the property.

(4) *Material.* The use of wire fencing, including, but not limited to, so-called cyclone or chain link fencing, shall not be allowed on decorative fences.

(Ord. 627, passed 8-22-2016)

§ 155.188 VISIBILITY CONTROLS.

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the centerline grades of the intersecting streets within the area bounded by the street lines of such corner lots and within 25 feet of the intersection of any two street lines.

(Ord. 616, passed 9-23-2013)

§ 155.189 ACCESSORY BUILDINGS AND STRUCTURES - REGULATIONS.

(A) *In a front yard.* No accessory building shall project into any front yard.

(B) *In a side or rear yard.* The exterior wall line of a fire-resistant construction of an accessory structure shall not be constructed closer than three feet to any lot line and the roof water runoff of the accessory building shall not be directed to any adjacent property.

(C) *On a corner lot.* No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot.

(D) *Entrance.* In no case shall the entrance of a garage be less than 20 feet from a street line.

(E) *Distance to principal building.* No accessory building shall be nearer than ten feet to a principal building. For the purpose of determining lot coverage and setback, an accessory structure located within ten feet of a main building shall be considered "attached."

(F) For purposes of this chapter the regulations applicable to accessory buildings shall also apply to any off-street parking space on a residential lot.

(G) All accessory buildings shall be on a permanent foundation.

(H) *Accessory building setbacks in non-residential districts.*

(1) Any part of a detached accessory building shall be at least 60 feet from any front lot line when the adjoining lot is located in a residential district.

(2) Accessory buildings may be erected as a part of or connected to the principal building, but in either case accessory buildings are considered a part of the principal building, and all yard requirements for a principal building will be complied with.

(I) *Principal building required.* Accessory structures or buildings may only be constructed on a lot that contains a principal building. No accessory structure or building may be constructed on a lot that does not have a principal building.

(J) *Appearance.* The exterior facade materials and architectural design of all accessory structures shall have a residential character. The overall appearance of the structure shall be in accordance with the purpose of the district where it is located.

(K) *Detached and temporary accessory structures.* Detached and temporary accessory structures that do not require permanent attachment to the ground but have similar characteristics as an accessory structure such as movable carports and playsets shall comply with the requirements for detached accessory buildings.

(L) *Lot coverage and setback.* Where the accessory structure is attached to a main building, it shall be considered a part of the main building and shall be subject to the area, lot coverage, and setback regulations of this chapter applicable to main buildings. See § 155.170.

(M) *Height.* Unless specifically noted herein otherwise, the maximum height for attached accessory structures shall be the maximum height permitted in the zoning district or the height of the principal structure, whichever is less.

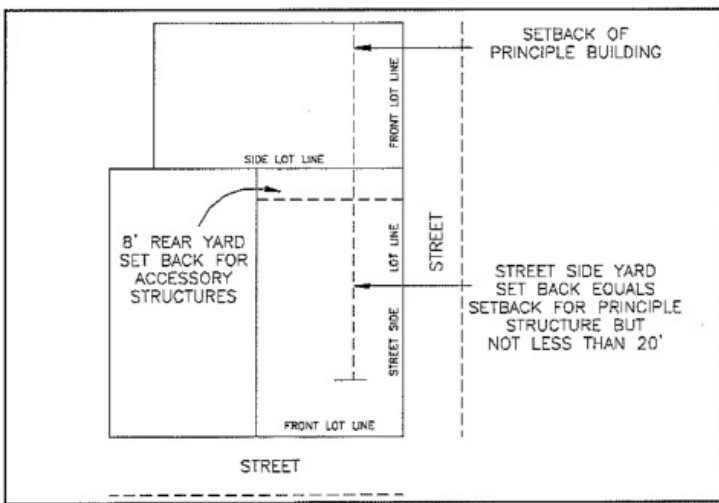
(N) *Accessory buildings and structures in residential districts.*

(1) Accessory buildings shall be erected only in the rear yard area.

(2) Accessory buildings shall not exceed 16 feet in height and shall be located at least six feet from any other separate structure on the same lot and shall not be closer than three feet to any lot line, or five feet from an alley right-of-way line. Structures closer than ten feet to another structure on the same or adjacent lots must be constructed of fire rated materials as required by the Building Code.

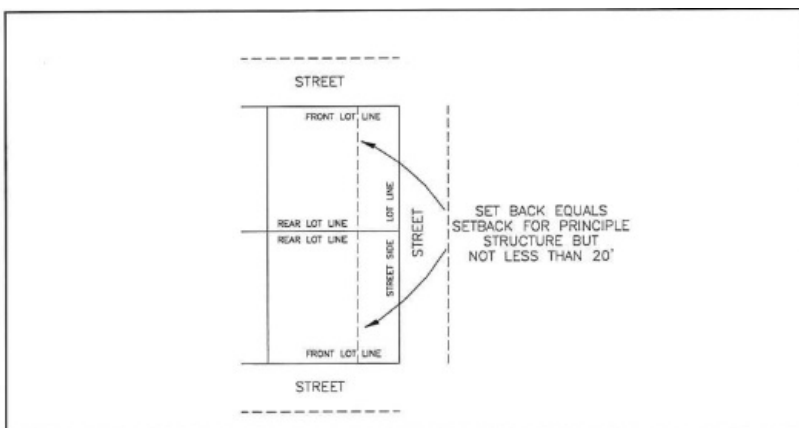
(3) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within eight feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in no case shall the setback be less than 20 feet. (See Figure 5-1).

Figure 5 - 1



(4) When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line of a corner lot than the side street yard setback of the principal building on the corner lot, but in no case shall the setback be less than 20 feet. (See Figure 5-2.)

Figure 5 - 2



(5) *Porches, decks, and patios.*

(a) Patios or decks constructed "at-grade" may be built within front, side and rear yard setbacks. An at-grade patio shall mean any patio, deck or concrete slab which is constructed at the approved grade level or which is elevated to a height of not more than 18 inches above the approved grade level.

(b) The surface of any attached deck that extends more than eight feet from the face of the building to which it is attached may not be higher than the first floor elevation of the principal structure.

(c) Unenclosed and/or uncovered front porches and stoops may encroach into a required front yard setback area, but in no case may be located closer than 15 feet from the front property line in the R-1 district or closer than ten feet in the R-2/R-3 district. For the purposes of this provision, unenclosed shall mean having no windows or screens.

(d) Porches, decks, patios covered or partially covered by permanent construction shall not project into any perimeter setbacks.

(e) Handicapped access ramps may encroach into the required perimeter setbacks.

(f) Decks and raised patios may be allowed to project not more than 15 feet into the required rear yard setbacks or five feet into the side yard setback, provided that the following conditions are met:

1. The deck or raised patio does not encroach into any easement.

2. The deck or raised patio is not located facing any street, except when located in the rear yard of a double frontage lot.

3. The deck or raised patio is located not less than five feet from any detached accessory building.

4. Any additional structure attached to the deck or raised patio, such as a gazebo, shall be located at least ten feet from the principal residential structure.

5. The deck or raised patio and all other appurtenant facilities shall conform to any applicable codes and ordinances.

(g) All deck hand railings and/or screening shall not be higher than 42 inches above the surface of the deck (excluding support structures for a roofed porch) without approval from the Planning Commission.

(Ord. 616, passed 9-23-2013; Am. Ord. 642, passed 4-23-2018)

§ 155.190 STRUCTURE COMPLETION.

All structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar material within one year after construction is started unless an extension for not more than one additional year is granted by the Zoning Administrator as provided elsewhere in this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.191 EXTERIOR/INTERIOR LIGHTING.

(A) *Purpose.* To require and set minimum standards for outdoor lighting to:

(1) Manage outdoor lighting so that its safety, security and economic and aesthetic benefits are maintained while minimizing dangerous glare, energy waste, light pollution and light trespass.

(2) Implement these principles of good lighting design by regulating the shielding, height, illumination levels, and other aspects of outdoor lighting so that residents may continue to enjoy the rural and residential character of St. Johns.

(B) *Applicability.*

(1) (a) All uses of land or buildings within the city where there is interior or exterior lighting that creates a nuisance or hazard as viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting. The following are regulated activities and shall be regulated by this chapter to the entirety of the city unless specifically exempted by this section:

(b) All zoning permits, subdivisions, site plans, and land development applications.

(2) The following are exempt from this chapter:

(a) Temporary seasonal decorative lighting associated with single-family dwellings is exempt from this chapter.

(b) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency, is exempt from the requirements of this chapter.

(c) The requirements of this chapter shall not apply to outdoor lighting installations operating before the effective date of this chapter, except for any lighting installation that creates a safety hazard as deemed by the city. Routine maintenance of these pre-existing outdoor lighting installations shall not have to comply with the requirements of this chapter.

(C) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **FOOTCANDLE.** Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

(2) **FULL CUTOFF.** Attribute of a lighting fixture where no more than 10% of the lamp's intensity is emitted at or above an angle ten degree below that horizontal plane, at all lateral angles around the fixture.

(3) **FULLY SHIELDED.** Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

(4) **GLARE.** Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

(5) **ILLUMINANCE.** Quantity of light, measured in footcandles.

(6) **LIGHT TRESPASS.** Glare emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

(7) **LUMEN.** As used in the context of this chapter, the light-output rating of a lamp (light bulb).

(D) *Performance criteria.*

(1) Fixtures shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to the city.

(2) For the lighting of predominately horizontal surfaces such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and side entrances, fixtures shall be aimed straight down and shall meet full cutoff criteria.

(3) For the lighting of predominately non-horizontal surfaces such as, but not limited to, stairways, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.

(E) *Control of nuisance and disabling glare.*

(1) All lighting shall be aimed, located, designated, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(2) Directional fixtures such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows or neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights, when building, pole or otherwise installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

(3) "Barn lights", a.k.a. "dusk-to-dawn lights", when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.

(4) *Lighting controlled by motion sensors/detectors.* This type of lighting is to be used to deter vandalism and theft and shall be placed in locations where the sensors will not be tripped on a reoccurring basis and shall be installed and/or aimed so that they do not project their output at neighboring residences, adjacent uses, directly skyward or onto a roadway.

(5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(6) The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving property.

(7) The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.

(8) Except as permitted for certain recreational lighting and permitted elsewhere in this division, fixtures shall not be mounted in excess of 20 feet above finished grade of the surface being illuminated. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminary. Where proposed parking lots of 100 or more contiguous spaces, the city may, at its discretion, based partially on mitigation of potential off-site impacts, allow a fixture mounting height not to exceed 25 feet above finished grade.

(9) Under canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens, full cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed 20 footcandles and the maximum shall not exceed 30 footcandles.

(10) The illumination projecting from any interior lighting fixture may contribute to excessive glare. Windows, doors, skylights, and the like may be required to be shielded with anti-glare window tint or other window covering as approved by the city to reduce site illumination.

(F) *Installation.*

(1) Electrical feeds for lighting standards shall be run underground, not overhead and shall be in accordance with the National Electrical Code (NEC) Handbook.

(2) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows or wide-swerving vehicles, shall be placed a minimum of five feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other means.

(3) Pole mounted fixtures for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.

(4) Pole and brackets for supporting lighting fixtures shall be those specifically manufactured for that purpose and shall be designed and rated for the weights and wind loads involved.

(5) Pole foundations shall be designed consistent with the wind loads and local soil conditions involved.

(G) *Maintenance.* Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this chapter.

(H) *Billboards and signs.*

(1) The lighting of billboards and signs shall not provide for excessive illumination, light pollution, glare, and light trespass.

(2) Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. At no point on the face of the sign or billboard shall the illumination exceed 30 footcandles.

(3) The illumination of billboards shall be limited to commercial and industrial zoning districts and the illumination of billboards within 400 feet of a residential district or use shall not be permitted.

(4) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

(5) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

(I) *Performance standards.* Single-family dwellings and agricultural or residential accessory structures.

(1) No lighting shall be permitted that shines directly onto an adjacent residence.

(2) No lighting shall be permitted that creates a hazard by shining onto a public right-of-way.

(3) Floodlights and other directional fixtures visible from an adjacent residential use shall be extinguished by no later than 11:00 p.m. or controlled by a motion sensor.

(J) *Recreational uses.* The nighttime illumination of outdoor recreational facilities typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the city is satisfied that the health, safety and welfare rights of nearby property owners have been considered.

(1) *Performance area lighting.* This is the lighting directed upon the field to illuminate the recreational activity. The maximum permitted post height for the performance area lighting is 60 feet. Post height shall be limited to the minimum height necessary to meet the performance area lighting needs of the specific event.

(2) *General area lighting.* This is a low level lighting system used to facilitate pedestrian circulation, patrons leaving the facility, clean-up, nighttime maintenance, and the like.

(3) All luminaires employed in outdoor recreational activities shall be the full-cutoff luminary type unless the performance area lighting needs of the event cannot be met through the use of full-cutoff luminaries, as determined by the city.

(4) Where non-cutoff luminaries such as floodlights must be used to meet the lighting design objectives for the performance area lighting, the luminaries shall be equipped with glare shields, visors, barn doors, or other similar shielding accessories as required to limit illumination to the performance area.

(5) No direct illumination shall project off the property.

(K) *Plan submission.* Where site lighting is regulated under this chapter, the following is required information for all applicable reviews and approvals.

(1) A plan complete with all structures, parking spaces, building entrances, traffic areas (vehicular and pedestrian), existing and proposed vegetation, and adjacent uses that may be adversely effected. The lighting plan shall contain a layout of all proposed and existing fixtures, including but not limited to, architectural, building entrance, canopy, soffit, landscape, flag, sign, and the like by location, orientation, aiming direction, mounting height, lamp, photometry and type.

(2) For all commercial, residential and industrial site plans, 10' x 10' illuminance grid of horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance, and uniformity requirements as set forth in this chapter or as otherwise required by the city.

(3) Description of the proposed equipment, including fixture information, photometrics, reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.

(4) When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

(5) The following notes shall appear on the lighting plan:

(a) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the city for review and approval.

(b) The city reserves the right to conduct post-installation inspections to verify compliance with the chapter requirements and approved lighting plan commitments, and if deemed appropriate by the city, to require remedial action at no expense to the city.

(c) All exterior lighting shall meet full-cutoff criteria unless otherwise approved by the city.

(d) Installer shall notify city to arrange for inspection and approval of all exterior lighting prior to its installation.

(L) *Safety hazards.*

(1) If a lighting installation creates a safety hazard, the person responsible for the lighting shall be notified and required to

take remedial action.

(2) If appropriate corrective action has not been taken within 15 days of notification, the city may take appropriate legal action.

(M) *Nonconforming lighting.*

(1) Any lighting fixture or lighting installation existing on the effective date of this chapter that does not conform with the requirements of this chapter shall be considered as a lawful nonconformance.

(2) A nonconforming light fixture or lighting installation shall be made to conform with the requirements of this chapter when:

(a) Minor corrective action, such as re-aiming or shielding can achieve conformity with the applicable requirements of this chapter.

(b) It is deemed by the city to create a safety hazard.

(c) It is replaced by another fixture or fixtures or abandoned or relocated.

(d) The number of fixtures is increased by 50% or more.

(e) There is a change in use.

(Ord. 616, passed 9-23-2013)

§ 155.192 SOILS, EXCAVATIONS, GRADING AND FILLING.

(A) *Excavations or holes.* The construction, or maintenance within the city of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however this section shall not prevent any excavations under a permit issued where such excavations are properly protected with barricade surrounding the excavation hole, pit, or well, and warning signs posted in such manner as approved by the Building Inspector; and provided further, that this section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental agencies.

(B) *Grading and filling of property.* The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or filling of any road ditch, the blockage of any public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The filling of land with trash or garbage or any other waste material is prohibited.

(Ord. 616, passed 9-23-2013)

§ 155.193 CONSTRUCTION OR CONTRACTS UNDER PERMITS ISSUED PRIOR TO THIS CHAPTER.

Any structure for which a zoning permit has been issued and construction of the whole, or part of which has been started, or for which a contract or contracts have been entered into pursuant to a zoning permit issued prior to the effective date of this chapter or subsequent amendments, may be completed and used in accordance with the plans and applications on which the zoning permit was granted, provided the construction permitted by such permit is prosecuted and completed within one year from the date of issue of such zoning permit, or signing of such contract. The Zoning Board of Appeals may extend this authorization for up to one additional year, if enforcement of the new ordinance provisions at the end of the year would result in undo hardship.

(Ord. 616, passed 9-23-2013)

§ 155.194 PERFORMANCE STANDARDS.

The following performance standards shall apply to uses in all districts except the I-1 and I-2 Districts, which have their own standards outlined in §§ 155.010 through 155.170. Uses in this district shall be such that they:

(A) Generate no noise that exceeds the level of ordinary conversation at the boundaries of the lot. Short intermittent noise peaks may be excepted if they do not exceed normal traffic noise peaks at any point on the lot boundaries.

(B) Emit no obnoxious, toxic, or corrosive fumes or gases except for those produced by internal combustion engines under design operating conditions.

(C) Emit no odorous gases or other odorous matter in such quantities as to be perceptible at or beyond any point on the lot boundaries, provided that any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

(D) Emit no smoke greater than that emitted by properly operating domestic heating equipment.

(E) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing.

(F) Produce no heat or glare humanly perceptible at or beyond the lot boundaries.

(G) Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.

(H) Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, or of an intensity that interferes with the lawful use of any other property.

(I) Do not engage in the production or storage of any material designed for use as an explosive nor in the use of such material in production.

(J) Do not by their particular location hinder the residential function of residential streets through generation of non-residential type and high-volume traffic over these streets.

(Ord. 616, passed 9-23-2013)

§ 155.195 COMMERCIAL OUTDOOR DISPLAY SALES OR STORAGE.

Commercial outdoor display or storage may be permitted by the Planning Commission provided compliance with all other provisions of this chapter and provided:

(A) Any stockpiles of soils, fertilizer or similarly loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.

(B) No outdoor storage shall be permitted in the required front, side or rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.

(C) The site shall include a building of at least 400 feet of gross floor area for office and sales uses in conjunction with the approved use.

(D) Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose of stormwater without a negative impact on adjacent property.

(E) All loading and truck maneuvering including into loading/unloading areas shall be accommodated on-site.

(F) All outdoor sales, display or storage area property lines adjacent to a residential district shall comply with the landscaping requirements in §§ 155.295 through 155.304. The Planning Commission may also require taller landscaping screening based on the height of materials to be displayed or stored.

(G) The use of semi-trailers, portable shipping containers, or other portable storage/shipping-type containers in conjunction with the sale or storage of material is prohibited, but the short term use for "trailer sales" is permitted provided the sale does not exceed seven days and does not occur more than four times a year.

(Ord. 616, passed 9-23-2013; Am. Ord. 632, passed 2-12-2018)

§ 155.196 AESTHETIC COMPATIBILITY OF COMMERCIAL DEVELOPMENT.

To protect the value of existing and future commercial and residential property values, the Planning Commission shall review site plans for general compatibility with existing commercial and residential uses in the area. In evaluating a proposed developments compatibility, the Planning Commission shall consider the following:

(A) Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, or glass to the extent that surrounding businesses and are composed of such.

(B) The front facade of the building should address the main street with entrances, windows, and architectural features facing the street. No docking bays shall face the street, unless approved by the Planning Commission based upon a finding that the door is recessed back from the front facade and properly screened from public view.

(C) All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment.

(D) Size and height of buildings should be compatible with the character and existing views of the surrounding areas as determined by the Planning Commission.

(E) The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment.

(Ord. 616, passed 9-23-2013)

§ 155.197 SETBACK REQUIREMENTS FOR POOLS.

Pools shall be constructed in compliance with the city's Building Code. In addition, pools shall be setback a minimum of six feet from any lot line or other structure.

(Ord. 616, passed 9-23-2013)

§ 155.198 COLLECTION BOXES.

(A) *Intent and definitions.*

(1) This section is intended to be a regulatory enactment in the public's health, safety and welfare for the protection of all citizens who use collection boxes. The intent of this collection boxes section is to impose restrictions and conditions on all collection boxes in the city so that they are - and remain - clean and safe and do not create hazards to pedestrians and to vehicular traffic.

(2) *Definitions.*

COLLECTION BOX. Any metal container, receptacle, or similar object that is located on any parcel or lot of record within the

city and that is used for soliciting and/or collecting the receipt of clothing, household items or other personal property. This term applies to all such containers regardless of whether the solicitation of property is made by a for-profit or non-profit entity. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

DIRECTOR. The Director of Community Development.

OPERATOR. A person who owns, operates or otherwise is in control of collection boxes to solicit collections of salvageable personal property.

PERMITTEE. A person over 18 years of age or an entity or that is issued a permit authorizing placement of collection box(es) on real property.

PROPERTY OWNER. The person or entity that is an owner of real property where the collection box(es) are located.

REAL PROPERTY, PROPERTY OR LAND. A lot of record located in the City of St. Johns.

(B) *Collection box permit.* No later than 90 days from the effective date of this section, no person shall place, operate, maintain or allow any collection box on any real property in the City of St. Johns without first obtaining an annual permit issued by the Department of Community Development ("Department"), to locate a collection box.

(C) *Application for a permit.*

- (1) Any person desiring to secure a permit shall make an application to the Department of Community Development.
- (2) A permit shall be obtained for each collection box(es) proposed. A separate fee shall be paid for each collection box.
- (3) The application for a permit shall be upon a form provided by the Department and shall:

(a) Be signed by an individual who is an officer, director, member or manager of an entity applicant. The applicant shall furnish the following information:

1. Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than 5% of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.

2. Date of birth of individuals and date of establishment of an entity or the birthdate of an individual applicant.

3. Whether the applicant has previously received a permit for a collection box in the city or operates a collection box or similar type receptacle without a permit in the city.

4. The name, address, email and telephone number of a contact person for all matters relating to a collection box located in the city.

(b) Include the physical address of the real property where the collection box is proposed to be located.

(c) Include a scaled drawing sufficient to illustrate the proposed location of the collection box on the real property, the dimensions of the proposed collection box and that the location complies with the requirements of division (D)(1)(f) of this section.

(d) Include on a form provided by the director an affidavit from the property owner providing written permission to place the collection box(es) on the property, as well as an acknowledgment from the property owner of receipt of a copy of this section, if the applicant is not the owner of the real property where the collection box is to be placed. For purposes of this division, the affidavit and acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.

(e) Include a nonrefundable fee in an amount established by resolution of City Council.

(4) Within ten days of receiving an application for a permit, the director shall notify the applicant whether the permit is granted or denied. If the director denies an application, the director shall state in writing the specific reasons for denial.

(5) No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.

(6) A person shall be issued a permit by the director if the requirements of this section are satisfied.

(7) Upon approval, the city shall provide a permittee with one permit sticker for each approved permit. The sticker shall display the local unit's seal, a permit number, and an expiration date. The size of the sticker shall be four inches by four inches. The color of the sticker shall be the same color that the Department of State uses for motor vehicle registration decals for that year. The permittee shall place the sticker in a conspicuous place on the front panel of the textile recycling bin. On request of the permittee, the local unit shall provide a replacement sticker for a fee of \$10 if the original sticker is damaged or lost.

(D) *Requirements for a permit.*

(1) A permittee shall operate and maintain, or cause to be operated and maintained, all collection boxes located in the city for which the permittee has been granted a permit as follows:

(a) Collection boxes shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.

(b) Collection boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(c) Collection boxes shall have in, at minimum, one-half-inch lettering visible from the front of each collection box the name, address, email, website and phone number of the operator, as well as whether the collection box is owned and operated by a for profit company or a not for profit company. The collection box shall not have information, advertising or logos other than those relating to the operator.

(d) Collection boxes shall be serviced and emptied as needed, but at least every 30 days.

(e) The permittee and property owner shall maintain, or cause to be maintained, the area immediately surrounding the collection boxes, free from any junk, debris, overflow items or other material. The property owner shall be responsible to the extent provided by law for the city's cost to abate any nuisance.

(f) Collection boxes shall:

1. Not be permitted on any land used or zoned for residential purposes;
2. Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days;
3. Not be less than 1,000 feet from another collection box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two collection boxes on a single lot of record are permitted if the two collection boxes are side by side and are no more than one foot apart and are owned by the same permittee;
4. Not exceed seven feet in height, six feet in width and six feet in depth;
5. Not cause a visual obstruction to vehicular or pedestrian traffic;
6. Not be placed closer than ten feet from:
 - a. A public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five foot clearance;
 - b. A public right-of-way;
 - c. A driveway; or
 - d. A side or rear property line of adjacent property used for residential purposes;
7. Not cause safety hazards with regard to a designated fire lane or building exit;
8. Not interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic;
9. Not encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space; and
10. Be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

(E) *Term of permit and renewal of permit.*

(1) The permit year shall begin on July 1 in each year and shall terminate on June 30 of the next calendar year. An annual permit issued between July 1 and June 30 of the subsequent year shall expire on June 30 of the calendar year next following issuance of the permit.

(2) A collection box permit shall be renewed annually. The application for renewal must be filed not later than 30 days before the permit expires. The application for renewal shall be upon a form provided by the director.

(3) The director shall either approve or deny the renewal of a permit within ten days of receipt of the complete renewal application and payment of the renewal fee. Failure of the director to act before expiration of the permit shall constitute approval of the renewal of the permit.

(4) A permit renewal fee set by resolution of the City Council shall be submitted with the application for renewal.

(5) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the director in writing of the intent to cancel the permit. The permit shall become void upon the director's receipt of a written notice to [of] intent to cancel the permit.

(6) The director shall approve the renewal of a permit if the director finds that no circumstances existed during the term of the permit which would cause a violation to exist, and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.

(7) If the permit expires and is not renewed, the collection box(es) must be removed from the real property within a maximum of ten days after expiration of the permit.

(F) *Revocation of permit, removal of collection boxes and liability.*

(1) The director shall have the right to revoke any permit issued hereunder for a violation of this section. Any of the grounds upon which the director may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this section or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The director shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten

days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the director and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.

(2) Upon revocation, the collection box shall be removed from the real property within ten days and, if not so removed within the time period, the city may remove, store or dispose of the collection box at the expense of the permittee and/or real property owner. All costs associated with the removal of the collection box incurred by the city, or the city's contractor shall be the responsibility of the property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(3) A permit for a collection box may be revoked if any governmental authority or agency determines that the collection box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

(G) *Appeal to Zoning Board of Appeals.* Any person aggrieved by the decision rendered by the director in granting or denying an application for a permit under this section or in revoking a permit issued under this section may appeal the decision to the Zoning Board of Appeals. The appeal shall be made by filing a written notice of appeal not later than ten days after receiving notice of the decision of the director with the Department of Community Development setting forth the grounds for the appeal. The Zoning Board of Appeals may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the director.

(H) *Penalty and remedies.*

(1) In addition to revocation of permit pursuant to division (F), any person violating the provisions of this section is guilty of a civil infraction.

(2) In addition to the penalty provided in division (1) above, any condition caused or permitted to exist in violation of the provisions of this section, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(3) Nothing in this section shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this division for violation of this section.

(4) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.

(5) No fines shall be imposed for a violation of this section until 90 days after its effective date. All collection boxes existing at the effective date of this section shall apply for a permit as required herein within 30 days of the effective date. Any collection boxes not in compliance with this section after 90 days of the effective date shall be subject to all remedies for violation as provided herein.

(Ord. 624, passed 12-14-2015)

§ 155.199 MINIMUM DWELLING UNIT SIZE.

The minimum gross floor area of any dwelling unit in the city shall be 500 square feet.

(Ord. 661, passed 3-8-2021)

GENERAL EXCEPTIONS

§ 155.210 ESSENTIAL SERVICES.

Essential services as defined in this chapter shall be permitted as authorized and regulated by law and other chapters, it being the intention of this chapter to exempt such essential services from the application of this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.211 VOTING PLACE.

The provisions of this chapter shall not be so constructed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public elections.

(Ord. 616, passed 9-23-2013)

§ 155.212 EXCEPTION TO REQUIRED LOT AREA FOR RESIDENTIAL DISTRICTS.

Any legal residential lot created and recorded prior to the effective date of the chapter or amendments to this chapter may be used for any permitted use even though the lot area and/or width are less than those required for the district in which such a lot is located provided:

(A) That the other current requirements of the district are met including all applicable setback requirements.

(B) That the owner of the lot does not own, and has not owned since the effective date of this chapter or applicable amendments to it, a sufficient amount of land adjacent to permit compliance with the minimum lot area requirements.

(Ord. 616, passed 9-23-2013)

§ 155.213 AVERAGE FRONT YARD.

On any completely platted block frontage on which at least half of the lots are built upon, the required front yard may be reduced to the average of the existing front yards, but to not less than ten feet, subject to the provisions of this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.214 YARD ENCROACHMENTS PERMITTED.

(A) Front yard.

- (1) An eave or cornice overhang not exceeding two feet.
- (2) Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade.
- (3) Belt courses, sills, lintels not exceeding two feet.
- (4) Fences as provided for in this chapter.

(B) Side and rear yard.

- (1) An eave, cornice, or gutter overhang not exceeding two feet, but there shall be a distance of at least ten feet between the edges of permitted overhangs on structures of adjacent zone lots.
- (2) Unenclosed, uncovered, steps, entrance platforms, terraces or landings not over 18 inches above grade.
- (3) Belt courses, sills, lintels and similar ornamental or structural features not exceeding two feet.
- (4) Principal structures as provided for in the residential district regulations.

(Ord. 616, passed 9-23-2013)

§ 155.215 SUPPLEMENTARY HEIGHT REGULATIONS; PERMITTED EXCEPTIONS.

The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses.

(A) Antennas, monuments, belfries, cupolas, pinnacles, church gables, spires, or ornamental towers not for human occupancy shall not be considered part of the height of the structure in determining the maximum permitted height.

(B) Towers of mechanical or structural necessity shall not be considered a part of the height of the structure in determining the maximum permitted height except where the area of such towers exceeds 20% of the ground floor level of the building of which they are a part, in which case they shall be considered a part of the height of the building in the same manner as any other part.

(C) Masts and towers solely for use as parts of a non-residential antenna system may be permitted to exceed specific building height limits by special use permit. Residential antenna systems may not exceed 35 feet in height.

(Ord. 616, passed 9-23-2013)

NON-CONFORMING USES AND STRUCTURES

§ 155.230 PURPOSE.

This chapter establishes separate districts, each of which is an appropriate area for the location of specified types of buildings, structures, and uses. It is necessary and consistent with the establishment of these districts that all lawfully non-conforming buildings, structures, and uses be permitted to continue only under specific controls. It is, further, necessary and consistent with the establishment of these districts that certain non-conforming uses be eliminated in accordance with applicable statutes. Therefore, it is the purpose of the following sections to provide for the regulation of non-conforming buildings, structures and uses.

(Ord. 616, passed 9-23-2013)

§ 155.231 NON-CONFORMING USE OF LAND OR BUILDING.

Any lawful non-conforming use of land or building, may be continued, subject to the following provisions.

(Ord. 616, passed 9-23-2013)

§ 155.232 EXPANSION.

A non-conforming use of land or building shall not be in any way expanded or extended either on the same or adjoining property or throughout the balance of a building after the adoption of this Code or of any subsequent amendment hereto which shall make such use of land or building nonconforming. However, in a district where residences are prohibited, an existing single family or two family use building may be permitted additions and structural alterations providing:

(A) That such structural changes can be made only if in conformity with all the regulations of use, height, area, yard, useable open space, and off-street parking, as required in the R3L High Density Residential District.

(B) That no additional family units may be provided, and that there is no intensification of occupancy as would constitute a rooming or boarding house.

(C) The floor area added shall not exceed 50% of the total floor area existing in the dwelling at the time the dwelling became a legal non-conforming use. Accessory garages up to 576 square feet in size may be constructed and not count towards a portion

of the 50% limitation.

(D) That such addition may not be made if a portion of the existing dwelling has been converted to commercial or industrial use subsequent to the date the dwelling became a legal non-conforming use.

(E) That the parcel to be so used is restricted to that existing as a residential use at the time of affixing the prospective zoning district, or to that parcel plus such subsequent consolidation as would bring the parcel up to, or tending toward, in dimension and area, the minimum residential building site parcel as specified in this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.233 DISCONTINUANCE.

If a non-conforming use of land or building is discontinued, it shall not hereafter be re-established, and any subsequent use of the land or building shall conform to the regulations of the district in which the land is located. A non-conforming use of land or building shall be considered discontinued if customary operations of that use are not pursued for 12 months.

(Ord. 616, passed 9-23-2013)

§ 155.234 CHANGE OF USE.

(A) The non-conforming use of land or building shall not be changed to any other use except to a use permitted in the district in which the land is located.

(B) Ordinary repair or alteration of structure housing a non-conforming use.

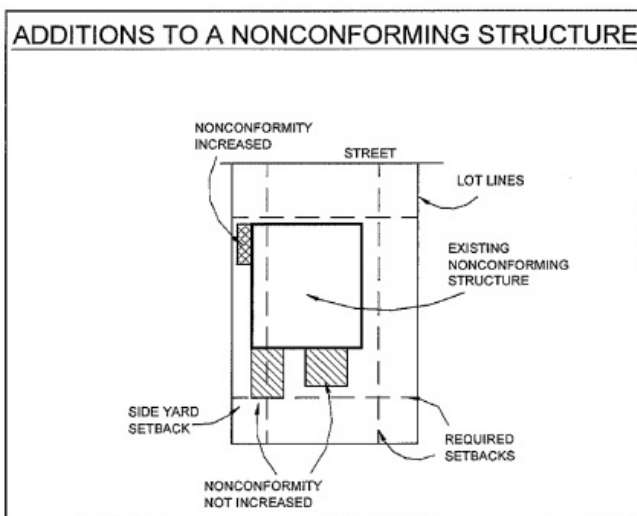
(C) Ordinary repairs or incidental alterations to correct deterioration or wear may be made providing no structural alterations or enlargement shall be made except those required by law or ordinance. If the cost of such repairs exceeds 60% of the cost of replacing the structure, the repairs may only be made if the structure and use are brought into compliance with the chapter.

(Ord. 616, passed 9-23-2013)

§ 155.235 NON-CONFORMING BUILDINGS.

Any building which does not conform to the regulations of the district in which it is located may be continued subject to the provisions of this chapter.

Figure 7 - 1



(A) *Expansion or structural alteration.* A non-conforming structure may be expanded or otherwise structurally altered as long as the change does not increase the building's non-conformity.

(B) *Ordinary repairs.* Ordinary repairs or incidental alterations to correct deterioration or wear may be made to non-conforming structures provided the cost of such repairs do not exceed 60% of the cost of replacing the entire structure, in which case the repairs may only be made if they result in the structure complying with all zoning requirements.

(Ord. 616, passed 9-23-2013)

§ 155.236 RESTORATION OF DAMAGED STRUCTURES.

(A) A non-conforming building or a building housing a non-conforming use which is partially destroyed in any manner, or from any cause whatsoever, may be restored provided the cost of such restoration does not exceed 60% if a non-conforming residential use, or if the cost of restoration does not exceed 50% for all other non-conforming uses under this Code. No repairs or restoration shall be undertaken, however, unless started within one year from the date of the partial destruction and is diligently carried on to completion once started. If the cost of restoration exceeds 60% of the cost of replacing the entire structure in all other classifications, such structure, when restored, shall comply with all provisions of the district in which it is located, except that, if it is located on a lot with a smaller lot area, or a lesser width of lot than is prescribed for the district in which it is located, including use it need not comply with the provisions of that district for minimum lot area or minimum width of lot but shall maintain as a minimum, the lot area and lot width existing previous to the damage to the building or structure. Buildings with non-conforming parking areas

that require restoration in excess of 60% of the replacement cost of the building must be built so that the parking complies with the chapter.

(B) The determination of replacement cost shall be made by the Zoning Administrator.

(Ord. 616, passed 9-23-2013)

§ 155.237 NON-CONFORMING PARKING FACILITIES.

Notwithstanding contrary provisions of this chapter, non-conforming off-street parking facilities used in connection with a building or land the use of which complies with the requirements of this chapter may be continued for as long as the premises are used in compliance with this chapter. Reconstruction of buildings with non-conforming parking shall meet the requirements of § 155.234.

(Ord. 616, passed 9-23-2013)

§ 155.238 NON-CONFORMING, NON-RESIDENTIAL LOT.

Lots in non-residential zoning districts that fail to comply with the minimum lot size or lot width requirements of this chapter may not be built on unless combined with another lot to form a conforming lot, or a variance is granted.

(Ord. 616, passed 9-23-2013)

§ 155.239 PRIOR CONSTRUCTION APPROVAL.

Nothing in this chapter shall prohibit the completion of construction and use of a non-conforming building for which a building permit has been issued as provided for in § 155.193 "Construction or Contracts Under Permits Prior to this Chapter".

(Ord. 616, passed 9-23-2013)

§ 155.240 CHANGE OF OWNERSHIP, TENANCY OR MANAGEMENT.

The right to use a legal non-conforming use or building lies with the land. Nothing in this chapter shall prohibit the change of ownership, tenancy or management of a non-conforming use, building or lot.

(Ord. 616, passed 9-23-2013)

SPECIAL USES AUTHORIZED BY SPECIAL USE PERMIT

§ 155.255 INTENT.

The special use permit process is based on the concept that some uses are appropriate in a zoning district only under certain circumstances and with specific conditions. The special use permit review process allows the city to review a proposed use, determine if it is appropriate in the location proposed and what conditions are required to be placed on the use to ensure its compatibility with other uses in the area.

(Ord. 616, passed 9-23-2013)

§ 155.256 PRELIMINARY REVIEW.

(A) Prior to submission of a special use permit application to the Planning Commission, an applicant shall submit a preliminary application for the Zoning Administrator and other city staff to review. The purpose of this preliminary review is to make the applicant aware of problems or concerns the staff may have with the application before the applicant invests the time and effort necessary to prepare a complete application. A preliminary application consists of a preliminary site plan as identified in §§ 155.275 through 155.282.

(B) Following their review of the application, the Zoning Administrator will provide the applicant with an analysis of the application.

(C) The preliminary special use permit process is intended to be for informational purposes only and does not ensure approval of the full application by the Planning Commission.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.257 PROCEDURES FOR MAKING APPLICATION.

Any application for a special use permit for any use permitted under this subchapter shall be submitted in accordance with the following procedures.

(A) Any application shall be submitted to the Planning Commission through the Zoning Administrator. Each application shall be accompanied by the payment of a non-refundable fee to cover costs of processing.

(B) Every application shall be accompanied by the following information and data:

- (1) A site plan meeting the requirements of §§155.275 through 155.282 of this chapter.
- (2) An application for a planned unit residential development use permit shall include a map showing how the development could be divided in the event future sale of sections of the property is made.
- (3) A completed application form.
- (4) A statement with supporting evidence regarding the findings specified under §155.258.

(C) A completed application with all required attached information shall be submitted to the Zoning Administrator at least 30 days prior to the Planning Commission meeting at which it will be reviewed. An incomplete application will be returned to the applicant. If the application is then returned less than 30 days prior to the next Planning Commission meeting, the application will be ineligible for review at that meeting but will be held for review at the following meeting.

(D) Following submission of a complete application with all required information, the Zoning Administrator shall schedule the application for a public hearing at the next regular Planning Commission meeting following the 30 day review and notice period. The applicant has the option of requesting a special Planning Commission meeting after the 30 day period subject to the availability of Planning Commission members.

(E) After scheduling the public hearing the Zoning Administrator shall have a notice of public hearing published in a paper of general circulation in the city not less than 15 days before the public hearing. The notice shall be mailed or delivered to the applicant and to all persons to whom real property is assessed within 300 feet of the property and to all occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. The notice shall do the following:

- (1) Describe the nature of the request.
- (2) Indicate the property that is the subject of the request.
- (3) State when and where the request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.

(F) At the public hearing, the Planning Commission shall review the application and shall provide the applicant and the public an opportunity to comment on the application.

(G) The Planning Commission shall make a recommendation on the application to the City Commission within 45 days of the public hearing unless the applicant agrees to an extension. The Planning Commission may:

- (1) Recommend approval of the application.
- (2) Recommend approval of the application with conditions as outlined in §155.259 of this chapter.
- (3) Recommend denial of the application with an explanation of the reasons for the recommended denial.
- (4) Table the application.

(H) The City Commission shall make a decision on the application within 45 days of the recommendation by the Planning Commission unless the applicant agrees to an extension. The City Commission may:

- (1) Approve the application.
- (2) Approve the application with conditions as outlined in §155.259 of this chapter.
- (3) Deny the application with an explanation of the denial.
- (4) Table the application.

(I) The Zoning Administrator shall notify the applicant of the Planning Commission's decision by mail within 15 days of the date of the decision. The Zoning Administrator shall maintain a file of each application including a copy of the application, verification of notices, copies of all correspondence and copies of minutes of meetings related to the application.

(J) The developer shall be required to post a bond equivalent in value to the estimated maintenance cost, as determined by the Planning Commission, of public outdoor areas and required screening for one year.

(K) Only upon conclusion of hearing procedures relative to a particular application and the posting of the required bond by the developer may the Planning Commission authorize the issuance of a special use permit.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.258 STANDARDS FOR APPROVAL.

The Planning Commission and the City Commission shall review the particular circumstances and facts of each application in terms of the following standards, and shall find adequate evidence showing that such development of the proposed location:

- (A) Will be harmonious with and in accordance with the general objectives of the community development plan.
- (B) Will be designed, constructed, operated, and maintained so as to be safe, harmonious and appropriate in appearance with the existing or intended character of the general vicinity. Factors affecting this standard include noise, lighting, traffic and other similar off-site impacts of a use.
- (C) Will be a substantial improvement to property in the immediate vicinity and an economic asset to the community as a whole.
- (D) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, parking lots, refuse disposal, utilities and schools.
- (E) Will not create excessive additional requirements at public cost for public facilities and services.
- (F) Will be consistent with the intent, purpose and requirements of this chapter.

(G) Comply with the design standards outlined for specific uses in §§155.415 through 155.448 of this chapter.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.259 CONDITIONS.

(A) The City Commission may condition approval of a special use permit on conformance with the standards of another local, county or state agency, such as but not limited to the County Drain Commissioner, Mid-Michigan District Health Department, County Road Commission, the Michigan Department of Transportation, the Michigan Department of Natural Resources and the Michigan Department of Environmental Quality or impose their own conditions when such conditions:

(1) Would 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.

(2) Would protect the natural environment and conserve natural resources and energy;

(3) Would ensure compatibility with adjacent uses of land; or

(4) Would promote the use of land in a socially and economically desirable manner.

(B) When imposing conditions, the City Commission shall determine that each condition imposed:

(1) Is designed to protect the natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.

(2) Is related to a valid exercise of the police power and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; be necessary to insure compliance with those standards; and be roughly proportional to the anticipated impact they are designed to address.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.260 CHANGES TO APPROVED SPECIAL USE PERMITS.

All activities conducted under the authority of a special use permit shall comply with the requirements and conditions of that permit. Any change in use that is not a use permitted by right in the district in which the property is located in, or any expansion of the existing use beyond what was permitted in the original application shall require an amendment to the existing permit. The amendment process shall be the same as the approval process outlined above.

(Ord. 616, passed 9-23-2013)

§ 155.261 EXPIRATION OF SPECIAL USE PERMIT APPROVAL.

Approval of a proposed special use permit shall expire within one year of approval if a building permit has not been applied for and construction begun based on the site plan. A use permitted subject to a special use permit which is inactive for 12 months shall expire and the property owner must resubmit an application to re-establish such use.

(Ord. 616, passed 9-23-2013)

SITE PLAN REVIEW

§ 155.275 PURPOSE.

(A) It is the purpose of this chapter to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development.

(B) The regulations contained in this chapter are intended to promote:

(1) Safe and convenient traffic movement, both within a site and in relation to access streets;

(2) Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;

(3) Conservation of natural amenities and resources; and

(4) The preservation of the integrity of the utility system of the city.

(Ord. 616, passed 9-23-2013)

§ 155.276 USES REQUIRING SITE PLAN REVIEW.

Site plans are required to be submitted under any of the following circumstances:

(A) *Administrative site plan review.*

(1) An administrative site plan review consists of a general description and drawing of the proposed development and includes the name and address of the applicant or contractor and the address of the property to be improved.

(2) An administrative site plan review is subject to staff review and approval of the Zoning Administrator and is applicable to the following circumstances:

- (a) The construction of, or additions to, single family and duplex residences.
- (b) The construction of an addition less than 1,000 square feet in size to any principal structure other than single family or duplex residence.
- (c) The construction of non-residential accessory structures less than 1,000 square feet in size.
- (d) Parking lots consisting of ten or fewer spaces or the addition of ten or fewer spaces to an existing lot.
- (e) Residential accessory buildings and structures to include decks, gazebos, at-grade patios, handicap access ramps, driveways, off-street parking facilities, private sidewalks, and swimming pools.
- (f) Fences.
- (g) Signs.
- (h) Home occupations.
- (i) All changes on use of a site that are not listed elsewhere in this division, division (B) or division (C).

(B) *Committee site plan review.*

(1) A committee site plan review shall be submitted in accordance with the requirements of §155.279. Six copies of the plan shall be submitted to the Zoning Administrator, who shall forward the plan to the Committee within seven days of application. Each application shall be accompanied by the payment of a fee based on the fee schedule adopted by the City Commission.

(2) The Committee shall be composed of any three Planning Commission members, one of which will be a concurrent member of the City Commission.

(3) A Committee Site Plan Review is applicable to the following circumstances:

- (a) The construction of an addition of 1,000 square feet or greater, but less than 5,000 square feet in size, to any principal structure other than single family or duplex residence, provided the proposed construction is not adjacent to a residentially zoned district.
- (b) The construction of a non-residential accessory structure greater than 1,000 square feet, but less than 5,000 square feet in size, provided the proposed construction is not adjacent to a residentially zoned district.
- (c) The addition of more than ten spaces to an existing parking lot, provided the lot is not adjacent to a residential zoned district.

(C) *Planning Commission Site Plan Review.*

(1) A Planning Commission Site Plan Review shall be submitted in accordance with the procedures of §155.278 and subject to the requirements of § 155.279.

(2) Planning Commission Site Plan Review is applicable to the following circumstances:

- (a) As part of an application for a special use permit.
- (b) The construction of any new principal residence other than single family or duplex residence.
- (c) The construction of an addition 5,000 square feet or greater in size to any principal structure other than single family or duplex residence.
- (d) The construction of an addition 1,000 square feet or greater in size to any principal structure, other than single family or duplex residence, that is adjacent to a residentially zoned district.
- (e) The construction of a non-residential accessory structure 5,000 square feet or greater in size.
- (f) The construction of a non-residential accessory structure 1,000 square feet or greater in size that is adjacent to a residentially zoned district.
- (g) The construction of a new parking lot consisting of more than ten spaces.
- (h) As part of an application for a condominium development.

(Ord. 616, passed 9-23-2013; Am. Ord. 643, passed 4-23-2018; Am. Ord. 657, passed 12-14-2020)

§ 155.277 PRELIMINARY REVIEW.

At least 45 days prior to the Planning Commission meeting at which a developer wishes a proposed plan to be considered by the Planning Commission, the developer shall submit a copy of the proposed plan and meet with planning staff to review the plan for form and content. Meeting with planning staff may be in person, by telephone or by any other method as staff and the developer may agree. The Planning Commission will not consider any plan unless the above pre-submission review has been conducted as set forth above. A preliminary site plan consists of a drawing at a scale of 1"=50' or less that shows:

- (A) Property dimensions.
- (B) Significant vegetation.
- (C) Water courses and water bodies.

- (D) Drainage patterns.
- (E) Existing right-of-ways and other public or private easements.
- (F) Existing buildings and structures on the lot and within 50 feet of the lot and their dimensions.
- (G) Proposed use of all buildings and land and existing use of adjacent parcels.
- (H) Existing and proposed parking.

(Ord. 616, passed 9-23-2013)

§ 155.278 SITE PLAN REVIEW PROCEDURES.

Any application for site plan approval shall be submitted in accordance with the following procedures.

(A) Any application shall be submitted to the Planning Commission through the Zoning Administrator. Each application shall be accompanied by the payment of a non-refundable fee based on the fee schedule adopted by the City Commission.

(B) Every application shall be accompanied by the following information and data:

- (1) Copies of a site plan meeting the requirements outlined below, in a number to be determined by the Zoning Administrator.
- (2) A completed online application.

(C) A completed application with all required attached information shall be submitted to the Zoning Administrator at least 30 days prior to the Planning Commission meeting at which it will be reviewed. An incomplete application will be returned to the applicant. If the application is then returned less than 30 days prior to the next Planning Commission meeting, the application will be ineligible for review at that meeting but will be held for review at the following meeting.

(D) Following submission of a complete application with all required information, the Zoning Administrator shall schedule the application for a public hearing at the next regular Planning Commission meeting following the 30 day review and notice period. The applicant has the option of requesting a special Planning Commission meeting after the 30 day period subject to the availability of Planning Commission members and payment of an additional fee as indicated on the fee schedule. The Zoning Administrator shall also send copies of the site plan application to the City Engineer, City Fire Chief and City Police Chief. They shall submit their written comments to the Zoning Administrator no less than seven days prior to the Planning Commission meeting at which the site plan is to be reviewed. The City Manager and County Historical Commission will also be sent a copy of the site plan for informational purposes, but are not required to submit written comments to the Planning Commission. The Zoning Administrator may also submit the site plan to other governmental bodies or agencies for input.

(E) After scheduling the public hearing the Zoning Administrator shall have a notice of public hearing published in a paper of general circulation in the city not less than 15 days before the public hearing. The notice shall be mailed or delivered to the applicant and to all persons to whom real property is assessed within 300 feet of the property and to all occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. The notice shall do the following:

- (1) Describe the nature of the request.
- (2) Indicate the property that is the subject of the request.
- (3) State when and where the request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.

(F) At the public hearing, the Planning Commission shall review the application and information from the city staff and shall provide the applicant and the public an opportunity to comment on the application.

(G) The Planning Commission shall make a decision within 45 days of receipt of a site plan application, unless the applicant agrees to an extension. The Planning Commission may:

- (1) Approve the site plan.
- (2) Approve the site plan with conditions as outlined in §155.281 of this chapter.
- (3) Deny the site plan with an explanation of the denial.

(H) The Zoning Administrator shall notify the applicant of the Planning Commission's decision in writing within 15 days of the date of the decision. The Zoning Administrator shall maintain a file of each application, including a copy of the application, verification of notices, copies of all correspondence and copies of minutes of meetings related to the application.

(I) The developer shall provide any bonds or financial guarantees required by the Planning Commission as outlined in § 155.282.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.279 SITE PLAN REQUIREMENTS.

	<i>Administrative Site Plan Approval</i>	<i>Committee Site Plan Approval</i>	<i>Planning Commission Site Plan Approval</i>
	<i>Administrative Site Plan Approval</i>	<i>Committee Site Plan Approval</i>	<i>Planning Commission Site Plan Approval</i>
Applicant Name, Address, Phone Number, and Email	Required	Required	Required
Property Owner Name, Address, Phone Number, and Email	Required	Required	Required
Design Professional Name, Address, Phone Number, and Email	Required	Required	Required
Legal Representative Name, Address, Phone Number, and Email, if applicable	Required, if applicable	Required, if applicable	Required, if applicable
Signature and Seal of Licensed Design Professional	Not required	Not required	Required
Property Address and Parcel Number	Required	Required	Required
Legal Description of Property	Required	Required	Required
Scale	Required	Required	Required
North Arrow	Required	Required	Required
Submission Date	Required	Required	Required
Name of Proposed Development, if applicable	Required	Required	Required
Summary of Proposed Improvements	Required	Required	Required
Proof of Property Ownership	Required	Required	Required
Comments and Approvals from County, State, and Federal Agencies, as applicable	Required, as applicable	Required, as applicable	Required, as applicable
Required Fees	Required	Required	Required
Location Map, drawn to scale	Not Required	Required	Required
Dimensions of Property Lines	Required	Required	Required
Total Acreage of Property	Required	Required	Required
Site Topography, at 2-foot contours	Required, if requested by the city	Required, if requested by the city	Required, if requested by the city
Location of Existing Bodies of Water	Required, if applicable	Required, if applicable	Required, if applicable
Location of Existing Wetlands	Required, if applicable	Required, if applicable	Required, if applicable
Existing Structures	Required	Required	Required
Proposed Structures, including gross floor area	Required	Required	Required
Height of All Proposed Structures	Required	Required	Required
Setbacks for All Proposed Structures from All Property Lines	Required	Required	Required
Architectural Elevations of Principal Building, including building materials	Not required	Required, if requested by the city	Required, if requested by the city
Finished Floor Elevation for All Structures	Required	Required	Required
Proposed Number of Parking Spaces	Required	Required	Required
Proposed Barrier-Free Parking Spaces	Required	Required	Required
Proposed New Streets	Required, if applicable	Required, if applicable	Required, if applicable

Proposed Driveways	Required, if applicable	Required, if applicable	Required, if applicable
Proposed Parking Areas, including layout of spaces and aisles	Required, if applicable	Required, if applicable	Required, if applicable
Proposed Walkways, Sidewalks, and/or Trails	Required, if applicable	Required, if applicable	Required, if applicable
Typical Cross Section of Pavement	Required, if requested by the city	Required, if requested by the city	Required, if requested by the city
Location of Exterior Light Fixtures	Required	Required	Required
Specifications for Proposed Light Fixtures	Required, if requested by the city	Required, if requested by the city	Required, if requested by the city
Photometric Plan	Not required	Required, if requested by the city	Required, if requested by the city
Trash Receptacle Location and Screening	Required	Required	Required
Landscape Plan	Required, if requested by the city	Required, if requested by the city	Required
Location and Height of Proposed Fences	Required	Required	Required
Proposed Site Grading and Drainage Pattern	Required, if requested by the city	Required	Required
Location and Size of All Stormwater Drainage Infrastructure	Required, if requested by the city	Required, if requested by the city	Required
Proposed Signage	Optional (may be approved separately)	Optional (may be approved separately)	Optional (may be approved separately)
Clear Corner Vision Areas	Required, if requested by the city	Required	Required
Existing Zoning	Required	Required	Required
Existing Use	Required	Required	Required
Proposed Use	Required	Required	Required
Proposed Number of Dwelling Units	Required, if applicable	Required, if applicable	Required, if applicable
Proposed Phases of Development	Required, if applicable	Required, if applicable	Required, if applicable
Gross Square Footage of Dwelling Units	Required, if applicable	Required, if applicable	Required, if applicable
Traffic Study	Not required	Not required	Required, if requested by the city
Location and Size of HVAC, Transformers, and any Other Equipment	Required	Required	Required
Location of Proposed Fire Hydrants	Required	Required	Required
Location of Underground and Overhead Utilities	Required	Required	Required
Existing and/or Anticipated Electric Service Location	Required	Required	Required
Existing and/or Anticipated Communications Service, including conduit size/quantity, and building penetration point	Required	Required	Required
Existing and Proposed Utility Easements	Required	Required	Required

Any Existing Utilities to be Relocated or Modified	Required	Required	Required
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(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.280 MODIFICATION OF APPROVAL OF SITE PLAN.

Once site plan approval has been granted by the Planning Commission, changes to the approved site plan shall require a re-submission, review and approval following the same procedures required above for the initial site plan. Alternatively, the Zoning Administrator may determine that administrative site plan approval is appropriate for any revisions to an approved site plan.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.281 STANDARDS FOR SITE PLAN APPROVAL.

(A) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type of plot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

(B) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

(C) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscapings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

(D) All buildings, or groups of buildings, shall be so arranged as to permit emergency vehicle access by some practical means to all sides, if determined necessary by the Fire Chief.

(E) Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.

(F) There shall be provided a pedestrian circulation system which meets the intent of Chapter 95 of this code. All constructed sidewalks must meet the requirements of the city's engineering and construction standards.

(G) The access routes for vehicular circulation shall respect the pattern of existing pedestrian or bicycle pathways in the area. Shared parking and interior connecting drives shall be required wherever feasible.

(H) All streets shall be developed in accordance with the city specifications unless otherwise approved by the City Commission.

(I) Any development affecting existing city streets shall comply with city specifications as to curb, gutter, walkways, paving, catch basins and underground utility locations.

(J) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely effect neighboring properties or the public storm drainage system. The construction of storm sewer facilities including detention basins, catch basins, manholes, sewer piping, and infiltration systems shall follow the provisions of Chapter 55 of this code.

(K) All appropriate measures shall be taken, by the developer, to complete a water loop system when deemed advisable by the City Engineer, Water Department and Fire Department.

(L) Underground utilities may be required in all areas for distribution of utilities including water, sewer, electric, gas, telephone and cable TV when deemed advisable.

(M) All loading and unloading areas and outside storage areas including areas for the storage of trash which face or are visible from residential districts or public thoroughfares shall be screened by an opaque wall not less than six feet in height.

(N) Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(O) Each site plan shall conform to the applicable provisions of this chapter and the standards listed below:

(1) Site plans shall fully conform with the published surface water drainage standards of the County Drain Commissioner.

(2) Site plans shall fully conform with the driveway and traffic safety standards of the Michigan Department of Transportation and/or the city.

(3) Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the State Construction Code and/or the city.

(4) Site plans shall fully conform with the Clinton County Soil Erosion and Sedimentation Control Ordinance.

(5) Site plans shall fully conform with the requirements of the Michigan Department of Public Health and the District Health Department if these agencies have jurisdiction over a site plan project.

(6) Site plans shall fully conform with all applicable state and federal statutes.

(P) Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

(Q) In approving the site plan, the Planning Commission may require a bond or other financial guarantee acceptable to the city of ample sum be furnished by the developer to ensure compliance for such requirements as drives, walks, utilities, parking, landscaping and the like.

(Ord. 616, passed 9-23-2013; Am. Ord. 634, passed 2-12-2018; Am. Ord. 657, passed 12-14-2020)

§ 155.282 PERFORMANCE GUARANTEES.

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the city of St. Johns and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the City Commission may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

(A) Performance guarantee as used herein shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.

(B) Where the city or the Planning Commission requires a performance guarantee, it shall be deposited with the City Treasurer prior to the issuance of a building permit. The city shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.

(C) An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

(D) In the event the performance guarantee deposited is a cash deposit or certified check, the city shall rebate to the applicant 50% of the deposited funds when 60% of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining 50% of the deposit funds when 100% of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by the applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.

(E) Upon the satisfactory completion of the Improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

(F) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the city, the city shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the city to complete the improvements for which it was posted, the applicant shall be required to pay the city the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the city use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the city's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the city to ensure completion of an improvement associated with the proposed project prior to the city's conditional approval, the applicant shall not be required to deposit with the city a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the city and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the city regarding the performance guarantee.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

LANDSCAPE STANDARDS

§ 155.295 INTENT.

(A) The intent of this subchapter is to promote the public health safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.

(B) The standards of this subchapter are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this chapter to improve the function, appearance and value of their property.

(Ord. 616, passed 9-23-2013)

§ 155.296 APPLICATION.

(A) The requirements set forth in this subchapter shall apply to all lots, sites, and parcels which are developed or expanded following the effective date of this chapter that are subject to local site plan review. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this subchapter.

(B) The City Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts. If such a determination is made, the City Commission may grant an exception from the landscaping provisions of this subchapter.

(C) The following are minimum landscape standards and the city may require additional landscaping based on individual circumstances. If applicable this determination will be made during site plan review.

(Ord. 616, passed 9-23-2013)

§ 155.297 MINIMUM BUFFER ZONES.

(A) *Buffering requirements.* A buffering zone shall be established within the setback of the subject site, screening it from adjacent sites according to Table 10-1. Walls are prohibited from areas along a public street right-of-way or front yard unless approved by the City Commission. The height of the wall or berm of the subject site shall be an effective height in relation to the adjacent site. Walls shall meet the standards described in § 155.297(D) and berms those of § 155.297(E). Buffers that utilize a combination of plant materials, berms, and walls shall be encouraged.

TABLE 10-1	
Buffering Requirements	
Subject Site	Buffering Requirements from Adjacent Sites
Single Family and Duplex Residences	None
Multi-Family, General Commercial and Offices Uses, Central Business District and Municipal Center Uses	Plantings* or a 6 foot wall/berm from all uses
Industrial Uses	Plantings* or an 8 foot wall/berm from all uses

*Plantings shall consist of two trees, either canopy and/or deciduous, and four large shrubs per each 25 linear feet along the property line.

(B) When an adjacent property is zoned or used as a single family residence, and is across a public street from the subject site, the City Commission may require additional landscaping to screen parking lots access drives, loading zones, outdoor display areas, storage yards, or accessory structures.

(C) *Parking and storage.*

(1) Parking lot screens will be designed with a hedge, wall, berm or combination thereof forming a continuous screen at least 48 inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot. Walls shall be set back a minimum of five feet from the property line.

(2) All loading and unloading areas which are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.

(3) All storage areas (including areas for storage of refuse) shall be screened on four sides by a fence or wall no less than six feet in height. Three screened sides may be allowed with Planning Commission approval if the applicant can demonstrate just cause. The fence or wall shall not allow light to penetrate through it. The four sides screened shall be those sides where the potential visual impact of the storage areas is greatest for adjacent property owners.

(D) *Buffer wall standards.* Required walls shall comply with the standards listed below.

(1) Walls shall be located on the lot line except where underground utilities interfere and/or where this chapter requires conformance with yard setback lines.

(2) Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter, unless specifically approved by the City Commission.

(3) Walls shall be constructed of decorative concrete block, brick, pressure treated wood, or comparable nonporous materials on the exterior sides facing an affected district.

(4) Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials as approved by the Building Inspector. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce minimum height requirement.

(5) Walls must be maintained in good condition by the property owner.

(6) Curbing, bollards, or plant material shall be required where parking is adjacent to walls. Bumper blocks shall not be permitted.

(E) *Berm standards.* Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as a earthen slope or retained by means of a wall, terrace or other means acceptable to the Building Department. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3) (see illustration). Free form naturalistic contouring and berm shaping is encouraged.

(Ord. 616, passed 9-23-2013)

§ 155.298 REQUIRED PARKING LOT TREES AND PARKING LOT ISLANDS.

The following standards apply to developments which exceed 16 spaces:

TABLE 10-3 Parking Lot Trees	
ZONING DISTRICT	Number of parking spaces
Multiple Family, Commercial and Industrial	1 canopy tree per 8 spaces

(A) *Tree location.*

(1) All of the required parking lot trees shall be placed within an area including the parking surface and extending 15 feet from the surface edge. At least two-thirds (2/3) of the required trees shall be dispersed throughout the interior of the parking area. Tree requirements may be adjusted based on review by the Planning Commission.

(2) Parking lot tree calculations and interior parking lot tree requirements shall be rounded up.

(B) *Tree base.* Each tree shall be surrounded by an area of grass or living ground cover at least 150 square feet in size and a minimum of eight feet wide to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

(C) *Required parking lot trees.* Required parking lot trees shall not be credited towards required green belt or buffer trees.

(D) *Design of parking lot islands.*

(1) All parking lot islands shall contain decorative material and be curbed. Islands shall be at least 150 feet in area. Each island shall be at least ten feet wide, with a depth two feet shorter than the depth of the adjacent parking space.

(2) Islands shall have a minimum of ten feet radius at the ends facing main aisles. A minimum radius shall be two foot where island is not adjacent to main traffic aisle.

(Ord. 616, passed 9-23-2013)

§ 155.299 GREEN BELTS REQUIRED ALONG AND WITHIN RIGHT OF WAY.

The intent of the green belt is to provide a consistent buffer along vehicular corridors. A green belt shall be planted within or adjacent to the right of way of any public street. If planting in the right of way is not permitted by the road agency with jurisdiction in the right-of-way, or is not acceptable to a utility company, the green belt plantings shall be planted within the required setback. The City Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards.

(A) The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

(B) Green belts within multi-family and industrial districts shall include one deciduous canopy tree per 30 linear feet of the frontage including any openings for driveways, sidewalks, or easements.

(C) Greenbelt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the existing character of the city.

(D) Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Refer to the visibility controls section in §§ 155.180 through 155.197.

(E) Green belts shall be a minimum of eight foot wide. Trees shall not be planted closer than four feet from pavement, curb or other structures.

(Ord. 616, passed 9-23-2013)

§ 155.300 PLANT MATERIAL SPECIFICATIONS.

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

(A) *Minimum plant material planting size.*

(1) Evergreen trees shall be a minimum of five feet in height.

(2) Narrow evergreens shall be a minimum of three feet in height.

(3) Ornamental trees shall be a minimum of ten feet in height or 1 3/4" caliper.

(4) Large deciduous shrubs shall be a minimum of four feet in height.

(5) Deciduous canopy trees shall be a minimum of 15 feet in height or 2" caliper.

(6) Small evergreen or deciduous ornamental shrubs shall be a minimum of 18" - 24" spread.

(B) *Plant material spacing.*

- (1) Plant materials shall not be placed closer than four feet from the fence line or property line.
- (2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows and/or grouped informally to create a naturalistic appearance.
- (3) Evergreen trees shall be planted not more than 15 feet on center.
- (4) Narrow evergreens shall be planted not more than six feet on center.
- (5) Deciduous canopy trees shall be planted not more than 25 feet on center.
- (6) Ornamental trees shall be planted not more than ten feet on center.
- (7) Large deciduous shrubs shall be planted not more than four feet on center.

(C) *Plant material and design variety.* The overall landscape plan shall demonstrate a variety of plant material with not more than 50% of any one species utilized throughout the design.

(D) *Suggested (not required) plant materials.*

- (1) Evergreen trees.
- (2) Juniper.
- (3) Hemlock.
- (4) Fir.
- (5) Pine. (Dwarf, Globe, Pendulous, species/Cultivars are not permitted.)
- (6) Spruce.
- (7) Douglas-Fir.

(E) *Narrow Evergreens.* (Dwarf, Globe, Pendulous, species/Cultivars are not permitted.)

- (1) Column Hinoki Cypress.
- (2) Blue Columnar Chinese Juniper.
- (3) Pyramidal Red-Cedar.
- (4) Swiss Stone Pine.
- (5) Pyramidal White Pine.
- (6) Irish Yew.
- (7) Douglas Arbor-Vitae.
- (8) Columnar Giant Arbor-Vitae.

(F) *Ornamental trees.*

- (1) Flowering crabs.
- (2) Service Berry.
- (3) Dogwood.
- (4) Redbud.
- (5) Hornbeam.
- (6) Hawthorn.
- (7) Magnolia.

(G) *Large deciduous shrubs.*

- (1) Honeysuckle.
- (2) Viburnum.
- (3) Mock-Orange.
- (4) Forsythia.
- (5) Lilac.
- (6) Ninebark.
- (7) Cotoneaster.
- (8) Hazelnuts.

- (9) Euonymus.
- (10) Privet.
- (11) Buckthorn.
- (12) Sumac.

(H) *Deciduous canopy trees.*

- (1) Oaks.
- (2) Hard Maples.
- (3) Hackberry.
- (4) Birch.
- (5) Beech.
- (6) Ginkgo (male species only).
- (7) Honeylocust (thornless and seedless cultivars only).
- (8) Hop Hornbeam.
- (9) Linden.

(I) *Trees not permitted (as credit for site plan review/landscaping requirements).*

- (1) Box Elder.
- (2) Soft Maples (Silver).
- (3) Elms.
- (4) Poplars.
- (5) Willows.
- (6) Horse Chestnut (Nut Bearing).
- (7) Tree of Heaven.
- (8) Catalpa.

(Ord. 616, passed 9-23-2013)

§ 155.301 EXISTING TREE PRESERVATION INCENTIVES.

(A) The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at City Commission approval, toward the required trees for green belts, buffer zones and within parking lots.

(B) All trees over eight inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.

(C) Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.

(D) Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the City Commission. The City Commission pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the chapter. To obtain credit consideration the preserved trees shall be of a high quality and at least two inches caliper.

(E) Credit consideration for preserved trees shall be:

TABLE 10-4	
Preserved Tree Credit	
<i>Preserved Tree Caliper* (Inches)</i>	<i>Number of Trees to be Credited</i>
12 inches and over	3
8 inches to 11.99 inches	2
2 ½ inches to 7.99	1

*Caliper is the diameter of a tree trunk and shall be measured at a height six inches above the existing grade up to and including four inch caliper size and 12 inches above the existing grade for larger sizes.

(F) To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees

shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree dripline is prohibited.

(G) If preserved trees die within three years after construction the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within 30 days of written notice from the city or within an extended time period as specified in said notice.

(H) The minimum number of required trees shall not be reduced by less than 50% through the use of approved tree credits. However, the City Commission during site plan review, may determine existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.

(I) After a site plan is approved, special permission by the City Commission will be required for the removal of trees proposed to be preserved on the site plan. The City Commission may condition their removal on their being replaced with the number of trees that would have been required had the tree preservation credit not been provided prior to site plan approval.

(Ord. 616, passed 9-23-2013)

§ 155.302 LANDSCAPE STANDARDS FOR PRINCIPAL STRUCTURES.

These standards apply only to development which requires the site plan review process. Required principal structure landscaping shall be provided adjacent to or within close proximity to the perimeter of the principal structure. Landscape design is encouraged to face or be visible from public thoroughfares and principal structures on public accessways. The area of required landscape shall be based on the total ground floor square footage of the proposed principal structure:

TABLE 10-5	
Landscaping Around Principle Structures	
Principal Structure	% Area of Required Landscape Based on Total Ground Floor Square Footage of Proposed Principal Structure
Multi-Family	15%
Commercial	10%
Industrial	5%

(A) Plant material and planting design is encouraged to be ornamental in character and based on minimum ANSI standards for plant material type and spacing.

(B) Deciduous canopy trees and large evergreens will not be counted towards principal structure landscape requirements.

(C) Shredded hardwood, bark mulch, stone mulch, or vegetative ground covers shall be utilized within required landscape bed areas. Grass, lawn or sod will not be permitted.

(D) Area calculations shall be based on the limits of landscape beds. Applicants shall demonstrate that 2/3 of the bed will be occupied by mature plant material.

(Ord. 616, passed 9-23-2013)

§ 155.303 MINIMUM STANDARD FOR INSTALLATION AND MAINTENANCE.

(A) *Installation*. Landscaping shall be installed in a sound workmanlike manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

(B) *Material removal*. Tree stakes, guy wires and tree wrap are to be removed after one year.

(C) *Maintenance*. Greenbelt areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this chapter dies or becomes diseased, they shall be replaced within 30 days of written notice from the city or within an extended time period as specified in said notice.

(Ord. 616, passed 9-23-2013)

§ 155.304 COMPLIANCE FOR PRE-EXISTING SITES.

In any case where the building and/or parking area is being increased by at least 25% over the originally approved site plan or the use is being changed to a more intense use, as determined by the City Commission, the site shall be brought into full compliance with the landscape standards herein. In situations where the increase in building and/or parking area is less than 25% over the original site plan, the requirement of new landscaping shall be equal to 4% of compliance for every 1% of increase in building or parking footprint. (example: a building or parking area increase of 10% requires a 40% compliance with the landscape standards. If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond 50% of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.

(Ord. 616, passed 9-23-2013)

CONDOMINIUMS

§ 155.320 INTENT.

The intent of this subchapter is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

(Ord. 616, passed 9-23-2013)

§ 155.321 REVIEW REQUIREMENTS.

In order to ensure compliance with this chapter, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required in §§ 155.275 through 155.282, all applicants for condominium site plan review shall submit the following information.

(A) A copy of the proposed condominium master deed.

(B) A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).

(C) A copy of the proposed condominium by-laws.

(Ord. 616, passed 9-23-2013)

§ 155.322 ZONING CHAPTER STANDARDS.

(A) *Lot size.* In a conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, each condominium unit and its associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which the parcel is located.

(B) *Setbacks.* In conventional condominium development the buildings must be setback from the site boundaries as required in the zoning district in which the parcel is located, while the setback from other buildings must meet the building setback requirements of the High Density Residential district (R-3L). For conventional condominium developments, the rear of the buildings must meet the 35 feet minimum rear setback requirement regardless of location on the parcel. For site condominium developments the setbacks shall be from the outer edge of the "lot" consisting of a condominium unit and its associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.

Figure 12 - 1

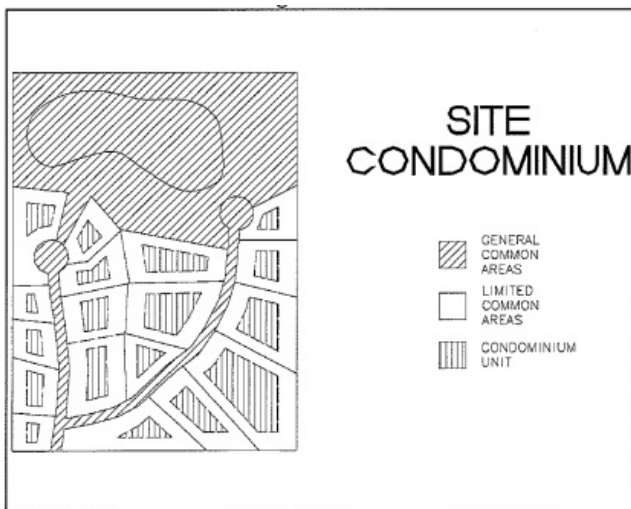
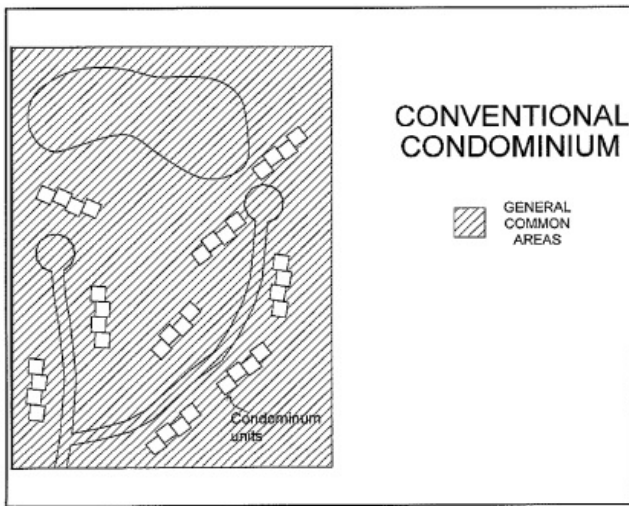


Figure 12 - 2



(Ord. 616, passed 9-23-2013)

§ 155.323 CONDOMINIUM DESIGN REQUIREMENTS.

Conventional and site condominium developments shall comply with the site plan review design requirements in §§155.275 through 155.282. In addition, site condominiums shall comply with the design standards contained in the City of St. Johns Subdivision Control Ordinance.

(Ord. 616, passed 9-23-2013)

§ 155.324 SURVEY REQUIREMENTS.

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site condominiums shall comply with the following requirements:

(A) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.

(B) All monuments used shall be made of solid iron or steel at least ½ inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.

(C) Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

(D) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.

(E) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least ½ inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.

(F) All required monuments shall be placed flush with the ground where practicable.

(G) The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this chapter shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch diameter, or other approved markers.

(H) The City Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the city cash or a certified check, or irrevocable bank letter of credit running to the city, whichever the proprietor selects, in an amount not less than \$100 per monument and not less than \$400 in total, except that lot corner markers shall be at the rate of not less than \$25 per markers. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the city shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the subdivision plan, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

(Ord. 616, passed 9-23-2013)

OFF STREET PARKING AND LOADING/UNLOADING AREA REQUIREMENTS

§ 155.340 OFF-STREET PARKING GENERAL REQUIREMENTS.

(A) *Parking spaces required.* Parking spaces shall be provided and adequately maintained in all applicable zoning districts, except the CBD District for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premise, and of such extensions, alterations, additions or changes in use of such building or premise as specified in §

155.342. These spaces shall be provided in amounts not less than hereinafter specified which shall not subsequently be reduced below the requirements of this chapter.

(B) *Loading spaces not parking spaces.* Loading space as required in § 155.344 shall not be construed as supplying required off-street parking space.

(C) *Existing parking.* Existing off-street parking facilities provided on the effective date of this Code and actually being used at that date for the parking of automobiles in connection with the operation of an existing building or use shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this chapter for a similar new building or use.

(D) *Change in requirements.* Whenever after the effective date of this Code there is any change in use or any increase in number of employees, or an increase in floor area, or in any other unit of measurement specified in § 155.342, additional off-street parking facilities shall be provided on the basis of resultant change.

(E) *Joint use.* The joint use of parking facilities by two or more uses is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied.

(1) In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different time from the peak requirements for other joint uses, the maximum capacity required for joint use may be reduced by the Planning Commission during site plan review to a total that is less than the sum of total individual space requirements, but shall not be less than 50% of the off-street parking facilities required of the uses computed separately. For projects that do not require site plan review, the Zoning Administrator shall have the authority to similarly reduce the number of parking spaces required.

(2) A copy of an agreement among joint users shall be filed with the application for a zoning permit. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

(F) *Floor area.* For the purpose of § 155.342 the unqualified term "floor area" shall mean the sum of the gross horizontal areas of the several floors of a building used or intended to be used for office, merchandising or services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

(G) *Uses not mentioned.* In the case of a use not specifically mentioned, requirements for off-street parking for a use which is mentioned and which is most similar to the use not mentioned shall apply, as may be determined by the Zoning Administrator.

(H) *Mixed use.* In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements of the individual uses computed separately, provided that this provision shall not apply where a use is accessory to the main use and is not intended to serve additional patrons or employees.

(I) *Parking facilities allocated once.* Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as specified in division (F) of this section for joint use.

(J) *Fractional spaces.* When determination of the number of off-street parking space required by this chapter results in a requirement of a fractional space, any fraction in excess of one-half shall be counted as one parking space.

(K) *Location of parking areas.* Off-street parking areas shall be located in relation to the use they are intended to serve in accordance with the following table.

TABLE 13-1	
Location of Parking	
All Uses Except Industrial Uses	On the same or an adjoining lot or parcel of land
Industrial Uses	On the same or an adjoining lot or parcel of land except that an area for joint operation of parking facilities shall be located within desirable walking distance of the joint users' operations.

(L) *Use of parking spaces.* No required parking spaces shall be used for storage of material, refuse, refuse containers, display of merchandise, including vehicles, or for the repair or servicing of machinery.

(M) *Barrier free parking spaces.* Barrier free parking shall be provided in accordance with the current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

(N) Off-street parking spaces shall not be built within a road or street right-of-way.

(Ord. 616, passed 9-23-2013)

§ 155.341 OFF-STREET PARKING REGULATIONS WITHIN A RESIDENTIAL DISTRICT.

(A) *Intent.* These off-street parking regulations have been adopted to improve safety, traffic circulation and aesthetics within residential districts in the city. They are intended to regulate parking patterns and the location and quality of parking areas in

residential areas over the long term. It is not the intent of these regulations to regulate temporary, infrequent and irregular occurrences.

(B) All residential buildings or non-residential buildings in a residential district shall be provided with required parking areas on the same lot with the building or on a lot immediately adjacent to the lot with the building intended to be served, but not more than 100 feet from the building it is servicing.

(C) No repairing, modifying, or operations shall be allowed upon any vehicle, otherwise properly parked on a residential property, for a period in excess of 24 hours, except within fully enclosed buildings or if it is determined that such repair, modification, or operation will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work within any 24-hour period allowed under this provision shall not, however, consist of any major repair, redesigning, modifying, or dismantling work but only such occasional minor work as may be required to maintain a vehicle in normal operating condition.

(D) In the event the foregoing regulations create any special hardship beyond the control of a particular resident, the Zoning Administrator is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time not to exceed 14 days.

(E) Required parking areas including driveways shall be constructed from materials that provide a hard surface (concrete or asphalt), shall be drained properly, and shall be maintained in a safe and usable condition. Other surfaces may be used with prior approval from the Zoning Administrator.

(F) Recreational vehicle means any self-propelled or towed vehicle intended primarily for recreational purposes and shall include, but not be limited to, motor homes, travel trailers, tent trailers, collapsible trailers, expandable trailers, pick-up coach campers, unattached pick-up covers, motorcycle trailers, snowmobile trailers, utility trailers, vehicle transporting trailers, stock car trailers, camping trailers, boat trailers, snowmobiles, trail bikes or cycles, unlicensed motorcycles or motor driven cycles, pontoon boats, rafts, ATV's, golf carts, and boats.

(G) Storage and parking of recreational vehicles within all residentially zoned districts shall comply with the following:

(1) Other than in an enclosed building, no person shall park or store more than one item of recreational equipment upon any lot or parcel.

(2) All such vehicles shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, except that the parking and occupancy of a recreational vehicle on private property shall be permitted for a period not to exceed two weeks, but not to exceed four times a year.

(3) Recreational vehicles stored on any city lot or parcel between October 16 through April 30 must be parked on a hard surface (asphalt or concrete). Recreational vehicles must be parked behind the front line of the house. Parking is allowed in the side yard on the grass from May 1 through October 15. (See graphic below.)

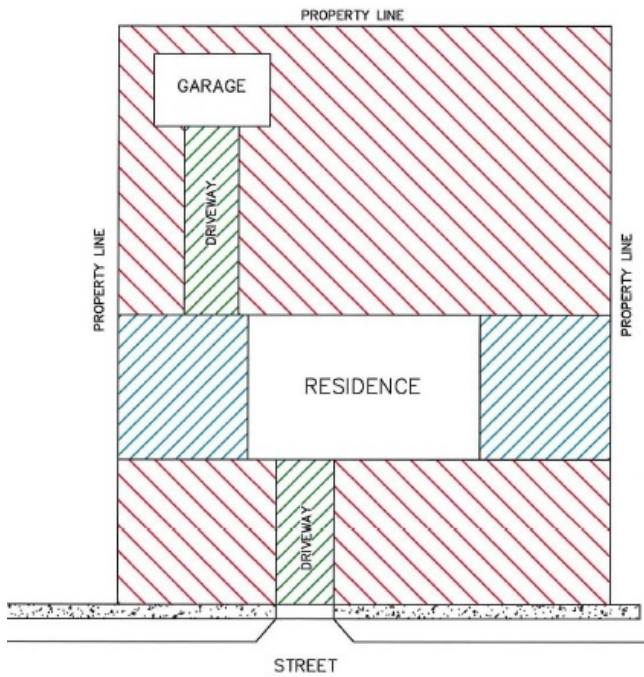
(4) Corner lots have two front yards and two side yards (see graphic below). The Zoning Administrator has the authority to grant residents on a corner lot permission to park their recreational vehicle in their side yard from May 1 through October 15. (See graphic below.)

(H) No parking is allowed in the rear of buildings except in garages, driveways leading to garages, and other parking spaces approved by special use permit.

(I) Not more than three outdoor parking spaces are permitted on a residential lot unless additional spaces are permitted by special use permit.

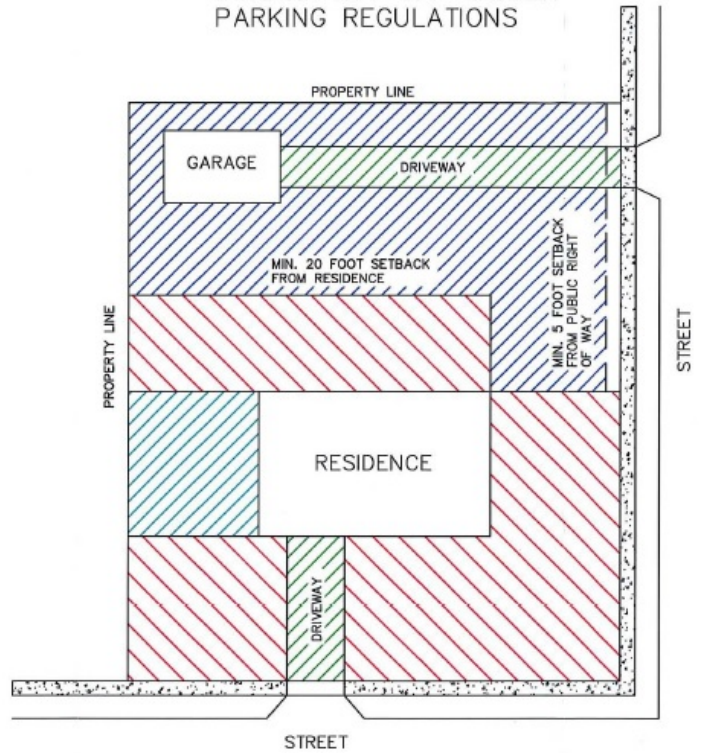
(J) Motor vehicles shall be allowed to be parked only on a parking area or driveway. A parking area is defined as that portion of a lot used for the exclusive purpose of parking a motor vehicle. A driveway is defined as the maneuvering lane needed to allow vehicles to move from the street to a garage or to a public parking area at the far end of the maneuvering lane. The driveway and parking area shall not be located in front of the residential structure.





OFF-STREET PARKING REGULATIONS



-  NO OFF-STREET PARKING ALLOWED
-  OFF-STREET PARKING ALLOWED ON ASPHALT OR CONCRETE SURFACE AT ALL TIMES
-  OFF-STREET PARKING ALLOWED ON ASPHALT OR CONCRETE SURFACE AT ALL TIMES OR ON UNIMPROVED SURFACES FROM MAY 1ST TO OCTOBER 15TH

CORNER LOT OFF-STREET PARKING REGULATIONS



-  NO OFF-STREET PARKING ALLOWED
-  OFF-STREET PARKING ALLOWED ON ASPHALT OR CONCRETE SURFACE AT ALL TIMES
-  OFF-STREET PARKING ALLOWED ON ASPHALT OR CONCRETE SURFACE AT ALL TIMES OR ON UNIMPROVED SURFACES FROM MAY 1ST TO OCTOBER 15TH
-  OFF-STREET PARKING ALLOWED FROM MAY 1ST TO OCTOBER 15TH ON UNIMPROVED SURFACES WITH THE APPROVAL OF ZONING ADMINISTRATOR, NO PERMANENT STORAGE ALLOWED REGARDLESS OF SURFACE TYPE.

(Ord. 616, passed 9-23-2013; Am. Ord. 645, passed 7-9-2018; Am. Ord. 646, passed 8-13-2018)

§ 155.342 MINIMUM PARKING SPACE REQUIREMENTS.

(A) The minimum amount of off-street parking space required under §§155.340 and 155.342 shall be determined in accordance with the following table:

(B) Either one space for each two employees shall be required of all applicable uses in this schedule, or the requirements specified below, whichever requires a greater number of spaces.

TABLE 13-2	
Parking Requirements	
Use	Parking Requirements
TABLE 13-2	
Parking Requirements	
Use	Parking Requirements
Dwelling	Two spaces for each residential living unit in any residential living unit in any residential classification.
Housing for the Elderly	One space per unit plus one space per employee. If units revert to general occupancy, the two spaces per unit shall be provided.

Rooming and boarding houses and bed-and-breakfasts	One space per room afforded plus two spaces for the owner or managers.
Motels-hotels	One space per guest bedroom plus one space per employee of largest shift.
Car Washes	One space per employee of the largest shift.
Hospitals nursing homes	One space for each four beds.
Theaters, auditoriums, stadia, sports arenas	One space per four seats.
Churches	One space for each five seats in the main worship unit.
Dances halls, assembly and exhibition halls without fixed seats; community center, civic clubs, private clubs, lodges, and other similar type occupancy	One space per four persons of legal capacity.
Banks, business and professional offices	One space per 200 square feet of floor area.
Medical or dental offices and clinics	One space per 300 square feet of floor area or five spaces per doctor or dentist, whichever is greater.
Mortuaries and funeral homes	One space for every 25 square feet of floor area of chapels and assembly rooms.
Furniture and appliance stores, motor vehicle sales, machinery sales, personal service shops, household equipment or furniture repair shops, clothing and shoe repair or service shops, and hardware stores	One space per 200 square feet of floor area.
Convenience Store	One space per 250 square feet of floor area plus any spaces required for gas pumps.
Supermarket, self-service food stores	One space per 200 square feet of floor area.
All other retail stores	One space per 500 square feet of floor area.
Barbershops and beauty parlors	Two spaces per chair.
Restaurants and cafeterias	One space per four patron seats.
Bowling alleys	Five spaces per lane.
Elementary and junior high schools	One space per each instructor, plus one space per each employee and administrator, plus drop-off areas for school buses, plus spaces required for any assembly hall, auditorium and/or outdoor arena.
Senior high schools	One per each instructor, plus two per each employee and administrator, plus five spaces per each classroom, plus drop off areas for school buses, plus parking required for any assembly hall, auditorium or outdoor arena.
Auditorium, assembly halls and outdoor areas	One space per each three seats or six feet of bleachers.
Libraries, museums, post office	One space per 800 square feet of floor area.
Gasoline service stations	Two spaces per service bay plus one space per employee of largest shift.
Manufacturing and industrial uses other than warehouses, storage buildings, wholesale establishments	One space per employee of the largest working shift plus five visitor spaces; or one space for every 600 square feet of gross floor area of building, whichever bases provides the greater parking accommodations.
Warehouses, storage buildings, wholesale establishments	One space per 1,000 square feet of floor area.
Video Rental Establishments	One space per 100 square feet of floor area, with a minimum of eight spaces.
Miniature Golf Course	One and a quarter (1.25) spaces per hole plus one space per employee of the largest shift.
Driving Range	One spaces per driving tee plus one space per employee of the largest shift.

(Ord. 616, passed 9-23-2013)

§ 155.343 DESIGN-CONSTRUCTION REQUIREMENTS AND PERMITTED USE OF VEHICLE PARKING.

(A) No repairs or service to vehicles and no display for purposes of sale shall be carried on or permitted upon such premises.

(B) A minimum space dimensions of ten feet wide and 20 feet deep shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes; each space shall be accessible separately from a street; each parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(C) Except for parking spaces provided on residential lots, an access drive shall be provided. Complying with the minimum requirements shown in table 13-1.

(D) Except for parking spaces provided on residential lots, no parking area shall be constructed less than 1,000 square feet in area.

(E) Parking areas shall be covered with a pavement having an asphalt or Portland cement binder and shall be graded and provided with adequate drainage facilities in compliance with the City of St. Johns Drain Code. Curb and gutter shall be provided around the perimeter of the parking area.

(F) When lighting facilities are used, they shall be so arranged that any light source shall not be visible from any point beyond the parking area lot lines.

(G) Landscaping, fences and walls shall be provided in conformance with §§155.295 through 155.304 of this chapter.

(H) No signs shall be erected on the premises, except one at each of the points of ingress and egress, and such sign may bear the name of the operator of the lot and the enterprise it is intended to serve. Such signs shall not exceed ten square feet in area and an overall height of ten feet. However, signs for the orderly and safe movement of pedestrian and vehicular traffic in the parking area may be used as required.

(I) Curb blocks are prohibited.

(J) The Planning Commission may modify the above standards when a demonstrated need is documented by the applicant and the Planning Commission determines that the proposed alternative complies with the intent of this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.344 LOADING-UNLOADING SPACES REQUIREMENTS.

(A) On and after the effective date of this Code there shall be provided, on the same lot with all new or substantially altered uses or structures, off-street loading and unloading facilities as required herein.

(B) Industrial uses, warehouses, terminals, retail stores, hotels, hospitals, mortuaries, laundry and dry cleaning establishments, wholesale stores, and other similar uses customarily receiving or distributing goods by motor vehicle - Gross Floor Area: 5,000 square feet to 20,000 square feet - one space; each additional 20,000 square feet or fraction thereof - one space.

(C) Each off-street loading and unloading space shall not be less than ten feet in width and 70 feet in length unless the Planning Commission determines during site plan review that a larger area is required based on the characteristics of the proposed use and its loading and unloading needs.

(Ord. 616, passed 9-23-2013)

§ 155.345 DESIGN STANDARDS OF LOADING-UNLOADING SPACES.

(A) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(B) All open off-street loading berths shall be improved with a pavement of asphaltic concrete, or other comparable, all-weather, dustless material of similar durability.

(C) No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading area. Off-street loading space as required under § 155.344 shall be provided as area additional to off-street parking space as required under § 155.342 and shall not be considered as supplying off-street parking space.

(Ord. 616, passed 9-23-2013)

ZONING BOARD OF APPEALS

§ 155.360 ZONING BOARD OF APPEALS.

In order that the objectives of this chapter may be more fully and equitably achieved, and that there shall be provided a means for competent interpretation of this chapter, there is established the St. Johns Zoning Board of Appeals subject to all provisions of the City and Village Zoning Act, Act 207, Public Acts of 1921, as amended, of the State of Michigan.

(Ord. 616, passed 9-23-2013)

§ 155.361 MEMBERSHIP.

The Board shall consist of seven members, appointed by the City Commission. One of these seven members may be appointed from the membership of the Planning Commission of the City of St. Johns. Members of the Board serving on the

effective date of this Code shall be and constitute the Board serving on the effective date of this Code shall be and constitute the Board hereunder, and each member thereof shall serve the balance of the term to which he or she was previously appointed.

(Ord. 616, passed 9-23-2013)

§ 155.362 PROCEDURES AND NOTICE.

(A) The Zoning Administrator shall, upon receipt of a complete application and appropriate fee, schedule a public hearing.

(B) After scheduling the public hearing the Zoning Administrator shall have a notice of public hearing published in a paper of general circulation in the city not less than 15 days before the public hearing. The notice shall be mailed or delivered to the applicant and to all persons to whom real property is assessed within 300 feet of the property and to all occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. The notice shall do the following:

- (1) Describe the nature of the request.
- (2) Indicate the property that is the subject of the request.
- (3) State when and where the request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.

(C) Meetings shall be held at the call of the Chairperson and at other times as the Board in its rules of procedures may specify. The Chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

(D) All meetings shall be open to the public with an opportunity for the applicant and the public to comment at the public hearing.

(E) The Board shall maintain a record of its proceedings which shall be filed in the office of the City Clerk.

(F) The Board shall adopt its own rules of procedure necessary to conduct its meetings.

(G) The Board shall not conduct business unless a majority of the membership is present.

(H) The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination made by an administrative body or official, or to decide in favor of the applicant a matter upon which the Board is required to pass under the provisions of this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.363 DECISIONS.

(A) The Zoning Board of Appeals shall return a written decision upon each case within 30 days after its initial meeting to review the request or appeal unless a further time is agreed upon with the appellant.

(B) Any decision of the Board shall be final. Any appeal from the Board's decision shall be made within 21 days of said decision.

(C) The Board shall state the grounds of any determination made by the Board.

(Ord. 616, passed 9-23-2013)

§ 155.364 FEE.

Any appeal to the Zoning Board of Appeals shall be accompanied with a payment plus costs of publication to cover costs of processing such appeal in an amount set by the City Commission.

(Ord. 616, passed 9-23-2013)

§ 155.365 POWERS AND DUTIES.

The Zoning Board of Appeals shall act upon the following questions as they arise in the administration of this chapter:

(A) The interpretation of the zoning map and zoning chapter text.

(B) Appeals from a requirement, decision or determination made by an administrative official charged with the enforcement of this chapter, with the exception of approval or denial of special use permits and site plans by the Planning Commission, which shall be appealed to the City Commission.

(C) Requests for variance in the requirements of this chapter including height, setback building size, lot coverage, lot width and lot size as well as street parking and loading requirements.

(D) All decisions made by the Zoning Board of Appeals shall be final.

(Ord. 616, passed 9-23-2013)

§ 155.366 LIMITATIONS.

The Zoning Board of Appeals, notwithstanding any terms herein to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this chapter, nor to prohibit a use, which is permitted in this chapter, nor may it determine the validity of this chapter.

(Ord. 616, passed 9-23-2013)

§ 155.367 APPEALS OF ADMINISTRATIVE DECISIONS.

(A) *Time limit.* Any appeal from a written administrative decision concerning the enforcement of the provisions of this chapter shall be made to the Zoning Board of Appeals through the Zoning Administrator within 21 days after the date of the administrative decision which is the basis of the appeal. Any appeal shall be in writing on standard forms.

(B) *Duties of Zoning Administrator.* The Zoning Administrator shall transmit to the board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken.

(C) *Who may appeal.* Appeals to the Board may be taken by any person aggrieved by, and with a vested interest in, an administrative decision, of any officer, department, or Board of the city made in administering this chapter unless appeal procedures are otherwise provided for in this chapter. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

(D) *Stays all proceedings.* An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this chapter; except that the Zoning Administrator may certify to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him or her that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

(Ord. 616, passed 9-23-2013)

§ 155.368 INTERPRETATION OF ZONING CHAPTER AND MAP.

The Zoning Board of Appeals, upon proper application of appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this chapter as follows:

(A) So as to carry out the intent and purpose of this chapter.

(B) To determine the precise location of the boundary lines between zoning districts. In interpreting the boundaries of zoning districts, the Board shall assume, unless there is information indicating otherwise, that zoning district boundaries follow lot lines, the centerline of creeks, streets, or alleys, railroad right-of-ways, section lines one-quarter or one-eighth section lines, or corporate boundary lines as they existed when the zoning boundary line was established.

(C) The Board shall have the authority to interpret the provisions of this chapter when a requirement, standard, or other text is unclear, including classifying a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. When determining if a particular use is included in the definition of a type or group of uses permitted in a district, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.

(Ord. 616, passed 9-23-2013)

§ 155.369 VARIANCES.

(A) *Intent.* These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Chapter through a non-use variance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, or his or her predecessors in title, a literal enforcement of the chapter would result in practical difficulty. As used in this chapter, a variance is authorized only for dimensional requirements such as height, area, and size of structure, or size of yards and open spaces and for non-use requirements such as parking and landscape requirements. The establishment or expansion of a use otherwise prohibited shall not be allowed by use variance, nor shall a use variance be granted because of the presence of non-conformities in the Zoning District or uses in an adjoining Zoning District.

(B) *Approval.* The Board shall approve with or without conditions, or disapprove the non-use variance application and shall communicate its action in writing to the applicant and the City Commission shall not approve an application for a non-use variance unless it has found positively that all of the following standards for approval have been met:

(1) That compliance of the strict letter of the chapter would unreasonably present the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

(2) That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

(3) That the plight of the landowner is due to the unique circumstances of the property;

(4) That the problem is not self-created.

(5) In granting a non-use variance, the Zoning Board of Appeals shall ensure that the spirit of the chapter is observed, public safety secured, and substantial justice done.

(Ord. 616, passed 9-23-2013)

§ 155.370 RULES FOR GRANTING OF VARIANCES.

The following rules shall be applied in the granting of variances:

(A) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgement, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such conditions shall automatically invalidate the permit granted.

(B) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within 12 months after the granting of the variance.

(C) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

(D) In authorizing any variance, the Zoning Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.

(E) The granting of use variances shall be prohibited.

(Ord. 616, passed 9-23-2013)

§ 155.371 REMOVAL.

(A) Zoning Board of Appeals member shall disqualify himself or herself from a vote in which that member has a conflict of interest. Failure to do so shall constitute misconduct.

(B) A member of the Zoning Board of Appeals may be removed by the City Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

(Ord. 616, passed 9-23-2013)

AMENDMENT PROCEDURES

§ 155.385 AMENDMENTS.

The regulations and provisions stated in the text of this chapter and the boundaries of zoning districts shown on the zoning district map may be amended, supplemented or changed by ordinance of the City Commission.

(Ord. 616, passed 9-23-2013)

§ 155.386 PROCEDURE OF INITIATING AMENDMENTS.

(A) Amendments to the text of this Zoning Chapter may be initiated by:

- (1) A motion of the City Commission.
- (2) A motion of the City Planning Commission.
- (3) An application by an individual and payment of the fee as required in the fee schedule adopted by the City Commission.

(B) Amendments to the Zoning Chapter Map which changes the zoning classification of property may be initiated by:

- (1) A motion of the City Commission.
- (2) A motion of the City Planning Commission.

(3) A petition filed with the Zoning Administrator signed by a person or persons who collectively own at least 51% interest in the parcel proposed to be rezoned.

(Ord. 616, passed 9-23-2013)

§ 155.387 PUBLIC HEARING.

(A) Following initiation of a zoning amendment, a Planning Commission public hearing shall be scheduled by the Zoning Administrator. Notice of the public hearing shall be:

- (1) Published in a newspaper of general circulation in the city at least 15 days prior to the public hearing.
- (2) Mailed at least 15 days prior to the hearing to any public utility, telecommunication provider or railroad that has requested receipt of zoning notices that is located in a zoning district affected by the proposed zoning amendment.

(3) Deliver copies of the proposed amendment to the City Engineer, City Fire Chief and City Police Chief, who shall submit their written comments to the Zoning Administrator no less than seven days prior to the Planning Commission meeting at which the zoning amendment is to be reviewed. The City Manager and County Historical Commission will also be sent a copy of the site plan for informational purposes, but they are not required to submit written comments to the Planning Commission. The Zoning Administrator may also submit the proposed amendment to other governmental bodies or agencies for input.

(4) In the case of a zoning map amendment, notice shall also be mailed or delivered at least 15 days prior to the public hearing.

- (a) To the owner of the parcel or parcels proposed to be rezoned.
- (b) To the applicant.
- (c) All property owners listed on the tax roll of the city owning property within 300 feet of the parcel or parcels proposed to

be rezoned and all occupants regardless of whether property or applicant is located within the zoning jurisdiction.

(d) The Bingham Township Supervisor and the Clinton County Planning Commission if the parcel or parcels proposed to be rezoned are within 300 feet of the Township's boundary with the city. Notice is not required if the request is to rezone 11 or more adjacent parcels.

(e) In the case of a rezoning, the posting by the applicant of an 18" x 24" sign notice on the property at least 15 days prior to the public hearing. If the sign is vandalized or removed by a third party, the applicant will be considered to have complied with this requirement.

(B) The mailed and posted notices shall identify:

- (1) Describe the nature of the request.
- (2) Indicate the property that is the subject of the request.
- (3) State when and where the request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.

(C) At the public hearing, the Planning Commission shall review the amendment and shall provide the applicant and the public an opportunity to comment on the amendment.

(D) Following the public hearing, the Planning Commission shall submit its recommendation on the proposed amendment and a summary of public hearing comments to the City Commission. The Planning Commission's recommendation shall be based upon the request's compliance with the City Master Plan.

(Ord. 616, passed 9-23-2013)

§ 155.388 CITY COMMISSION DECISION.

(A) Following receipt of the Planning Commission's recommendation and report on the public hearing, the City Commission may take action on the amendment or hold additional public hearings. The City Commission shall grant a public hearing on a proposed amendment to the property owner who requests a hearing by certified mail, addressed to the City Clerk. If the City Commission chooses to hold additional public hearings, it shall follow the notification procedures required for the Planning Commission Public Hearing.

(B) If the City Commission considers changes to the proposed amendment, it may refer those changes back to the Planning Commission for their comments or take action on the amendment.

(C) Approval of the amendment shall be by a majority vote of the City Commission members unless presented with a protest petition outlined in § 155.387.

(D) Upon presentation of a protest petition meeting the requirements of this division, an amendment to a zoning chapter which is the object of the petition shall be passed only by a two-thirds vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one of the following:

- (1) The owners of at least 20% of the area of land included in the proposed changes.
- (2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(Ord. 616, passed 9-23-2013)

§ 155.389 RECONSIDERATION OF AMENDMENT.

No application for a zoning amendment which has been denied by the City Commission shall be resubmitted for a period of six months from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the City Commission to be valid.

(Ord. 616, passed 9-23-2013)

ADMINISTRATION, AND ENFORCEMENT PROCEDURES

§ 155.400 DUTIES AND POWERS - ZONING ADMINISTRATOR.

(A) *Zoning Administrator - creation.* The provisions of this chapter shall be administered by the City Manager, or he or she may delegate this administration to any official of the city subordinate to him or her. Such official shall for the purposes of this chapter be known as the Zoning Administrator. The Zoning Administrator can delegate his or her responsibilities to other city staff with the approval of the City Manager. The city shall provide the Zoning Administrator with funds and equipment sufficient for the effective administration of this chapter.

(B) *Zoning Administrator - duties and powers; administration.* There is hereby vested in the Zoning Administrator the duty of administering this chapter and the power necessary for such administration. The Zoning Administrator shall:

- (1) Review all applications for certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this chapter and issue certificates when there is compliance with this chapter.
- (2) Receive all applications for special use permits; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable; and otherwise process applications so as to formulate recommendations; report to the Planning Commission with recommendations; and notify the applicant, in writing, of any decision

of the Commission.

(3) Receive all applications for appeals, variances or other matters which the Board of Zoning Appeals is required to decide under this chapter; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the board for determination; and, notify the applicant, in writing, of any decision by the Board.

(4) Receive all applications for amendments to this chapter; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial material when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission.

(5) Propose and recommend the enactment of amendments of this chapter for the purpose of improving the administration or enforcement of this chapter.

(6) Provide initial interpretation of zoning chapter provisions, including the location of any district boundaries. Where there is any uncertainty, contradiction, or conflict as to the intent of such provisions or boundaries, the Zoning Administrator shall refer the matter to the Zoning Board of Appeals.

(7) Recommend zoning chapter amendments to the Planning Commission for their consideration.

(8) When the provisions of this chapter require a hearing on an application for a special use permit, give notice of time and place of such hearing as required by this chapter.

(9) When the provisions of this chapter require a hearing on an application for amendment to the zoning chapter, the Zoning Administrator shall give notice of time and place of such hearing as required by this chapter.

(10) Maintain a map or maps showing the current zoning classifications of all land in the city.

(11) Maintain written records of all actions taken by the Zoning Administrator and keep custody of all records of the Planning Commission and Board of Appeals.

(12) Be responsible for providing forms necessary for the various applications to the Planning Commission or Board of Appeals as required by this chapter and shall be responsible for determining what information is necessary on such forms for the effective administration of this chapter, subject to the general policies of the Planning Commission and Board of Appeals.

(13) Make regular reports to the City Commission and Planning Commission when required.

(C) *Zoning Administrator - duties and powers of enforcement.* There is hereby vested in the Zoning Administrator the duty of enforcing this chapter and the power necessary for such enforcement. In implementing this duty the Zoning Administrator shall:

(1) Conduct investigations to determine compliance or non-compliance with the provisions of this chapter and with any requirements or conditions in connection with any action taken by the Planning Commission, Board of Appeals, or the City Commission under this chapter.

(2) Order correction, in writing, of all conditions found to be in violation of this chapter, and of any requirements or conditions in connection with any action taken by the Planning Commission, Board of Appeals, or City Commission. Such written orders shall be served personally or by registered mail upon the person, firm, or corporation deemed by the Zoning Administrator to be violating the provisions of this chapter; provided, that if such person, firm or corporation is not the owner of the land on, or the structure in which the violation is deemed to exist or have occurred, a copy of the order shall be sent by registered mail to the owner of such land or structure. The date of mailing shall be deemed the date of service of any order served by registered mail.

(Ord. 616, passed 9-23-2013)

§ 155.401 RESPONSIBILITIES OF PLANNING COMMISSION.

The Planning Commission's responsibilities under this chapter are:

(A) Review of proposed special use permits, including the holding of a public hearing, and recommendation of approval or denial to the Township Board.

(B) Review of all proposed zoning chapter amendments, including the holding of a public hearing and preparation of a report to the City Commission.

(C) Initiating amendments to the zoning chapter when determined appropriate.

(D) Review of all proposed, special land use site plans, including the holding of a public hearing and preparation of a report to the City Commission.

(E) Approval or denial of permitted use site plans, including the holding of a public hearing.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.402 RESPONSIBILITIES OF CITY COMMISSION.

The responsibilities of the City Commission under the chapter are:

(A) Approval or denial of amendments to the zoning chapter.

(B) Approval or denial of special land uses, including associated site plans.

(C) Approval of appointments to the Zoning Board of Appeals and the Planning Commission.

- (D) Approval of contracts for consulting services.
- (E) Establish fees for permits reviews and fines and approve budgets for planning and zoning activities.
- (F) Initiate amendments to the zoning chapter.

(Ord. 616, passed 9-23-2013; Am. Ord. 657, passed 12-14-2020)

§ 155.403 ZONING PERMITS.

(A) *Zoning permit required.* If site plan approval is not required, a zoning permit shall be required before all development of a parcel or change in use of a structure or land that does not require site plan review. For the purposes of this chapter, a change in use constitutes a change from one use group as defined in the City of St. Johns Building Code to another use group.

(B) *Zoning permit application requirements.* The Zoning Administrator shall provide a form to be filled out by an applicant for a zoning permit. There shall be submitted with all zoning permit applications a plot plan, 8½" x 11" in size and drawn to scale, showing the following:

- (1) Location, shape, area, and dimensions of the lot;
- (2) Location, dimensions and height of any structures;
- (3) Yard, open area, and parking space dimensions;
- (4) Proposed number of sleeping rooms, dwelling units, occupants, employees, and other users;
- (5) The existing and intended uses;

(6) Any additional information deemed necessary to the Zoning Administrator to determine and provide for the enforcement of this chapter.

(C) In instances where a site plan is required, a plot plan shall not be required.

(Ord. 616, passed 9-23-2013)

§ 155.404 CERTIFICATES OF OCCUPANCY.

A certificate of occupancy will not be issued for a development until it has complied with required site plans or zoning permits.

(Ord. 616, passed 9-23-2013)

§ 155.405 SCHEDULE OF APPLICATION FEES, AND EXPENSES.

(A) The City Commission shall establish a schedule of application fees for administrative duties including but not limited to special use permits, variances, appeals, zoning permits, and amendments, and establish a procedure for their collection.

(B) The City Commission may also establish procedures either separately or through the provisions of this chapter to levy other charges related to the review of applications.

(C) No action shall be taken on any application or appeal until all applicable fees, charges, and expenses have been paid in full.

(Ord. 616, passed 9-23-2013)

DESIGN STANDARDS

§ 155.415 ADULT FOSTER CARE LARGE GROUP HOMES (13-20 PERSONS) AND ADULT FOSTER CARE SMALL GROUP HOMES (7-12 PERSONS).

Adult foster care large group homes with 13 to 20 adults and adult foster care small group homes with seven to 12 adults are permitted by right in the R-3L and R-3H districts and by special use permit in the T District provided:

(A) The facility will meet the residential density requirements for the district it is located in based on one dwelling unit per six household members.

(B) The facility shall maintain a valid state license to operate as an adult foster care small or large group home.

(Ord. 616, passed 9-23-2013)

§ 155.416 ADULT BUSINESS.

(A) Adult uses are permitted by right in the CBD, I-1, I-2 and GC Districts provided:

(B) *Location.* An adult business may be located in the city, only in accordance with the following restrictions:

(1) No building, or land, and no building hereafter erected, converted, or structurally altered, shall be used as an adult merchandise store, adult motion picture theater, adult mini-motion picture theater, or any other regulated use defined herein, within 250 feet of the property line of any residentially zoned district, as defined in this zoning code. The distance between a residential district and a regulated use shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the regulated use, to the nearest property line of the residential use.

(2) No adult merchandise store, adult motion picture theater, adult mini-motion picture theater, or other regulated use defined herein, shall be located within 1,000 feet of any other establishment known as an adult bookstore, adult motion picture theater,

adult mini-motion picture theater, or other regulated use. The distance between any two potential regulated uses shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the existing regulated use to the nearest exterior wall of the proposed additional regulated use.

(3) No adult regulated use, as defined herein, shall be located within 1,000 feet of other protected uses, as defined herein, being churches and schools. The distance between a protected use and a regulated use shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the regulated use, to the nearest property line of the protected use.

(4) All regulated uses shall be permitted in the CBD, Central Business District, I-1 and I, Industrial, and GC, General Commercial, provided the other criteria set forth in this section are met.

(Ord. 616, passed 9-23-2013)

§ 155.417 AUTOMOBILE REPAIR SHOPS.

Automobile repair shops are permitted by right in the GC Districts provided:

(A) The facility fronts on and its access is from a state highway or major street.

(B) All work to be performed completely within an enclosed building.

(C) Buildings housing intensive activities such as body work, frame straightening or other heavy repair activities shall be setback 100 feet from residentially zoned parcels.

(D) There shall be no outdoor storage of automobiles, parts or equipment.

(Ord. 616, passed 9-23-2013)

§ 155.418 AUTO SERVICE STATIONS.

Auto service stations are permitted by special use permit in the GC, CBD, I-1 and I-2 Districts provided:

(A) An automobile service station shall be located on a lot having a frontage along a state highway or major street of not less than 100 feet, and having a minimum area of not less than 15,000 square feet.

(B) An auto service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 25 feet from any side or rear lot line adjoining a residentially zoned district.

(C) All driveways providing ingress to or egress from an automobile service station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet to any intersecting street rights-of-way or adjacent to residential property. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

(D) A raised curb six inches in height shall be erected along all street lot lines, except for driveway openings.

(E) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

(F) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

(G) All exterior lighting, including illuminating signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.

(H) There shall be no outdoor storage of automobiles, parts or equipment.

(I) All underground storage tanks shall comply with state and federal laws concerning secondary containment, leak detection devices, and the like.

(Ord. 616, passed 9-23-2013)

§ 155.419 BED AND BREAKFAST ESTABLISHMENTS.

Bed and breakfast establishments are permitted by special use permit in the R-2, R-3L and R-3H Districts provided:

(A) Customers are limited to a maximum continuous stay of 14 days.

(B) The bed and breakfast establishment is limited to the residence only. Accessory buildings such as garages may not be converted into use for the bed and breakfast establishment.

(C) The owner/operator shall reside in the establishment.

(D) There will be no change in the exterior appearance so that the establishment is out of character with other single family homes in the area in which it is located.

(E) Outdoor eating areas shall be illustrated on the site plans and shall only be allowed if they are adequately buffered from adjacent residences.

(F) Off-street parking areas for guests shall be located in the side or rear yard and shall be adequately buffered from adjacent residences so that the parking area is not out of character with the surrounding homes.

(Ord. 616, passed 9-23-2013)

§ 155.420 CAR WASH.

(A) Car washes are permitted by right in the GC District provided:

(B) Any structures, vacuums or other machinery must be located at least 100 feet from a residence.

(Ord. 616, passed 9-23-2013)

§ 155.421 CEMETERIES.

Cemeteries are permitted by right in the MC District provided:

(A) The minimum site area shall be at least 20 acres.

(B) All buildings must be at least 100 feet from all property lines.

(Ord. 616, passed 9-23-2013)

§ 155.422 CHILD CARE CENTERS.

Child care centers are permitted by right in the MC District provided.

(A) The use is properly licensed by the State of Michigan.

(B) All parking and drop-off areas are designed to minimize conflicts with pedestrians and outdoor play areas.

(C) Screened play areas must be in the side or rear yards.

(Ord. 616, passed 9-23-2013)

§ 155.423 COMMUNICATION ANTENNA.

Communication antenna are permitted by special use permit in all districts provided:

(A) The antenna is mounted on an existing structure, and not to a communication tower except as otherwise permitted in this chapter.

(B) The antenna is aesthetically compatible with the area in which it is located.

(Ord. 616, passed 9-23-2013)

§ 155.424 COMMUNICATION TOWERS.

(A) Communication towers are permitted by special use permit in the I-1 and I-2 Districts, provided:

(B) The tower complies with City Ordinance 455.

(Ord. 616, passed 9-23-2013)

§ 155.425 DAY CARE HOMES, GROUP (7-12 PERSONS).

Day care homes, group are permitted by right in the R-2, R-3L and R-3H Districts and by special use permit in the R-1 District, provided:

(A) The facility is licensed by the State of Michigan as a group day care home.

(B) Fencing is provided around any outdoor play areas in a side or rear yard.

(C) The building retains the appearance of a single family residence.

(D) The use does not exceed 16 hours of operation in a 24 hour period.

(E) The use is no closer than 300 feet to another licensed group day care home.

(Ord. 616, passed 9-23-2013)

§ 155.426 DAY CARE HOMES, FAMILY (1-6 PERSONS).

Day care homes, family are permitted right in R-1, R-2 and R-3L and R-3H Districts provided:

(A) The facility shall be licensed by the State of Michigan, and shall comply with all State requirements for a family day care home.

(B) There shall be fencing around any outdoor play areas.

(C) The building shall retain the appearance of a single family residence.

(D) The facility shall not exceed 16 hours of operation in a 24 hour period.

(Ord. 616, passed 9-23-2013)

§ 155.427 DRIVE-THRU FACILITIES.

Drive thru facilities are permitted by special use permit in the O, GC and T Districts provided:

- (A) The drive-thru facility will not result in additional driveways.
- (B) The drive-thru will be designed to minimize conflict with pedestrians, internal vehicle circulation patterns and street traffic.
- (C) The drive-thru will not be located in a front yard. For the purposes of this requirement, a front yard is defined as any side of the building fronting a street. In the case of a site that fronts on more than two streets, the front yards shall be defined as those yards adjacent to the two streets with the greatest average daily traffic in front of the parcel.
- (D) The applicant shall demonstrate adequate stacking spaces for vehicles waiting to use the drive-thru based on nationally recognized standards for the use proposed.

(Ord. 616, passed 9-23-2013)

§ 155.428 FUNERAL HOMES AND MORTUARIES.

Funeral homes and mortuaries are permitted by right in the MC, GC, and O Districts provided:

- (A) The use shall have a minimum of 150 feet of frontage on a major street.
- (B) The parking area shall be designed to provide for efficient and sufficient stacking space for the organization of funeral processions.
- (C) The minimum lot size shall be one acre.

(Ord. 616, passed 9-23-2013)

§ 155.429 GAS REGULATOR STATION, UTILITY PUMPING STATIONS, POWER SUBSTATIONS AND WATER TOWERS.

- (A) Minimum lot area requirements shall not apply.
- (B) The use shall be fenced and provided with a buffer planting screen.

(Ord. 616, passed 9-23-2013)

§ 155.430 GOLF COURSES AND COUNTRY CLUBS.

- (A) The site shall be located with direct access to and frontage on either a state highway or major street.
- (B) All building setback lines shall be at least 200 feet from the zone lot line or street right-of-way line.
- (C) Distance of driveway entrance and exit from an adjacent residentially zoned lot shall be at least 20 feet.
- (D) Off-street parking shall be provided on the basis one parking space for each 1,000 square feet of clubhouse gross floor area, plus four parking spaces for each golf course hole.
- (E) Maximum permitted height for buildings and structures shall be 40 feet.

(Ord. 616, passed 9-23-2013)

§ 155.431 GRAVEL AND SAND PITS, QUARRIES, PUBLIC OR PRIVATE DUMPS, INCINERATORS, AND SANITARY FILLS.

Sand and gravel pits, quarries, public or private dumps, incinerators, and sanitary fills are permitted by special use permit in the I-2 District, provided:

- (A) Shall be enclosed by a fence six feet or more in height for the entire periphery of the development.
- (B) No slope shall exceed an angle with the horizontal of 45 degrees.
- (C) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form and vegetation so as to appear reasonably natural.
- (D) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- (E) The site shall be located with direct access to a primary thoroughfare through frontage on said thoroughfare through frontage on said thoroughfare, through frontage on a secondary thoroughfare, or through access along a road constructed expressly and exclusively for access to the site which leads directly to a secondary or primary thoroughfare as designated in the Community Development Plan.

(Ord. 616, passed 9-23-2013)

§ 155.432 HOME OCCUPATIONS.

Home occupation are permitted as accessory uses in the R-1, R-2, R-3L, R-3H, O, T and MU Districts provided.

- (A) The non-residential use shall be only incidental to the primary residential use.

(B) The occupation shall utilize no more than 25% of the ground floor area of the structure, but not to exceed 250 square feet.

(C) Only normal domestic or household equipment shall be used to accommodate the home occupation.

(D) The home occupation shall involve no employees on-site other than members of the immediate family residing on the premises.

(E) All activities shall be carried on indoors, only in the principal building. No outdoor activities, display, or storage shall be permitted.

(F) No alterations, additions or changes to the building and no alterations, additions or changes in the electrical wiring or plumbing of the building shall be permitted in order to accommodate or facilitate a home occupation.

(G) There shall be no external evidence of such occupations.

(H) No stocking of goods produced as a result of the home occupation shall be permitted on the premises, outside the area defined as pertaining to the home occupation.

(I) No repetitive servicing by truck of supplies, or products or materials shall be required by the home occupation.

(J) In the R-3H District the above criteria shall apply with the following exceptions:

(1) The occupation shall utilize no more than 30% of the ground floor area of the structure, but not to exceed 300 square feet.

(2) The home occupation shall involve no more than one employee other than members of the immediate family residing on the premises.

(3) There shall be no external evidence of such occupations except a small announcement or identification sign which shall be non-illuminated and not more than one square foot in area.

(Ord. 616, passed 9-23-2013)

§ 155.433 HOSPITAL FACILITIES SERVING PSYCHIATRIC AND INCARCERATED PATIENTS.

Hospital facilities for the purpose of serving psychiatric and incarcerated patients are a permitted by special use permit in the MC District provided:

(A) The total number of beds used for treating psychiatric or incarcerated patients does not exceed 20% of the total beds available at the hospital.

(B) Legal non-conforming facilities will not be required to obtain a special use permit unless they expand beyond the current number of beds being used for the care of psychiatric or incarcerated patients.

(C) The applicant shall demonstrate adequate provisions for securing those areas used for the treating of psychiatric or incarcerated patients.

(D) If the use for which this permit is issued is discontinued or reduced in size to an extent that a special use permit is not required for a period of one year, reestablishment or re-expansion of the use shall require approval of a new special use permit.

(Ord. 616, passed 9-23-2013)

§ 155.434 HOTELS AND MOTELS.

(A) Off-street parking must be provided for hotels and motels in the CBD District.

(B) *Location.* The site for a motel or hotel shall be located with direct access to and frontage on a major city street.

(Ord. 616, passed 9-23-2013)

§ 155.435 INFILL PLANNED UNIT RESIDENTIAL DEVELOPMENT.

Infill planned unit residential developments are permitted in the R-2, R-3L and R-3H Districts by special use permit to allow the creative redevelopment of previously platted infill sites in a way that respects the surrounding community while allowing financially viable redevelopment provided:

(A) The proposed site must be a group parcel or group of parcels under single ownership at least one acre in size and be in an area previously platted and/or developed.

(B) The uses permitted in the infill planned unit residential development are limited to these uses permitted by right or special use permit in the zoning district in which it is located.

(C) The Planning Commission, in approving the infill planned unit residential development may alter the site development and design requirements of the district if it determines that such change is necessary to promote the effective reuse of the infill site. Any alterations are not intended to permit an overall density of dwelling units than would be permitted based on the minimum lot size of the district in which the parcel is located.

(Ord. 616, passed 9-23-2013)

§ 155.436 JUNK YARDS, AUTOMOBILE WRECKING OR SALVAGE.

Junk yards, automobile wrecking or salvage shall be permitted by special use permit in the I-2 District provided:

(A) Shall be established and maintained in accordance with all applicable State of Michigan Statutes.

(B) Shall be fenced around the entire periphery of the property in use with a solid screen no less than eight feet high, of sound construction, painted, or otherwise finished neatly and inconspicuously. No sign, advertising, lettering, or other display may be placed on such screen fence.

(C) All activities shall be confined within the fenced-in area. No equipment or material shall be used or stored outside the fenced-in areas.

(D) Fences shall be set back 100 feet from all streets or highways.

(E) No open burning shall be permitted.

(F) The site shall be located with direct access to and frontage on a primary thoroughfare as designated in the Community Development Plan.

(Ord. 616, passed 9-23-2013)

§ 155.437 KENNELS.

Kennels are permitted by special use permit in the GC Districts provided:

(A) The facility shall be licensed by the Clinton County Department of Animal Control.

(B) Kennels housing dogs shall be a minimum of 300 feet from a residential district.

(C) All dog runs must be enclosed and have a concrete surface.

(D) The applicant must identify an acceptable method of disposing of the animal waste.

(Ord. 616, passed 9-23-2013)

§ 155.438 MOBILE HOME PARK.

(A) Mobile home parks are permitted by right in the R-MH District, provided:

(B) Mobile home parks shall be developed to the standards established by the Mobile Home Park Commission.

(Ord. 616, passed 9-23-2013)

§ 155.439 NURSING HOMES.

Nursing homes are permitted in the MC District by right provided:

(A) The nursing home shall have direct access from a city major street.

(B) Main and accessory buildings shall be a minimum of 30 feet from all property lines.

(Ord. 616, passed 9-23-2013)

§ 155.440 PLANNED UNIT DEVELOPMENTS (PUD).

The following site design standards are required for all Planned Unit Developments:

(A) Such development is found not detrimental to the public health, safety and general welfare of the occupants and the community.

(B) *Requirements regarding tract.*

(1) The minimum required land area for a planned unit development shall be 60 contiguous acres.

(2) The developer shall provide within the planned unit development, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the city's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Clinton County Health Department and the city.

(3) The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will in the opinion of the city's Engineer collect, carry off and dispose of all predictable surface water run-off within the development and any adjoining tributary area and shall be so constructed as to conform with the statutes, ordinances and regulations of the State of Michigan, the Clinton County Health Department, the Clinton County Drain Commissioner's Office and the city.

(4) The development must be served by the city water system.

(C) *Permitted uses.*

(1) Single family attached or detached dwelling.

(2) Apartment building or townhouse.

(3) Accessory private garage.

(4) Public or private park or recreation area which may include a golf course, swimming pool, tennis court, ski slope,

toboggan run, ice skating rink, and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, air pollution, fire, or other safety hazards, smoke, fumes or other pollutants detrimental to existing or prospective adjacent structures or to existing or prospective occupants or the general public.

- (5) Municipal building.
- (6) School.
- (7) Church, temple, synagogue, parsonage or parish house, convent.
- (8) Art gallery or professional office.
- (9) Theater for stage productions or films, but not a drive in theater.

(10) Studio of artist, sculptor, musician or photographer, but no goods or objects shall be sold or publicly displayed on the premises.

(11) Restaurant.

(12) Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for the day-to-day operation of a household, and which can be supported economically by a small neighborhood area, including business of the type included in, although not limited to, the following:

- (a) Barber and beauty shop.
- (b) Cigar store.
- (c) Cleaning and dyeing distribution shop (no processing).
- (d) Dairy products, retail sales.
- (e) Delicatessen.
- (f) Drugstore.
- (g) Laundry collecting shop, self-service laundry, self service dry cleaner, and hand laundry.

(h) Local store selling at retail, fish, fruit, food, hardware, meats (no slaughtering) and vegetables, and beer and wine under SDM license and gasoline from not more than three gasoline pumps; provided further, that such store may not exceed 12,000 square feet of sales floor area.

(i) Newsstand.

(D) (1) *Density and design standards.*

(2) *Area limitations for various uses.* Within a planned unit development the following percentages of the total land area shall be devoted to the specified uses:

(a) A maximum of 80% for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it unless otherwise provide herein.

(b) A maximum of 20% for non-residential uses and required parking, provided however that open air recreational uses, other open space uses and land devoted to streets shall not be included in determining non-residential use.

(c) A minimum of 20% for open air recreational uses and other useable open space.

1. Useable open space shall be defined as an open area designed and developed for common use by the occupants of the development or by others for recreation (whether commercial, private or public) courts, gardens or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.

2. *Residential density.* The density of residences shall not exceed six units per acre of the land within the development which is devoted to residential use and useable open space.

3. *Lot size.* There shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage and no minimum lot width for any unit; provided, however, that in areas of single family and/or townhouse structures which are to be sold and for which the care and maintenance of the grounds and exteriors associated with such structures will be the responsibility of the purchaser of such structure or parts of such structures, such areas shall be platted with applicable and recordable provisions of the Subdivision Regulations. For purposes of determining overall densities within the planned unit development, the number of units located in such platted areas shall be included.

4. *Height.* The height of any structure within a planned unit development shall be related to the location of the structure such as to equal the distance to any adjacent property line; provided, however, the height limitation shall be related to the firefighting capability of the city and provided further, that this provision shall not affect any structure of less than 35 feet.

5. *Location of structures.* The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. Every single family dwelling shall have access to a public street, court, walkway or other area dedicated to public use. No apartments or townhouses structures consisting of five or more dwelling units shall be erected within 24 feet of any other structure.

6. *Protection of open spaces.* Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as the Planning Commission shall specify.

7. *Roads and parking areas.* The dimensions and construction of roads, alleys, and parking areas within the development, whether or not dedication of them to the city is contemplated, shall conform with all applicable state, county and city ordinances.

(E) *Procedure.*

(1) Before any conditional use permit or building permit is issued for land or a building in a PUD, the developer shall obtain approval by the City Planning Commission of an overall plan for development of the land. For this purpose, he or she shall submit to the Planning Commission a plan which:

- (a) Shall state the acreage to be devoted to specific uses;
- (b) Shall set forth the proposed density of dwelling units;
- (c) Shall include a major thoroughfare plan and a public utility plan;

(d) And shall include a separate plan showing the location of parks, open recreation areas and other open spaces, schools and other public or community uses.

(2) The criteria for approval of any planned unit development shall be those which are included within the special use permit review subchapter of this chapter in §§ 155.255 through 155.261. These criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, drainage, densities, land use relationships of proposed uses to each other and uses adjacent to the site and its overall relation to a community development plan if such a plan exists.

(3) If the plan is approved by the Planning Commission, the developer shall thereafter submit a detailed plan, containing all the information required of this chapter.

(a) The Planning Commission shall review the detailed plan to determine that it complies with this chapter and with the overall plan originally submitted by the developer, and make a recommendation to the City Commission.

(b) Approval of any detailed plan shall lapse unless construction is started in that section within two years.

(c) No conveyance of land within the development may be made until the developer has complied with all city regulations.

(Ord. 616, passed 9-23-2013)

§ 155.441 RELIGIOUS INSTITUTIONS.

Religious institutions are permitted by right in the MC District provided:

(A) The site shall be adjacent to a state highway or major street and ingress and egress shall be limited to and directly upon the highway or street.

(B) A minimum site of three acres shall be provided.

(C) The front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

(Ord. 616, passed 9-23-2013)

§ 155.442 RESIDENCE, TWO-FAMILY DWELLINGS CONVERSION.

Two-family dwellings consequent to a conversion of a single-family dwelling existing on the effective date of this chapter are permitted by special use permit in the R-2, R-3L, R-3H and the T Districts, provided that:

(A) The floor area is not be increased.

(B) All applicable requirements for usable open space and off-street parking are complied with.

(C) Two wholly separate dwelling units be created, with individual entrances into the building.

(D) All applicable provisions of the Building Code be complied with.

(Ord. 616, passed 9-23-2013)

§ 155.443 RESIDENTIAL CLUSTER HOUSING DEVELOPMENT.

To encourage good land and building site design, to encourage and allow flexibility in dwelling types and design but subject to the general density of the applicable zoning district with respect to the total area to be developed under this procedure, and to permit the grouping of open space and such accessory facilities as garages or parking spaces, planned development for residential purposes shall be permitted by special use permit in R-1, R-2, R-3L and R-3H Districts.

(A) *General provisions.*

(1) The dwelling types, minimum lot area, yard, height, and accessory uses shall be determined by the requirements and procedures set forth below which shall prevail over conflicting requirements of this chapter or Chapter 52 governing the subdividing of land.

(2) The dwelling group project is to be planned and developed as an integral unit.

(3) The proposed development shall follow all applicable procedures, standards and requirements of the subdivision regulations.

(B) *Uses permitted.*

(1) One-family dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings of a character and density similar to and including garden apartments, terrace apartments, row and town houses.

(C) *Site development requirements.*

(1) No planned unit residential development shall be authorized with a gross site area of less than two acres.

(2) The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required in the District where the development is located.

(3) All buildings, including accessory buildings, shall not occupy more than 25% of the net development area.

(4) The maximum building height of the development shall be 35 feet.

(5) Off-street parking spaces shall be provided for each dwelling unit in accordance with §§155.340 through 155.345. Such parking shall be so placed on the development site as not to interfere with the required useable open space. Such parking shall be so placed on the development site as not to interfere with the required useable open space. Such parking shall be for the sole use of the occupants of the buildings; visitors' parking shall be provided in addition thereto as may be deemed desirable by the Planning Commission.

(6) Group housing developments shall maintain the following yard requirements:

(a) Yards facing streets shall be no less than the average of the setback of other developed parcels on the block but no less than 35 feet.

(b) Side yards on the development boundary property line shall be not less than 20 feet.

(c) The rear yard on the development boundary property line shall be not less than 40 feet.

(d) Accessory uses such as garages, carports, and parking areas for more than four vehicles shall be located no closer to the development property line than ten feet. Where a parking area with a capacity of four or more vehicles adjoins a residential district, a vertical screen four feet to eight feet in height consisting of structural or plant materials shall be erected and maintained between the parking area and the adjoining property.

(D) *Design requirements.*

(1) The front of one dwelling shall not face upon the rear of another.

(2) Between buildings, from front to front or rear to rear, the minimum horizontal distance shall be 50 feet for buildings one story in height, 55 feet for buildings two stories in height, and 60 feet for buildings three stories in height. The minimum distance between buildings may be decreased at one side by not more than ten feet if the distance on the other side is proportionately increased.

(3) Dwellings comprising a group may face one another across an open court, provided the width of such court meets the front to front minimum horizontal distance requirements above.

(4) No court completely enclosed by structures shall be permitted.

(5) Between ends of buildings the horizontal distance shall not be less than 20 feet. When the end of one building is opposite the long dimension of another building the minimum horizontal distance between them shall be 35 feet.

(6) The number of dwelling units in any row structure shall be no more than six.

(7) The development shall have within its boundaries no secondary or primary thoroughfare.

(8) Useable open space shall comprise 20% of the development area. All common open space shall be maintained in good condition. This common open space shall have no dimension less than 40 feet.

(Ord. 616, passed 9-23-2013)

§ 155.444 ROOMING AND BOARDING HOUSES.

Rooming and boarding houses are permitted in the R-3L and R-3H Districts provided:

(A) All site development requirements of the R-3 District shall apply to these uses.

(B) Meals may be catered to roomers or boarder but no separate cooking facilities shall be maintained in the guest rooms.

(C) *Off-street parking and loading.* Shall conform to the provisions of §§ 155.340 through 155.345 of the zoning chapter.

(D) *Location.* The site shall be located with direct access to and frontage on a primary or secondary thoroughfare, or collector street as designated in the Community Development Plan.

(Ord. 616, passed 9-23-2013)

§ 155.445 SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS.

Sewage treatment and disposal installations are permitted by special use permit in the I-2 District provided:

(A) Shall be completely enclosed by a fence not less than six feet high.

(B) Shall be set back from all streets at least 50 feet and shall, in addition, be surrounded by a transition strip at least 100 feet in width within which grass, plant materials, and structural screen shall be placed to minimize the appearance of the installation and to confine the odors therein.

(Ord. 616, passed 9-23-2013)

§ 155.446 SIDEWALK CAFÉ.

Sidewalk cafes are permitted by special use permit in the GC and CBD Districts, provided:

(A) The café will be designed so as not to block pedestrian traffic or access to the restaurant or adjacent businesses.

(B) Outdoor speakers are prohibited.

(C) The outdoor café shall be limited to specific hour of operation established in the approved special use permit.

(D) The café operator shall be responsible for maintaining the area trash free.

(E) To avoid wind blown trash, the pre-setting of tables with napkins, glasses or utensils is prohibited.

(Ord. 616, passed 9-23-2013)

§ 155.447 STORAGE FACILITIES.

Storage facilities with outdoor storage are permitted by special use permit in the I-2 Districts provided:

(A) Minimum parcel area for the entire development is four acres.

(B) Access to the facility shall be from a city major street.

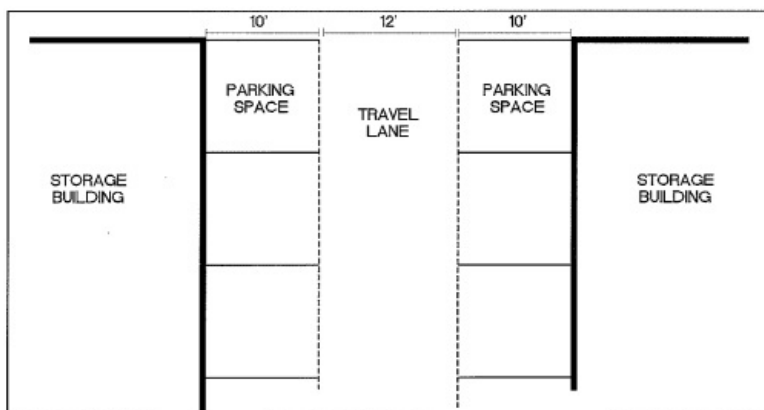
(C) All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission.

(D) Maximum building height shall be 14 feet.

(E) Side and rear setbacks shall be a minimum of 20 feet when adjacent to a residential district. The setback shall include any fencing surrounding the storage areas. The setback area shall be landscaped with trees, shrubbery and lawn to create a visual barrier between the facility and the adjacent residential lots.

(F) Parking for the storage leasing office and a caretakers residence shall be as outlined under this chapters parking regulations. A ten foot wide parking strip shall be required in front of each row of storage units and a 12 foot wide travel lane provided between buildings.

Figure 17 - 1



(Ord. 616, passed 9-23-2013)

§ 155.448 TEMPORARY BUILDINGS, STRUCTURES, OR YARDS FOR CONSTRUCTION MATERIALS OR A TEMPORARY OFFICE FOR THE SALE OR RENTAL OF REAL PROPERTY.

(A) Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property are permitted in all zoning districts provided:

(B) Such buildings shall be incidental to construction work and shall be removed immediately upon completion or abandonment of the construction work.

(Ord. 616, passed 9-23-2013)

§ 155.999 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the granting of variances, or appeals, or conditional use permits, shall constitute violation of the City's Municipal Civil Infraction Ordinance.

(A) Each day such violations continue shall be considered a separate offense.

(B) The owner or tenant of any building, structure, or premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(C) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 616, passed 9-23-2013)