Chapter 44 - ZONING

Footnotes:
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State Law reference— *Michigan zoning enabling act, MCL 125.3101 et seq.; municipal planning, MCL 125.31 et seq.*

ARTICLE I. - IN GENERAL

Sec. 44-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access means a way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access management means the process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access management zone or *access management district* means a zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

Access point means:

(1) The connection of a driveway at the right-of-way line to a road;

(2) A new road, driveway, shared access or service drive.

Accessory use or *accessory* means a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot as the principal use to which it is related.

Administrative officer means the city manager.

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

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

Auto repair or service garage means a place where the following services may be carried out: general repair, engine rebuilding, collision service, painting, and undercoating. The sale of engine fuels and lubricants may be included.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

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

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

Building line means a line formed by the furthest extension of the building, and for the purpose of this chapter, a minimum building line is the same as a front setback line.

Club means a nonprofit organization of persons for the promulgation of sports, arts, sciences, literature, politics, or the like.

Convalescent or nursing home means a structure with sleeping rooms where persons are housed, furnished with meals, nursing, and medical care.

Development means the construction of a new building or other structure, on a zoning lot, the relocation of an existing building or another zoning lot, or the use of open land for a new use.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway means any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Driveway offset means the distance between the centerline of two driveways on opposite sides of an undivided roadway.

Driveway, shared, means a driveway connecting two or more contiguous properties to the public road system.

Dwelling, multiple-family, means a building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, single-family, means a building containing not more than one dwelling unit designed for residential use, complying with the following standards:

(1) It complies with the minimum square footage requirements of this chapter for the zone in which it is located.

(2) It has a minimum width across any section of 20 feet and complies in all respects with the single state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the single state construction code, then and in that event the less stringent federal or state standard or regulation shall apply.

(3) It is firmly attached to a permanent foundation constructed on the site in accordance with the single state construction code and coextensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.

(4) It does not have exposed wheels, towing mechanism, undercarriage, or chassis.

(5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.

(6) The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be

equal to not less than 15 percent of the minimum square footage requirement of this chapter for the zone in which the dwelling is located. In no case, however, shall more than 200 square feet of storage area be required by this provision.

(7) a. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with windowsills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, contains permanently attached steps connected to said exterior door areas where a difference in elevation requires the same.

b. The compatibility of design and appearance shall be determined in the first instance by the city manager acting as a zoning inspector, or his designated deputy zoning inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the board of zoning appeals within a period of 15 days from the receipt of notice of the zoning inspector's decision. Any determination of compatibility shall be based upon the standards set forth in the definition of "dwelling" as well as the character of residential development outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of said area; or, where said area is not so developed, by the character of residential development outside of mobile home parks throughout the city. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(8) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

(9) The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Manufactured Home Construction and Safety Standards, effective June 15, 1976, as amended.

The foregoing standards of this definition shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the city pertaining to such parks.

Dwelling unit means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities. Pre-finished or partly pre-finished structures intended for permanent family occupancy shall be considered as dwelling units if the provisions of the single state construction code can be complied with.

Erected means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipe, conduits, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation means any breaking of ground, except common household gardening and ground care.

Family means one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.

Farm means structures, facilities and lands, for carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

Floor area, residential, means the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Floor area excludes areas of basements, unfinished attics, attached garages, breezeways, and porches.

Floor area, usable, for computing parking, means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the building, measured from the interior faces of the exterior walls.

Frontage road or *front service drive* means a local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Garage, private, means accessory building space designed or used solely for the storage of vehicles, boats, etc., owned and used by the occupants of the building to which it is accessory.

Garage, service, means any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Gasoline service station means a place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade. To regulate building height, the grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

Hotel or *motor inn* means a building or part of a building with a common entrance in which the dwelling or rooming units are used primarily for transient occupancy. The hotel or motor inn is distinguished from a motel in that it is more than two stories above the ground. A hotel or motor inn may contain major restaurant, cocktail lounge, and conference center facilities, while a motel normally would not.

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

Kennel, commercial, means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded, and/or where household pets are bred or sold.

Loading space means an off-street space on the same lot with a building for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

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

Lot coverage means the part or percent of the lot occupied by buildings including accessory buildings.

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, interior, means any lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein:

(1) *Front lot line* means, in the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, the front lot line is that line separating said lot from either street.

(2) *Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, but not less than ten feet long lying farthest from the front lot line and wholly within the lot.

(3) *Side lot line* means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown.

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

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot line.

Lot, zoning, means 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 shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefor, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

Main building means a building in which is conducted the principal use of the lot upon which it is situated.

Main use means the principal use to which the premises are devoted and the principal purposes for which the premises exist.

Major and secondary thoroughfares (or collector streets) means arterial streets intended to serve as large volume trafficways for both the immediate municipal area and the region beyond.

Master plan means the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the city, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mobile home means 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 the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Motel. See definition of "Hotel" or "Motor Inn."

Nuisance factors means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as:

(1) Noise;

(2) Dust;

(3) Smoke;

(4) Odor;

(5) Glare;

(6) Fumes;

(7) Flashes;

(8) Vibration;

(9) Shockwaves;

(10) Heat;

(11) Electronic or atomic radiation;

(12) Objectionable effluent;

(13) Noise or congregation of people, particularly at night;

(14) Passenger traffic;

(15) Invasion of nonabutting street frontage by traffic.

Nursery, plant materials, means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

Parking space means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Public utility means a person, firm, or corporation, municipal department, board of commission duly authorized to furnish and furnishings under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Rear service drive means a local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Room, for the purpose of determining lot area requirements and density in a multiple-family district, means a living room, dining room, and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Setback means the distance required to obtain front, side or rear yard open space provisions of this chapter.

Sight distance means the distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Sign means the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

Sign, accessory, means a sign which is accessory to the principal use of the premises.

Sign area means the total surface area of a sign excluding supporting structural elements not used for advertising or notice purposes, hence, both sides of a sign structure may be used for sign purposes, provided the notices have a back to back relationship.

Story means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the grade level of the adjoining ground.

Story, half, means an uppermost story lying under a slopping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street means a public dedicated right-of-way, affording the principal means of access to abutting property (excludes alleys).

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including buildings.

Temporary use or building means a use or building permitted by the board of zoning appeals to exist during periods of construction of the main building or use, or for special events.

Throat length means the distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right turn or a left turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Throat width means the distance edge-to-edge of a driveway measured at the right-of-way line.

Trailer or mobile home court means any plot of ground upon which two or more trailer coaches or mobile homes, occupied for dwelling or sleeping purposes, are located. See definition of "Mobile home."

Travel trailer and camper means a vehicle either towed or self propelled designed primarily as a vacation camping unit for short term seasonal occupancy.

Trip generation means the estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Underlying district means the base zone below an access management zone that establishes the fundamental permitted uses, densities and dimensional regulations applicable to lands subject to a zoning ordinance.

Use means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Yards means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

(1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

(3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning exceptions and variances means:

(1) *Exception.* An exception is a use permitted only after review of an application by the board of zoning appeals or a commission other than the administrative officer, such review being necessary because the provisions of this chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this chapter. Exceptions do not involve undue hardship.

(2) *Variance.* A modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

(3) *Differentiation.* The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this chapter appear as "special approval" by city council or board of zoning appeals. These land uses could not be conveniently allocated to one zone or another, or the affects of such uses include one or more of the following:

a. Large site area;

b. Infrequent occurrence;

c. Unusual amounts of traffic;

d. Obnoxious or hazardous character;

e. Public safety or convenience.

(Ord. No. 142, art. II, 5-21-1973; Ord. No. 174, 12-7-1981; Ord. No. 265, § II, 11-20-2006)

Sec. 44-2. - Changes and amendments

(a) The city council may from time to time, on its own initiative or on petition, amend, supplement or change the district boundaries or the regulations herein. The city council shall cause to be prepared a notice indicating the proposed change in the regulations or in the district boundary lines to be affected, which notice shall set a date for public hearing on such change. After due publication and a public hearing the proposed changes may be adopted by a majority of the council elect.

(b) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to this chapter which is the object of the petition shall be passed only by a three-fourths vote of the city council. The protest petition shall be presented to the city council before final legislative action on the amendment and shall be signed by one of the following:

(1) The owners of at least 20 percent of the area of land included in the proposed change.

(2) The owners of at least 20 percent 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.

(c) For purposes of subsection (b) of this section, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

(d) Following adoption of a zoning ordinance and subsequent amendments by the city council, one notice of adoption shall be published in a newspaper of general circulation in the city within 15 days after adoption. Promptly following adoption of a zoning ordinance or subsequent amendment by the city council, a copy of the notice of adoption shall also be mailed to the airport manager of an airport entitled to notice under subsection (a) of this section.

(e) The notice of adoption under subsection (d) of this section shall include the following information:

(1) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the city council of the City of Kingsford."

(2) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

(3) The effective date of the ordinance.

(4) The place and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements in this section relating to city zoning ordinances supersede Charter provisions relating to the filing and publication of city ordinances.

(Ord. No. 142, art. XVIII, 5-21-1973)

State Law reference— Adoption and enforcement, MCL 125.3401 et seq.

Sec. 44-3. - Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this chapter to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described zoning ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

(Ord. No. 142, art. XIX, 5-21-1973)

Sec. 44-4. - Vested right.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Ord. No. 142, art. XXI, 5-21-1973)

Sec. 44-5. - Conflicting regulations.

Whenever any provisions of this chapter conflict with the requirements, regulations, or limitations imposed by the provisions of any other law or ordinance applicable to the city, then the provisions of the more restrictive law shall control.

(Ord. No. 142, art. XXIII, 5-21-1973)

Secs. 44-6—44-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 44-31. - Enforcement.

The provisions of this chapter shall be administered and enforced by the administrative officer or by such deputies of his department as the administrative officer may delegate to enforce the provisions of this chapter.

(Ord. No. 142, § 1600, 5-21-1973)

Sec. 44-32. - Duties of administrative officer.

(a) The administrative officer shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.

(b) The administrative officer shall record all nonconforming uses existing at the effective date of the ordinance from which this chapter is derived for the purpose of carrying out the provisions of section 44-362.

(c) The administrative officer shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(Ord. No. 142, § 1601, 5-21-1973)

Sec. 44-33. - Plot plan.

The administrative officer shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:

(1) The actual shape, location, and dimensions of the lot.

(2) The dimensions and location of all structures existing or to be erected, altered, or moved on the lot.

(3) The existing and intended uses of the lot including, in residential areas, the number of dwelling units.

(4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. No. 142, § 1602, 5-21-1973)

State Law reference— Submission and approval of site plan, MCL 125.3501.

Sec. 44-34. - Permits.

The following shall apply in the issuance of any permit:

(1) *For new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereinafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(2) *For new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(3) *Required for moving, alteration or repair.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the single state construction code, housing law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.

(Ord. No. 142, § 1603, 5-21-1973)

Sec. 44-35. - Certificates of occupancy.

(a) *Generally.* No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

(1) *Certificate required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

(2) *Certificate including zoning.* Certificates of occupancy as required by the single state construction code for new buildings or structures, or parts thereof or for alteration to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.

(3) *Record of certificates.* A record of all certificates issued may be kept on file in the office of the administrative officer, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(4) *Certificate for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

(5) *Application for certificates.* Application for certificates of occupancy shall be made in writing to the administrative officer on forms furnished by this office, and such certificates shall be issued within five days

after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter.

(b) *Notice of refusal.* If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof within the aforesaid five-day period.

(Ord. No. 142, § 1604, 5-21-1973)

Sec. 44-36. - Final inspection.

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

(Ord. No. 142, § 1605, 5-21-1973)

Sec. 44-37. - Fees.

Fees for inspection and the issuance of permits of certificates or copies thereof required or issued under the provision of this chapter may be collected by the administrative officer in advance of issuance. The amount of such fees shall be established by resolution of the city council and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

(Ord. No. 142, § 1606, 5-21-1973)

Sec. 44-38. - Fees in escrow for professional reviews.

Any application for rezoning, site plan approval, a special land use permit, planned unit development, variance, or other use or activity requiring a permit under this chapter above the following threshold may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required by either the zoning administrator or the city council for any project which requires a traffic impact study under section 44-39 or 44-40, or which has more than 20 dwelling units, or more than 20,000 square feet of enclosed space, or which requires more than 20 parking spaces, or which involves surface or below-surface mining or disposal of mine materials. An escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the zoning administrator or city council, create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which professional input is desired before a decision to approve, deny or approve with conditions is made.

(1) The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the city values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the city council indicating the extent of conformance or nonconformance with this chapter and identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the city and a copy of the statement of expenses for the professional services rendered, if requested.

(2) No application for which an escrow fee is required will be processed until the escrow fee is deposited with the treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the

services to be rendered by the professionals contacted by the zoning administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

(3) If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by city in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.

(4) Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

(Ord. No. 265, § I(1607), 11-20-2006)

Sec. 44-39. - Access management.

(a) *Findings and intent.*

(1) Conditions along the major highways in the county are changing with increasing development and traffic. Continued development along US-2/US-141 and M-95 will further increase traffic volumes and introduce additional conflict points which will erode traffic operations and increase potential for traffic crashes. Numerous published studies document the positive relationship between well-designed access management systems and traffic operations and safety. Those studies and the experiences of many other communities demonstrate that implementing standards on the number, placement and design of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while preserving a good business environment and the existing investment in the highway. The conditions along US-2/US-141/M-95 and a series of access management recommendations are embodied in the US-2/US-141/M-95 access management action plan. Among those recommendations are the creation of an overlay zone along these highways within the county and the adoption of uniform access management standards by all the jurisdictions along the US-2/US-141/M-95 corridor which are based on the state department of transportation access management standards and the state access management guidebook, provided to local governments by the state department of transportation.

(2) The provisions of this section are intended to promote safe and efficient travel on state highways within the county; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the highway and street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the plan of the city and the US-2/US-141/M-95 access management action plan recommendations; ensure reasonable access to properties, although not always by the most direct access; and to coordinate access decisions with the state department of transportation, the county road commission, and adjoining jurisdictions, as applicable.

(3) To these ends, the following provisions:

a. Establish an access management zone to regulate access points along the highway.

b. Identify additional submittal information and review procedures required for parcels that front along M-95.

c. Require demonstration that new parcels are accessible and in compliance with the access standards of this ensure safe accessibility as required by the land division act.

d. Restrict lots and parcels to a single access point except under certain circumstances.

e. Require longer frontages or wider minimum lot widths than are required in underlying zoning districts to help achieve access management spacing standards.

f. Require coordinated access among adjacent lands wherever feasible.

g. Improve situations where existing development along the highways does not conform to the standards and intent of this article.

h. Establish uniform standards to ensure fair and equal application.

(b) *Applicability.*

(1) The standards of this section apply to all lots and parcels that abut the highway right-of-way of M-95 and such other lands that front on intersecting streets within 200 feet of the M-95 right-of-way within the city. This area is referred to as the access management zone.

(2) The standards of this section shall be applied by the zoning administrator during plot plan review and by the city council during site plan review, as is appropriate to the application. The city council shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this section prior to disapproving or approving a site plan per the requirements of section 44-374. The city shall coordinate its review of the access elements of a plot plan or site plan with the appropriate road authority prior to making a decision on an application pursuant to subsection (c) of this section. The approval of a plot plan or site plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the city (city road authority), the county road commission, or the state department of transportation (depending on the roadway). Any driveway permit obtained by an applicant prior to review and approval of a plot plan or site plan as required under this chapter will be ignored, unless it is conditioned upon approval under this article.

(3) These regulations apply in addition to, and simultaneously with, the other applicable regulations of this chapter, pertaining to zoning. Permitted and special land uses within the access management zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district, with the following additional provisions:

a. The number of access points is the fewest needed to allow motorists reasonable access to the site.

b. Access spacing from intersections and other driveways shall meet the standards within the access management zone, and the guidelines of the applicable road agency (MDOT and/or the county road commission) and the recommendations of the US-2/US-141/M-95 access management action plan as appropriate.

c. Where an applicant shares access with adjacent uses, any written shared access and maintenance agreements in effect on the effective date of the ordinance from which this section is derived must be recorded with the county register of deeds and a signed copy provided to the zoning administrator. Where an applicant shares access with adjacent uses on or after the effective date of the ordinance from which this section is derived, any shared access and maintenance agreement must be in writing, recorded with the county register of deeds and a signed copy provided to the zoning administrator.

d. No building or structure, nor the enlargement of any building or structure, shall be erected unless the access management zone regulations applicable to the site are met and maintained in connection with

such building, structure, or enlargement.

e. No land division, subdivision or site condominium project for land within this access management zone shall be approved unless compliance with the access spacing standards in this section is demonstrated.

f. Any change in use on a site that does not meet the access standards of this access management zone shall be required to submit an application to the zoning administrator for approval by the city council and submit information to the MDOT, and/or county road commission, as appropriate, to determine if a new access permit is required. See subsection (j) of this section.

g. For building or parking lot expansions, or changes in use, or site redevelopment that cannot meet the standards of this article due to parcel size or configuration, the city council shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this access management zone. In making its decision, the city council shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, recommendations within the US-2/US-141/M-95 access management action plan, and any recommendations from the MDOT, and/or the county road commission as appropriate. Required improvements may include removal, rearrangement or redesign of driveways or other access.

h. Where conflict occurs between the standards of this article and other applicable ordinances, the more restrictive regulations shall apply.

(c) *Applications.*

(1) Applications for driveway or access approval shall be made on a form prescribed by and available at the state department of transportation and the county road commission as applicable. A copy of the completed form submitted to the applicable road authority shall be submitted to the zoning administrator as well.

(2) Applications for all uses requiring site plan review shall meet the submittal, review and approval requirements of article V of this chapter in addition to those of this section. In addition:

a. Applicants are strongly encouraged to rely on the following sources for access designs: the National Access Management Manual, Transportation Research Board (TRB), 2003; National Cooperative Highway Research Program (NCHRP) Access Management Guidelines to Activity Centers Report 348 and Impacts of Access Management Techniques Report 420; and the AASHTO (American Association of State Highway and Transportation Officials) "Green Book" (A Policy on Geometric Design of Highways and Streets). The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:

1. Not more than one driveway access per abutting road.
2. Shared driveways.
3. Service drives, front and/or rear.
4. Parking lot connections with adjacent property.
5. Other appropriate designs to limit access points on an arterial or collector.

b. As applicable, applications shall be accompanied by an escrow fee for professional review per the requirements of section 44-38.

c. In addition to the information required in article V of this chapter, the information listed below shall also be submitted for any lot or parcel within the access management zone accompanied by clear, scaled

drawings (minimum of one inch equals 20 feet) showing the following items:

1. Property lines.
2. Right-of-way lines and width, and location and width of existing road surface.
3. Location and size of all structures existing and proposed on the site.
4. Existing access points. Existing access points within 250 feet on either side of the M-95 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
5. Surface type and dimensions shall be provided for all existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs), intersecting streets, and all curb radii within the site.
6. The site plan shall illustrate the route and dimensioned turning movements of any passenger vehicles as well as expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing of vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
7. Size and arrangement of parking stalls and aisles.
8. The applicant shall submit evidence indicating that the sight distance, driveway spacing and drainage requirements of the state department of transportation or county road commission are met.
9. Dimensions between proposed and existing access points on both sides of the highway or road (and median crossovers if applicable now or known in the future).
10. Design dimensions and justification for any alternative or innovative access design such as frontage roads, rear access or service drives, or parking lot cross access.
11. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the county register of deeds.
12. Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
13. Dumpsters or other garbage containers.
14. The location of all proposed snow storage from parking lots which must not interfere with clear sight distance when turning into or out of a site, or safely moving within a site.
15. Traffic impact study meeting the requirements of section 44-40, where applicable.

(d) *Review and approval process.* The following process shall be completed to obtain access approval:

(1) An access application meeting the requirements of subsection (c) of this section shall be submitted to the zoning administrator on the same day it was submitted to the state department of transportation and/or the county road commission, as applicable.

(2) The completed application must be received by the zoning administrator at least 14 days prior to the city council meeting where the application will be reviewed.

(3) The applicant, the zoning administrator and representatives of the county road commission, the state department of transportation and the city council may meet prior to the city council meeting to review the application and proposed access design. Such a meeting shall occur for all projects where a traffic impact study is required.

(4) If the city council considers the application first, it shall recommend approval conditioned upon approval of the applicable road authority, or it shall recommend denial based on nonconformance with this article, or, if necessary, table action and request additional information. The action of the city council shall be immediately transmitted to the applicable road authority.

(5) It is expected that if the state department of transportation and/or the county road commission, as applicable, review the application first, each entity will immediately send its decision on the application to the city council for its consideration. One of three actions may result:

a. If the city council and the state department of transportation, and the county road commission, as applicable, approve the application as submitted, the access application shall be approved.

b. If both the city council and the state department of transportation, and the county road commission, as applicable, deny the application, the application shall not be approved.

c. If either the city council, state department of transportation, or county road commission, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the zoning administrator, a representative of the city council and staff of the state department of transportation and/or the county road commission, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the city council and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.

(6) No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies, as applicable, have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case, the application shall be denied by that agency and the requested driveway shall not be constructed. Conditions may be imposed by the city council to ensure conformance with the terms of any driveway permit approved by a road authority.

(e) *Record of application.* The zoning administrator shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.

(f) *Period of approval.* Approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction, including any required rear service road or frontage road, is not initiated by the end of one year, the authorization is automatically null and void. Any additional approvals that have been granted by the zoning board of appeals, such as special land use permits, or variances, also expire at the end of one year.

(g) *Renewal.* An approval may be extended for a period not to exceed one year. The extension must be requested in writing by the applicant before the expiration of the initial approval. The zoning administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or planned, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the zoning administrator shall consult a representative of the state department of transportation and/or the county road commission, as applicable, for input.

(h) *Reissuance requires new application.* Reissuance of an authorization that has expired requires a new access application form to be filled out, fee paid, and processed independently of previous action. See subsection (d)(1) of this section.

(i) *Maintenance.* The applicant shall assume all responsibility for all maintenance of driveway approaches from the

right-of-way line to the edge of the traveled roadway.

(j) *Change of use also may require new driveway.* When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as required by the state department of transportation and/or the county road commission, as applicable, and as set forth in this article prior to the issuance of a zoning permit, and pursuant to the procedures of this section.

(k) *Changes require new application.* Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised access application has been submitted and approved as specified in this section.

(l) *Closing of driveways.* Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner, unless some other arrangement is agreed to by the road authority responsible for the road in question.

(m) *Performance bond.* The community may require a performance bond or cash deposit in any sum not to exceed $5,000.00 for each such driveway approach or entrance to ensure compliance with an approved application. Such bond shall terminate and the deposit be returned to the applicant when the terms of the approval have been met or when the authorization is canceled or terminated.

(n) *Lot width and setbacks.*

(1) *Minimum lot width.* Except for existing lots of record, all lots fronting on M-95 subject to this section shall not be less than 300 feet in width, unless served by shared access or a service drive that meets the requirements of subsection (o)(9), (o)(10) or (o)(11) of this section, in which case minimum lot width may be reduced to not less than 100 feet in width if a deed restriction is approved and recorded with the county register of deeds demonstrating an effective method for long term maintenance of the shared access, service drive and/or parking lot cross-access.

(2) *Structure setback.* No structure other than signs, as allowed in section 44-369, telephone poles and other utility structures that are not buildings, transfer stations or substations shall be permitted within the applicable front yard setback as set forth in section 44-301.

(3) *Parking setback and landscaped area.* No parking or display of vehicles, goods or other materials for sale shall be located within 25 feet of the roadway right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt-tolerant trees and shrubs suitable to the underlying soils unless another design is approved under the landscape provisions of sections 44-367 and 44-368.

(o) *Access management standards.* No road, driveway, shared access, parking lot cross access, service road, or other access arrangement to all lots and parcels within the access management zone shall be established, reconstructed or removed without first meeting the requirements of this section.

(1) *Development of access points.* Each lot/parcel with highway frontage on M-95 shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted in subsection (b) of this section, land divisions shall not be permitted that may prevent compliance with the access location standards of this access management zone.

(2) *Driveway access alternatives.* When alternatives to a single, two-way driveway are necessary to provide

reasonable driveway access to property fronting on M-95, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:

a. One standard, two-way driveway;
b. Additional ingress/egress lanes on one standard, two-way driveway;
c. Two one-way driveways;
d. Additional ingress/egress lanes on two one-way driveways;
e. Additional driveways on an abutting street with a lower functional classification;
f. Additional driveway on arterial street.

Note: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

(3) *Spacing requirements of driveways and intersecting streets alongside public streets.* Driveways and new intersecting streets shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline of each access point), based on the posted speed limit along the public street segment, unless the appropriate road authority approves less based on the land use characteristics, lot size, and/or restricted turns in the driveway design.

Posted Speed Limit (mph)	Along M-95* (feet)	Along Other Intersecting Major Arterials (feet)	Along All Other Intersecting Streets (not major arterials) (feet)
35	245	245	150
40	300	300	185
45	350	350	230
50	455	455	275
55	455	455	350

*Unless greater spacing is required by MDOT.

(4) *Adjacent sites.* Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent sites can also meet the access location standards in the future.

(5) *Driveways or intersecting streets with existing/planned medians.* Driveways or new intersecting streets along sections of M-95 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards.

(6) *Driveways and intersecting streets aligned with driveways on opposite side of street.* Driveways and new intersecting streets shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline, wherever feasible. The city council may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist, or shall rely on the best option identified by MDOT.

(7) *Minimum spacing of driveways from intersections.* Minimum spacing of driveways from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge) unless MDOT

authorizes a lesser spacing:

Signalized Locations*	Distance in Feet	Unsignalized Locations	Distance in Feet
Along M-95	300	Along M-95	300
Along other public streets	200	Intersections with M-95	300
		Other intersections	150

*Spacing for signalized intersections shall also be applied at intersections where MDOT indicates spacing and approach volumes may warrant a signal in the future.

(8) *Direct access.* Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the city council may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

(9) *Shared or joint use.*

a. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of subsection (o)(3) of this section, a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.

b. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the site plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access system becomes available. This may require posting of a performance guarantee to cover the cost of removing the temporary driveway if the applicant or then-owner does not remove the temporary driveway once a permanent driveway is established.

(10) *Frontage roads or service drives.* Frontage roads or service drives (see figure 1) shall be designed, constructed and maintained in accordance with the following standards:

a. *Location.* Frontage roads or service drives shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the city council shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.

b. *Alignment.* The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site. This determination may require use of aerial photographs, property line maps, topographic information and other supporting documentation.

c. *Setback.* Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of 30 feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point. The access point location shall conform with all the applicable standards of this article.

d. *Access easement.* A frontage road or service drive shall be within an access easement permitting traffic

circulation between properties. The easement shall be recorded with the county register of deeds and a copy provided to the zoning administrator. This easement shall be at least 40 feet wide. A frontage road or service drive shall have a minimum pavement width of 26 feet, measured face to face of curb with an approach width of 36 feet at intersections. The frontage road or service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet city standards for base and thickness of asphalt or concrete, unless the community has more restrictive standards.

e. *Snow storage.* A minimum of 15 feet of snow storage/landscaping area shall be reserved along both sides of the frontage road or service drive.

f. *Service drive maintenance.* No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the city attorney and recorded with the deed for each property it serves with the county register of deeds and a copy provided to the zoning administrator. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.

g. *Landscaping.* Landscaping along the service drive shall conform with the requirements of sections 44-367 and 44-368. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.

h. *Parking areas.* All separate parking areas (i.e., those that do not use joint parking cross access) shall have no more than one access point or driveway to the service drive.

i. *Parking.* The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width (see subsection (o)(10)d of this section). One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The planning commission may require the posting of no parking signs along the service road. As a condition to site plan approval, the city council may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted within the service drive shall be in excess of the minimum required under sections 44-363, 44-364 and 44-365, pertaining to parking and loading standards.

j. *Directional signs and pavement markings.* Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current state manual of uniform traffic control devices.

k. *Assumed width of preexisting service drives.* Where a service drive in existence prior to the effective date of the ordinance from which this section is derived has no recorded width, the width will be considered to be 40 feet for the purposes of establishing setbacks and measured an equal distance from the midpoint

of the road surface.

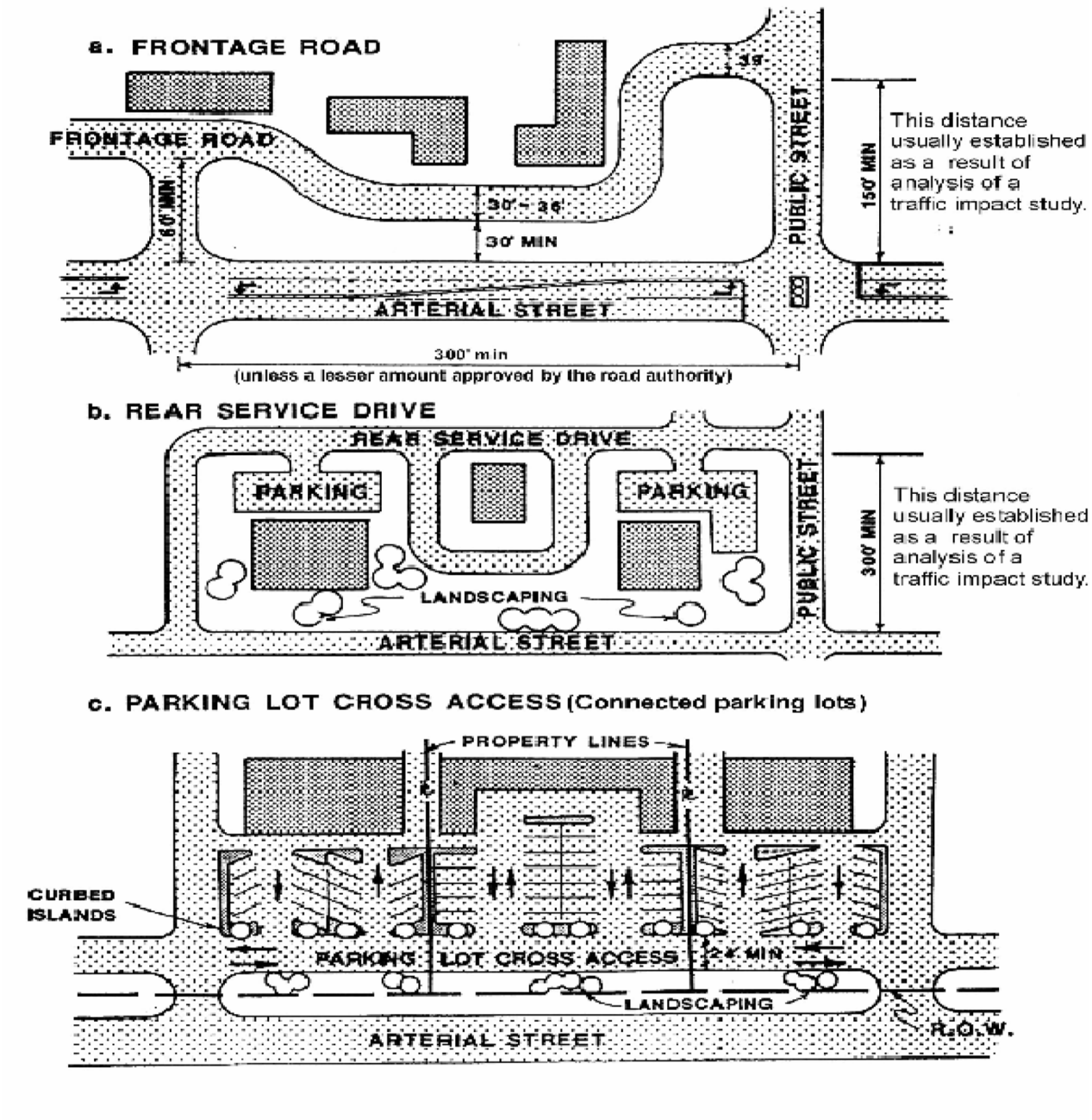
l. *Pedestrian and bicycle access.* Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the city council.

m. *Number of lots or dwellings served.* No more than 25 lots or dwelling units may gain access from a service drive to a single public street.

n. *Service drive signs.* All new public and private service drives shall have a designated name on a sign meeting the standards on file in the office of the zoning administrator.

o. *Preexisting conditions.* In the case of expansion, alteration or redesign of existing development where it can be demonstrated that preexisting conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the city council shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in figure 1c, with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

Figure 1: Frontage Road, Rear Service Drive and Parking Lot Cross Access



(11) *Parking lot connections or parking lot cross access.* Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the city council. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

(12) *Access easements.* Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed. (Examples of access easements are found in appendix B of the state access management guidebook.)

(13) *Sight distance of access points.* Access points shall be located to provide safe sight distance, as determined by the applicable road agency.

(14) *Clear vision maintenance.* All access points shall maintain clear vision as illustrated in figures 2 and 3.

Figure 2: Clear Vision at Driveways

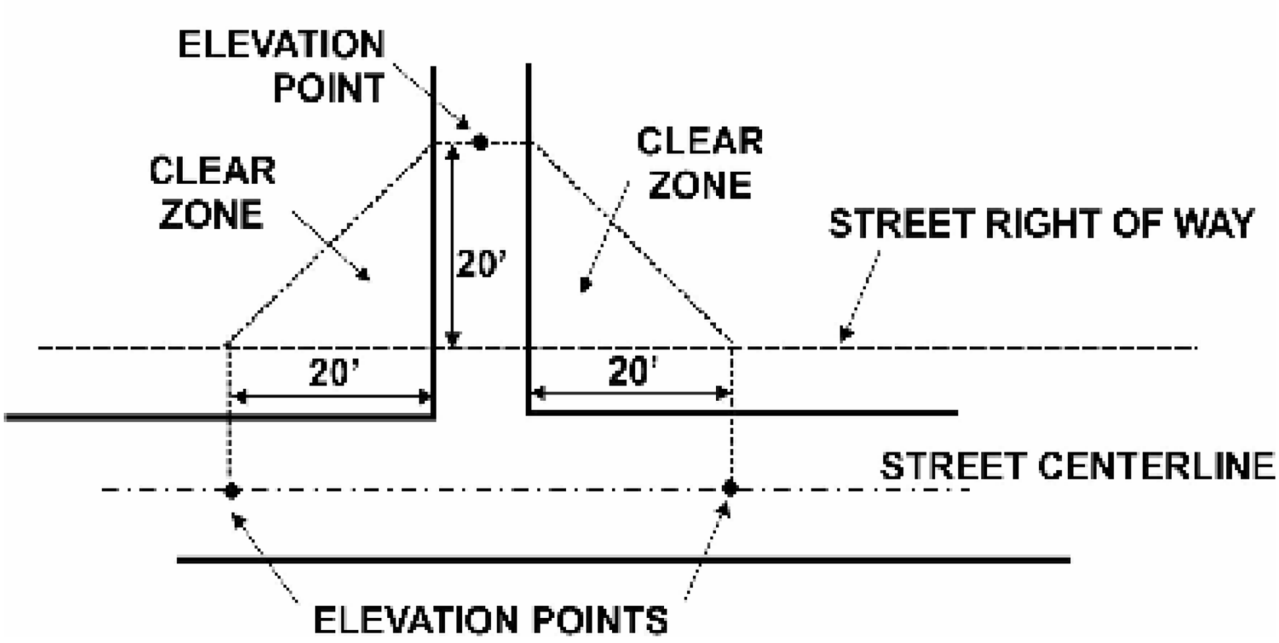
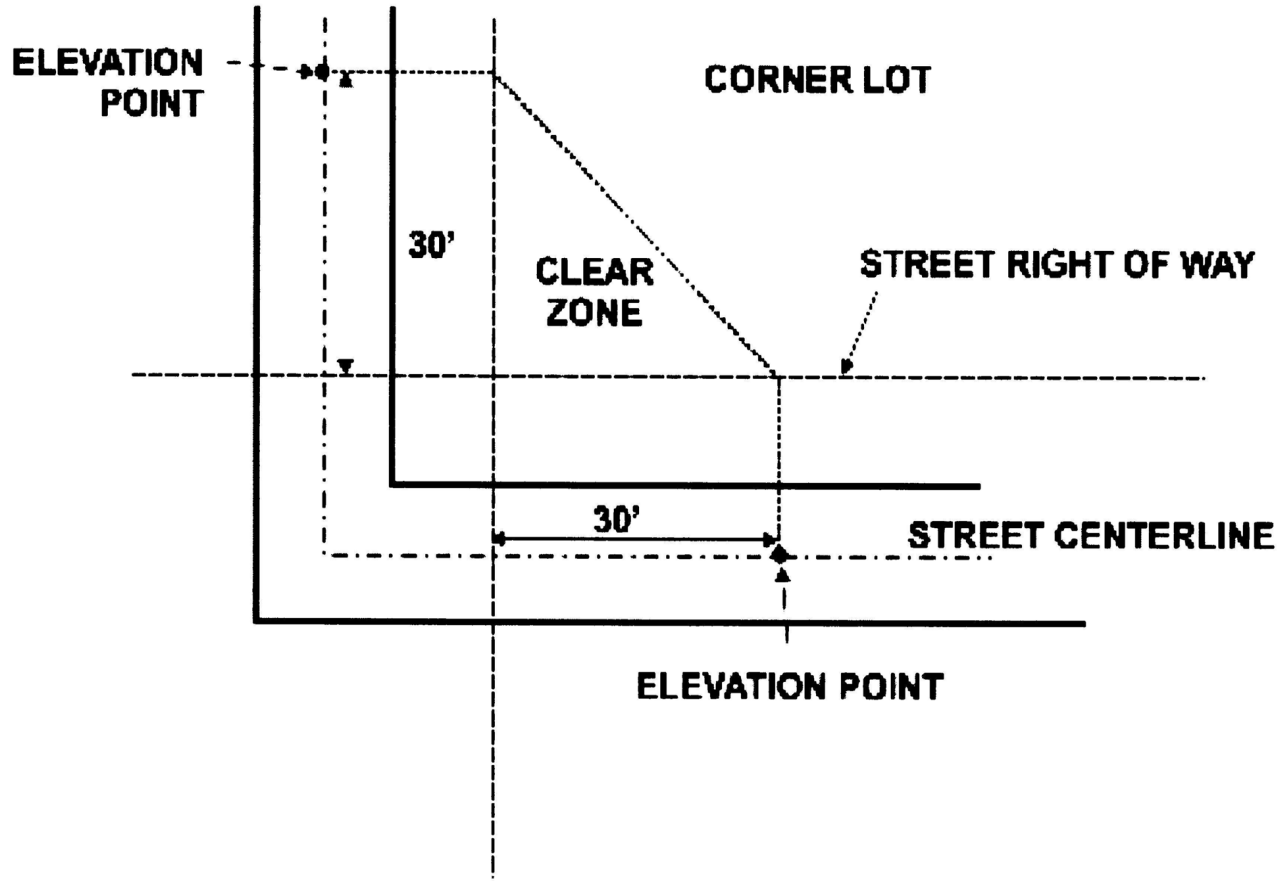


Figure 3: Clear Vision on Corner



(15) *Throat width and length of driveway.* Throat width and throat length of driveways shall be as required by the road authority and this article. The driveway design shall safely accommodate the needs of pedestrians and bicyclists.

(16) *Grades and drainage.*

a. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5 percent (1½ foot vertical rise in 100 feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform with requirements of the applicable road authority.

b. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system without the approval of the responsible agency. Storm drains or culverts, if required, shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.

(17) *Directional signs and pavement markings.* In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway in a clearly visible location as required by the city as part of the site plan review process and approved by the state department of transportation and county road commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the state manual of uniform traffic control devices.

(18) *Traffic signals.* Access points on M-95 may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined by the road authority that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.

(19) *Interference with municipal facilities.* No driveway shall interfere with municipal facilities such as streetlights or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The zoning administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the property owner with the problem driveway.

(p) *Nonconforming driveways.*

(1) Driveways that do not conform to the regulations in this section, and were constructed before the effective date of the ordinance from which this section is derived, shall be considered legal nonconforming driveways. Existing driveways previously granted a temporary access permit by MDOT or the county road commission are legal nonconforming driveways until such time as the temporary access permit expires.

(2) Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a plot plan, for a period of 12 months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this article.

(3) Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway (such as many more trucks) in such a way that impacts the design of the driveway. At this time, the driveway shall be required to conform to all aspects of this article.

(4) Driveways that do not conform to the regulations in this article, and have been constructed after adoption of

the ordinance from which this section is derived, shall be considered illegal nonconforming driveways.

(5) Illegal nonconforming driveways are a violation of this article. The property owner shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.

(6) Nothing in this article shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this section.

(q) *Waivers and variances of requirements in this section.*

(1) *Waiver of standards.* Any applicant for access approval under the provisions of this section may apply for a waiver of standards in subsection (o) of this section if the applicant cannot meet one or more of the standards according to the procedures provided below:

a. For waivers on properties involving land uses with less than 500 vehicle trips per day based on rates published in the trip generation manual of the Institute of Transportation Engineers: Where the standards in this section cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the section, may be accepted by the city council, provided that all of the following apply:

1. The use has insufficient size to meet the dimensional standards.
2. Adjacent development renders adherence to these standards economically unfeasible.
3. There is no other reasonable access due to topographic or other considerations.
4. The standards in this section shall be applied to the maximum extent feasible.
5. The responsible road authority agrees a waiver is warranted.

b. For waivers on properties involving land uses with more than 500 vehicle trips per day based on rates published in the trip generation manual of the Institute of Transportation Engineers: During site plan review, the city council shall have the authority to waive or otherwise modify the standards of subsection (o) of this section following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this section, provided all of the following apply:

1. Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
2. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
3. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
4. The proposed location and design is supported by the county road commission and/or the state department of transportation, as applicable, as an acceptable design under the circumstances.

(2) *Variance standards.* The following standards shall apply when the board of appeals considers a request for a variance from the standards of this section:

a. The granting of a variance shall not be considered until a waiver under subsection (q)(1) of this section has been considered and rejected.

b. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, s an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection interchange) that make strict application of the provisions of this section impractical. This shall include proo

1. Indirect or restricted access cannot be obtained;
2. No reasonable engineering or construction solution can be applied to mitigate the condition;
3. No reasonable alternative access is available from a road with a lower functional classification than the primary road; and
4. Without the variance, there is no reasonable access to the site and the responsible road authority agrees.

c. The board of appeals shall make a finding that the applicant for a variance met the burden of proof set forth in subsection (q)(2)b. of this section, that a variance is consistent with the intent and purpose of this section, and is the minimum necessary to provide reasonable access.

d. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

(Ord. No. 265, § I(1608), 11-20-2006)

Sec. 44-40. - Traffic impact study.

(a) If the proposed land use exceeds the traffic generation thresholds below, then the zoning administrator shall require submittal of a traffic impact study at the expense of the applicant, as described below, prior to consideration of the application or site plan by either the zoning administrator or the city council. At its discretion, the city council may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for the following developments unless waived by the city council following consultation with the state department of transportation or county road commission, as applicable:

(1) For any residential development of more than 20 dwelling units, or any office, commercial, industrial or mixed use development, with a building over 50,000 square feet;

(2) When permitted uses could generate either a 30 percent increase in average daily traffic, or at least 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 750 trips in an average day; or

(3) Such other development that may pose traffic problems in the opinion of the city council.

(b) At a minimum, the traffic impact study shall be in accordance with accepted principles as described in the handbook Evaluating Traffic Impact Studies, A Recommended Practice for Michigan, developed by the MDOT and other state transportation agencies, and contain the following:

(1) A narrative summary including the applicant and all project owners, the project name, a location map, size and type of development, project phasing, analysis of existing traffic conditions and/or site restrictions using current data transportation system inventory, peak hour volumes at present and projected, number of lanes, roadway cross section, intersection traffic, signal progression, and related information on present and future conditions. The capacity analysis software should be the same for each project, such as using HCS 2000 or a later version.

(2) Projected trip generation at the subject site or along the subject service drive, if any, based on the most

recent edition of the Institute of Transportation Engineers trip generation manual. The city may approve use of other trip generation data if based on recent studies of at least three similar uses within similar locations in the state.

(3) Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the highway capacity manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.

(4) Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.

(5) Justification of need, including statements describing how any additional access (more than one driveway location) will improve safety on the site and will be consistent with the US-2/US-141/M-95 access management action plan and the comprehensive plan, and will not reduce capacity or traffic operations along the roadway.

(6) Qualifications and documented experience of the author of the traffic impact study, describing experience in preparing traffic impact studies in the state. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least five years of experience preparing traffic impact studies in the state. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

(c) The city may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per section 44-38.

(Ord. No. 265, § I(1609), 11-20-2006)

Secs. 44-41—44-60. - Reserved.

DIVISION 2. - BOARD OF ZONING APPEALS

Footnotes:
*--- (**2**) ---*
***State Law reference—** Zoning board of appeals, MCL 125.3601 et seq.*

Sec. 44-61. - Creation and membership.

There is hereby established a board of zoning appeals, which shall perform its duties and exercise its powers as provided in Article VI of Public Act No. 110 of 2006 (MCL 125.3601 et seq.), and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The board of zoning appeals shall consist of all members of the city council. The mayor shall act as the chairperson, the mayor pro-tempore as vice-chairperson and the city clerk as secretary of the board of zoning appeals.

(Ord. No. 142, § 1700, 5-21-1973)

Sec. 44-62. - Meetings.

All meetings of the board of zoning appeals shall be held at the call of the chairperson and at such times as such board may determine. All hearings conducted by the board of zoning appeals shall be open to the public. The city clerk, or his representatives, shall keep minutes of its procedures showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four members of the board of zoning appeals shall constitute a quorum for the conduct of its business. The board of zoning appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matter before it.

(Ord. No. 142, § 1701, 5-21-1973)

Sec. 44-63. - Appeal.

An appeal may be taken to the board of zoning appeals by anyone affected by a decision of the administrative officer. Such appeal shall be taken within such time as shall be prescribed by the board of zoning appeals by general rule, by filing with the administrative officer and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The administrative officer shall forthwith transmit to the board of zoning appeals all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrative officer certifies to the board of zoning appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record. The board of zoning appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(Ord. No. 142, § 1702, 5-21-1973)

Sec. 44-64. - Fees.

The city council may from time to time prescribe and amend by resolution a reasonable schedule of fees and manner of payment to be charged to applicants for appeals to the board of zoning appeals.

(Ord. No. 142, § 1703, 5-21-1973)

Sec. 44-65. - Jurisdiction.

(a) *Exercise of powers.* The board of zoning appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the state. Said powers include:

(1) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the administrative officer or any other administrative official in carrying out or enforcing any provisions of this chapter.

(2) *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter, or by reason of exceptional conditions or other extraordinary or

exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the board of zoning appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the board of zoning appeals shall state the grounds upon which it justifies the granting of a variance.

(3) *Exceptions and special approvals.* To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the board of zoning appeals to pass. Any exception or special approval shall be subject to such conditions as the board of zoning appeals may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:

a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

b. Permit the erection and use of a building or use of premises for public utility purposes.

c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

e. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections.

f. Permit, upon proper application uses, not otherwise permitted in any district for a period not to exceed 12 months. The board of zoning appeals, in granting permits for temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
2. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be made at the discretion of the board of zoning appeals.
3. The use shall be in harmony with the general character of the district.
4. The use shall not require the installation of permanent foundations, heating systems or sanitary connections.
5. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing herewith required.

g. Permit modification of wall requirements only when such modification will not adversely affect or be detrim surroundings or adjacent development.

(b) *Variation determination.* In consideration of all appeals and all proposed variations to this chapter, the board of zoning appeals shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city. The concurring vote of a majority of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. Nothing herein contained shall be construed to give or grant to the board of zoning appeals the power or authority to alter or change this chapter, such power and authority being reserved to the mayor and the city council in the manner provided by law.

(Ord. No. 142, § 1704, 5-21-1973)

Sec. 44-66. - Orders.

In exercising the powers pursuant to section 44-65, the board of zoning appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative officer from whom the appeal is taken.

(Ord. No. 142, § 1705, 5-21-1973)

Sec. 44-67. - Notice.

(a) The board of zoning appeals shall make no recommendation except in a specific case and after a public hearing conducted by the board. It shall, either by general rule or in specific cases, determine the interested parties who, in the opinion of the board of zoning appeals, may be affected by any matter brought before it.

(b) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal and give notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of all structures within 300 feet. The notice shall be delivered personally or by first class mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney.

(c) The board of zoning appeals may require any party applying to the board for relief to give such notice to other interested parties as it shall prescribe.

(Ord. No. 142, § 1706, 5-21-1973)

Sec. 44-68. - Miscellaneous requirements.

(a) No order of the board of zoning appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(b) No order of the board of zoning appeals permitting a use of a building or premises shall be valid for a period longer one year unless such use is established within such periods; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building pe said erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. No. 142, § 1707, 5-21-1973)

Secs. 44-69—44-90. - Reserved.

DIVISION 3. - PENALTIES AND OTHER REMEDIES

Sec. 44-91. - Violations.

Any person violating any of the provisions of this chapter shall be guilty of a municipal civil infraction.

(Ord. No. 142, § 2400, 5-21-1973)

Sec. 44-92. - Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of the ordinance from which this chapter is derived and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. No. 142, § 2401, 5-21-1973)

Sec. 44-93. - Responsibility of building owner.

The owner of any building, structure or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines provided.

(Ord. No. 142, § 2402, 5-21-1973)

Secs. 44-94—44-120. - Reserved.

ARTICLE III. - ZONING DISTRICTS AND REGULATIONS

DIVISION 1. - GENERALLY

Sec. 44-121. - Districts established.

For the purpose of this chapter, the city is hereby divided into the following districts:

Residential Districts	

R-1A and R-1B	Single-Family Residential District
R-2	Two-Family Residential District
RM-1	Multiple-Family Residential District
Nonresidential Districts	
O-S	Office Service District
B-1	Community Business District
B-2	General Business District
I-1	Industrial District
I-2	General Industrial District
RSV	Reserve District

(Ord. No. 142, § 300, 5-21-1973)

Sec. 44-122. - District boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Kingsford Zoning Ordinance, which is on file in the office of the city clerk, and which map with all notations, references and other information shown thereon shall be as much a part of this chapter as if fully described herein.

(Ord. No. 142, § 301, 5-21-1973)

Sec. 44-123. - Zoning of annexed areas.

Whenever any area is annexed to the city one of the following conditions will apply:

(1) Land that is zoned previous to annexation shall be lawfully zoned as being in whichever district of this chapter most closely conforming with the zoning that existed prior to annexation; such district to be determined by the city council within 90 days.

(2) Land not previously zoned shall automatically be zoned R-1 until a zoning map for said area is lawfully adopted by the city council, said map to be prepared within three months.

(Ord. No. 142, § 302, 5-21-1973)

Sec. 44-124. - District requirements.

(a) All buildings and uses in any district shall be subject to the provisions of article V of this chapter, regarding supplemental regulations, and article VI of this chapter, regarding general exceptions.

(b) All buildings and uses in any district shall also be subject to the provisions and requirements in division 10 of this article, regarding the schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted, the maximum density permitted and minimum yard requirements (setbacks).

(c) Accessory buildings and uses customarily incidental to any permitted use in any district established by this chapter are assumed permissible uses with any principal use.

(Ord. No. 142, § 303, 5-21-1973)

Secs. 44-125—44-140. - Reserved.

DIVISION 2. - R-1A AND R-1B SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 44-141. - Intent.

The R-1 single-family residential districts are designed to provide for an environment of predominantly low-density, single-family detached dwellings along with other residentially related facilities which serve the residents in this district.

(Ord. No. 142, § 400, 5-21-1973)

Sec. 44-142. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the R-1 single-family residential districts except for one or more of the following specified uses:

(1) Single-family detached dwellings.

(2) Publicly owned and operated libraries, parks, parkways and recreational facilities.

(3) Cemeteries which lawfully occupied land at the time of adoption of this chapter.

(4) Public, parochial and other private elementary, intermediate and secondary schools, offering courses in general education, and not operated for profit.

(5) Agriculture on those parcels of land outside the boundaries of a platted subdivision.

(6) Day nursery schools and child care centers without a dormitory.

(7) State-licensed residential facilities (which includes adult foster care family homes, foster family homes and foster family group homes), when required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

(Ord. No. 142, § 401, 5-21-1973)

Sec. 44-143. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the R-1 single-family residential districts, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the city council:

(1) Churches, nonprofit colleges and other facilities normally incidental thereto, provided the site shall be so

located as to have at least one property line abutting a collector street or major thoroughfare as designated on the thoroughfare plan.

(2) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district to serve the immediate vicinity.

(3) Private noncommercial recreational areas; institutional or community recreation center, nonprofit swimming pool club, all subject to a public hearing and the following conditions:

a. The proposed site for uses permitted herein which would serve areas beyond the immediate neighborhood shall have primary access from a planned collector street or a major thoroughfare.

b. Front, side, and rear yards required for the district shall be at least 25 feet wide, and landscaped. There shall be no parking or structure permitted in these yards, except walls or fences used to obscure the use from abutting residential districts.

c. Off-street parking is provided.

(4) Golf courses (except mini-golf), which may or may not be operated for profit, provided all principal or accessory buildings, except minor rain shelters, shall be at least 200 feet from any property line abutting residentially zoned lands.

(5) Private swimming pools shall be permitted as an accessory use, provided they meet the following:

a. Swimming pools, as defined in either the Michigan Residential Code or the Michigan Building Code, capable of containing water over 24 inches (610 mm) deep, shall comply with all requirements set forth in the Michigan Residential Code, the Michigan Building Code, and such other rules and regulations, existing now or in the future, in the state.

b. Outdoor swimming pools shall be located in the rear yard only and there shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot, 35 feet from any front lot line and ten feet from any property line.

(Ord. No. 142, § 402, 5-21-1973; Ord. No. 260, § 1, 10-17-2005)

Secs. 44-144—44-160. - Reserved.

DIVISION 3. - R-2 TWO-FAMILY DISTRICT

Sec. 44-161. - Intent.

The R-2 two-family district is intended to provide lower density rental housing (and ownership) than the multiple-family districts, but higher density than in a single-family area. Two-family districts also recognize the need to allow limited conversions of older single-family homes (perhaps larger units) to extend the economic life of these structures; provided the premises are capable of supporting a higher density use.

(Ord. No. 142, § 500, 5-21-1973)

Sec. 44-162. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the R-2 two-family district except for one or more of the following specified uses:

(1) All uses permitted and as regulated in single-family residential districts.

(2) Two-family dwellings.

(Ord. No. 142, § 501, 5-21-1973)

Secs. 44-163—44-180. - Reserved.

DIVISION 4. - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 44-181. - Intent.

The RM-1 multiple-family residential district is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally function as a zone of transition between the nonresidential districts and lower density single-family districts. The multiple-family district is further provided to serve the needs for the apartment type of unit.

(Ord. No. 142, § 600, 5-21-1973)

Sec. 44-182. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the RM-1 multiple-family residential district except for one or more of the following specified uses:

(1) All uses permitted and as regulated in the R residential districts.

(2) Multiple-family dwellings, including housing for the elderly.

(3) Nursery schools with dormitories.

(Ord. No. 142, § 601, 5-21-1973)

Sec. 44-183. - Required conditions.

In the case of multiple dwelling developments involving more than one structure, all site plans shall be submitted to the city council for review and recommendation prior to issuance of a building permit.

(Ord. No. 142, § 602, 5-21-1973)

Sec. 44-184. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the RM-1 multiple-family residential district, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the city council:

(1) Housing for the elderly when the development qualifies as elderly housing under the laws of the state, as nonprofit housing for the elderly. The development may include central dining rooms, lounges, recreation rooms and/or workshops, but density shall not exceed 50 units per net acre.

(2) General hospitals, with no maximum height restrictions, when the following conditions are met:

a. All such hospitals shall be developed only on sites consisting of at least three acres in area.

b. All access to the site shall be from a collector street or major thoroughfare as indicated in the thoroughfare plan.

c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least front, rear and side yards.

(3) Medical offices or clinics for human care, when developed on or adjacent to sites for general hospitals or sites zoned for nonresidential use, or with frontage on a major thoroughfare, but only when planned to minimize any adverse traffic and use impact on adjacent residences.

(4) Boardinghouses, lodginghouses, and roominghouses when located on a parcel of land of at least 5,000 square feet, plus an additional 600 square feet for each roomer calculated on the effective capacity of the dwelling.

(5) Tourist homes and rooms as part of a dwelling occupied by the proprietor, provided that signs are limited to a total area of four square feet.

(6) Convalescent homes and orphanages when the following conditions are met:

a. The site shall provide at least 1,000 square feet of area for each bed, including reasonable space for outdoor recreation.

b. No building shall be closer than 40 feet to any property line.

(Ord. No. 142, § 603, 5-21-1973)

Secs. 44-185—44-200. - Reserved.

DIVISION 5. - O-S OFFICE SERVICE DISTRICT

Sec. 44-201. - Intent.

The O-S district is designed to accommodate uses such as offices, banks, and personal services. These uses can be effective transition uses between residential areas and nonresidential uses and districts.

(Ord. No. 142, § 700, 5-21-1973)

Sec. 44-202. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the O-S district except for one or more of the following specified uses:

(1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.

(2) Medical offices, including clinics.

(3) Facilities for human care, such as hospitals, sanitariums, rest homes and convalescent homes.

(4) Banks, credit unions, savings and loan associations, and similar uses.

(5) Personal service establishment, including barbershops, beauty shops and health salons.

(6) Off-street parking lots.

(7) Churches.

(8) Other uses similar to the above uses.

(Ord. No. 142, § 701, 5-21-1973)

Sec. 44-203. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the O-S district, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the city council:

(1) An accessory use customarily related to a principal use authorized by this section, such as, but not limited to, a pharmacy or apothecary shop, stores limited to corrective garments or bandages, or optical service, may be permitted.

(2) Mortuary establishments when adequate assembly area is provided off street for vehicles to be used in funeral processions, provided further that such assembly areas shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

(3) Business, professional and private schools, other than trade or manual arts schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools, art studios, beauty schools and professional training.

(Ord. No. 142, § 702, 5-21-1973)

Secs. 44-204—44-220. - Reserved.

DIVISION 6. - B-1 COMMUNITY BUSINESS DISTRICT

Sec. 44-221. - Intent.

The B-1 community business district is designed to meet the general shopping and service need of persons residing in residential areas of the city as well as trade area residents.

(Ord. No. 142, § 800, 5-21-1973)

Sec. 44-222. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the B-1 community business district except for one or more of the following specified uses:

(1) Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, clothing and notions, or hardware.

(2) Personal service establishments which perform services, on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners.

(3) Dry cleaning establishments, or pickup stations, dealing directly with the consumer.

(4) Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices, and real estate offices.

(5) Professional services, including the following: offices of doctors, dentists, osteopaths, and similar or allied

professions.

(6) All retail businesses, service establishments or processing uses as follows:

a. Any retail business the principal activity of which is the sale of merchandise in an enclosed building.

b. Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.

c. Private clubs, fraternal organizations, and lodge halls.

d. Restaurants, taverns, or other places serving food or beverage, except those having the character of a drive-in.

e. Theaters, assembly halls, concert halls or similar places of assembly.

f. Business schools and colleges, or private schools operated for profit.

g. Motels, motor inns, and tourist lodging facilities, provided that the use has direct access to a major or secondary thoroughfare.

h. Other uses similar to the above uses.

(7) Dwelling units, provided they are efficiency, one-bedroom or two-bedroom units.

(Ord. No. 142, § 801, 5-21-1973; Ord. No. 157, 10-4-1976; Ord. No. 283, § 1, 2-5-2018)

Sec. 44-223. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the B-1 community business district, subject to the conditions hereinafter imposed for each use and subject further to review and approval of the city council:

(1) Open air business uses when developed in planned relationship with the B-1 district to include retail sales of plant materials, and sales of lawn furniture, playground equipment, sporting goods, and garden supplies.

(2) Gasoline service stations along with minor repair work, but limited to activities the external effects of which will not adversely extend beyond the property line, provided:

a. Curb cuts for vehicle access shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from any adjacent residential districts; or shall comply with state highway department standards.

b. The minimum lot area shall be 10,000 square feet.

(3) Publicly owned buildings; public utility buildings; telephone exchange buildings; electric transformer stations and substations; gas regulatory stations with service yards, but without storage yards; water and sewage pumping stations.

(4) Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.

(5) Automobile showrooms and service centers when developed and planned as part of a larger retail center and designed so as to integrate the automobile service center with adjacent stores so that pedestrian access routes to retail specialty shops and general merchandise stores is not interrupted by the establishment, extension, or expansion of automotive service centers.

(6) A single crematorium, when developed, planned and utilized as an accessory to a compatible business

operating as a principal use permitted in a community business district (B-1), provided:

a. It meets or exceeds all federal and state emission standards relating to the operation of a crematorium; and

b. It complies with all licensing requirements and is licensed by any federal or state agency which requires its licensing; and

c. The principal use to which it is an accessory is ongoing and in full operation; and

d. The compatible business to which it is an accessory is a business, such as but not limited to, a chapel, an assembly hall, a retail business the principal activity of which is the indoor sale of memorializations, and other similar business.

(Ord. No. 142, § 802, 5-21-1973; Ord. No. 275, 5-19-2014)

Secs. 44-224—44-240. - Reserved.

DIVISION 7. - B-2 GENERAL BUSINESS DISTRICT

Sec. 44-241. - Intent.

The B-2 general business district is designed to provide sites for more diversified business types than are found in B-1 and O-S districts and are frequently located so as to serve passerby traffic.

(Ord. No. 142, § 900, 5-21-1973)

Sec. 44-242. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the B-2 general business district except for one or more of the following specified uses:

(1) All principal uses permitted and all uses subject to conditions as regulated in the O-S and B-1 districts, except as may be modified in this division.

(2) Establishments renting equipment, tools and household articles.

(3) Automobile dealer showrooms and sales lots for new and used automobiles.

(4) Vehicle repair garage.

(5) Automobile car wash.

(6) Bus passenger stations.

(7) Wholesale uses, freezer plants (lockers) and enclosed storage.

(8) Bottling works and food packaging.

(9) Governmental offices or other governmental uses; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.

(10) Greenhouses, florists, and plant material sales.

(11) Bowling alleys, pool halls and/or billiard parlors.

(12) Other uses which are similar to the above uses.

(Ord. No. 142, § 901, 5-21-1973)

Sec. 44-243. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the B-2 general business district, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the city council:

(1) Outdoor sales space for automobiles, house trailers, recreation vehicles, or boats subject to the following:
   a. Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
   b. No major repair or major refinishing shall be done except in an enclosed building.
   c. Dust and surface water run off shall be controlled.

(2) Business in the character of a drive-in restaurant or drive-up front store provided:
   a. A setback of at least 60 feet from the right-of-way line of an existing street must be maintained.
   b. Ingress and egress points shall be located at least 30 feet from a street intersection.

(3) Gasoline service station and/or major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of wrecked automobiles on the site shall be obscured from public view and no vehicle shall be stored in the open for a period exceeding one week. Lot size and curb cuts shall be required as in B-1 district.

(4) Veterinary hospitals or clinics, provided all activities are conducted within a completely enclosed main building and provided further that all buildings are set back at least 200 feet from a residential district boundary.

(5) Outdoor sales space for plant materials, nurseries, lawn furniture, playground equipment, and garden supplies, provided:
   a. Any storage and/or display shall meet all setback requirements for a structure, or 20 feet.
   b. Soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any nuisance affects on adjacent uses.

(6) Commercially used outdoor recreational space subject to the following:
   a. Parking areas shall be provided off the road right-of-way.
   b. Children's amusement facilities must be fenced on all sides with a minimum four-foot six-inch wall or fence.
   c. All manufacturer's safety specifications are complied with as well as any additional safety measures that may be prescribed as necessary by the city.
   d. When discontinued or abandoned, the site shall be left in a reusable condition free from hazards, dangerous excavations, and abandoned structures.

(Ord. No. 142, § 902, 5-21-1973)

Secs. 44-244—44-260. - Reserved.

DIVISION 8. - I-1 INDUSTRIAL DISTRICT

Sec. 44-261. - Intent.

(a) The I-1 industrial districts are designed to accommodate wholesale activities, warehouses, and industrial operations the external physical effects of which are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material.

(b) The general goals of the I-1 industrial districts are:

(1) To provide sufficient space, in appropriate locations, to meet the needs of the city for manufacturing and related uses.

(2) To promote industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.

(Ord. No. 142, § 1000, 5-21-1973)

Sec. 44-262. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the I-1 industrial districts except for one or more of the following specified uses:

(1) Any use of a basic research, design and pilot or experimental product development when conducted within a completely enclosed building.

(2) Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a screening wall or fence on those sides abutting R-1A, R-1B, R-2, RM-1, O-S, and B-1 districts. In any I-1 district, the extent of such a wall or fence may be determined by the planning commission on the basis of usage. Such a wall shall not be less that four feet in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of article V of this chapter, regarding supplemental regulations. A chainlink fence, with intense evergreen shrub planting, shall be considered an obscuring wall (as an option).

a. Warehousing and wholesale establishments, and trucking facilities.

b. Machine shops and uses for the manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: foods, cosmetic, pharmaceuticals, toiletries, hardwares and tool and die.

c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials.

d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

e. Planing mills, veneer mills, and lumberyards.

f. Laboratories, experimental, film, or testing.

g. Central dry cleaning plants or laundries.

h. All public utilities, including buildings, necessary structures, storage yards and other related uses.

(3) Warehouse, storage and transfer and electric and gas service buildings and yards; public utility buildings, except power plants, telephone exchange buildings, electrical transformer stations and substations, and gas regulatory water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railro of-way; and freight terminals.

(4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any I-1 district, the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than four feet in height, and may, depending on land usage, be required to be eight feet in height. A chainlink type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.

(5) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.

(6) Commercial kennels.

(7) Greenhouses.

(8) Trade or industrial schools.

(9) Freestanding nonaccessory signs.

(10) Other uses of a similar and no more objectionable character to the above uses.

(Ord. No. 142, § 1001, 5-21-1973)

Sec. 44-263. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the I-1 industrial districts, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the city council:

(1) Auto engine and body repair, and undercoating shops when completely enclosed.

(2) Metal planting, buffing and polishing, subject to appropriate measures to prevent noxious results and/or nuisances.

(3) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumberyard, building materials outlet, upholsterer, cabinetmaker, outdoor boat, house trailer, automobile garage or agricultural implement sales) or serve convenience needs of the industrial district.

(4) Other uses of a similar character to the above uses.

(Ord. No. 142, § 1002, 5-21-1973)

Sec. 44-264. - Required conditions.

Any use established in the I-1 district after the effective date of the ordinance from which this chapter is derived shall be operated so as to comply with the performance standards set forth in section 44-373, regarding performance standards.

(Ord. No. 142, § 1003, 5-21-1973)

Secs. 44-265—44-280. - Reserved.

DIVISION 9. - I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 44-281. - Intent.

General industrial districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, the external physical effects of which will be felt to some degree by surrounding districts. The I-2 district is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

(Ord. No. 142, § 1100, 5-21-1973)

Sec. 44-282. - Principal uses permitted.

No building or land shall be used and no building shall be erected in the I-2 district except for one or more of the following specified uses:

(1) Any use permitted in an I-1 district.

(2) Heating and electric power generating plants, and all necessary uses.

(3) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products shall conform with the performance standards set forth in section 44-373, regarding performance standards, except such uses as specifically excluded from the city by ordinances.

(4) Junkyards, provided such are entirely enclosed within a building or within an eight-foot obscuring wall and provided further that one property line abuts a railroad right-of-way.

(5) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than 600 feet distant from any residential district and not less than 200 feet distant from any other district:

a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.

b. Blast furnace, steel furnace, blooming or rolling mill.

c. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.

d. Petroleum or other inflammable liquids, production, refining, or storage.

e. Smelting of copper, iron or zinc ore.

(6) Any other use, determined by the board of zoning appeals, to be of the same general character as the above permitted uses. The board of zoning appeals may impose any required setback and/or performance standards so as to ensure public health, safety, and general welfare.

(Ord. No. 142, § 1101, 5-21-1973)

Secs. 44-283—44-300. - Reserved.

DIVISION 10. - SCHEDULE OF REGULATIONS

Sec. 44-301. - Schedule limiting height, bulk, density and area by zoning district.

Zoning District	Minimum Zoning Lot Size Per Unit Area in Width		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet) Each			Minimum Floor Area Per Unit (Square Feet)	Maximum Percent of Lot Area Covered (By All Buildings)
	Square Feet	In Feet	In Stories	In Feet	Front	Side	Rear		
R-1A Single-Family Residence	9,000 (a)	80 (a)	2	25	25 (b), (o)	8 (b), (c), (o)	35 (b), (o)	—	25%
R-1B Single-Family Residence	6,000 (a)	50 (a)	2½	30	25 (b), (o)	8 (b), (c), (o)	35 (b), (o)	—	30%
R-2 Two-Family Residence	6,000 (a)	50 (a)	2½	30	25 (e), (o)	8 (c), (e), (o)	35 (e), (o)	(j)	30%
RM-1 Multiple-Family Residence	(d)	(d)	5	40	25 (f), (o)	8 (h), (o)	35 (g), (o)	(j)	30%
O-S Office Service	—	—	2½	30	20 (f), (o)	15 (h), (o)	20 (g), (o)	—	—
B-1 Community Business	—	—	3	30	60 (b), (o)	(k), (m), (o)	10 (o)	—	—

B-2 General Business	—	—	3	30	30 (o)	(l), (n), (o)	(l), (o)	—	—
I-1 Industrial	—	—	—	40	60 (o)	30 (n), (o)	(l), (o)	—	—
I-2 General Industrial	—	—	—	60	30 (o)	(l), (o)	30 (o)	—	—

(Ord. No. 142, § 1200, 5-21-1973; Ord. No. 271, § 1, 10-4-2010)

Sec. 44-302. - Notes to schedule.

(a) See section 44-332, average lot size, and section 44-333, subdivision open space plan, regarding flexibility allowance in this division.

(b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in the schedule of regulations in section 44-301, or the setback prescribed in the sections "uses subject to special approval," whichever is greater. If more than 50 percent of the homes in the same block on the same side of the street are at a different setback line, then other homes may be built at the average setback line of the majority of the homes in said block.

(c) In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. For dwelling units in R-1B, R-2 and RM-1 districts, the minimum total side yards shall be 12 feet, except that one side yard must be at least five feet wide.

(d) (1) In the RM-1 district, multiple dwellings shall be located on a lot having an area of at least 8,000 square feet. The following minimum lot sizes shall be provided for every dwelling unit beyond the first, and in addition to the initial 8,000 square feet:

Bedroom Unit	Minimum Lot Area Per Unit
Efficiency apartment	2,500 square feet
One bedroom unit	2,500 square feet
Each bedroom or den beyond one	1,200 square feet

(2) Subject to a hearing and approval by the board of zoning appeals, higher density multiple dwelling

developments may be permitted in the RM-1 districts, provided the following minimum lot sizes shall be provided for every dwelling unit beyond the first, and in addition to an initial 6,000 square feet:

Bedroom Unit	Minimum Lot Area Per Unit
Efficiency apartment	1,500 square feet
One bedroom unit	1,500 square feet
Each bedroom or den beyond one	500 square feet

(e) There shall be a minimum setback of 30 feet to any exterior property line of developments involving two acres or more. Where more than one multiple building on one site is involved, the minimum spatial requirements shall be as follows:

Building Arrangement	Distance Between Buildings
Front to front	70 feet
Back to back	70 feet
Side to side	20 feet
Side to back or front	40 feet

Increase by ten feet for each story above four. No building shall be less than 20 feet from any other building.

(f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

(g) Refer to section 44-365 regarding off-street loading and unloading.

(h) Yards which abut a residential district shall be at least 30 feet, or equal to the height of the building, whichever is greater.

(i) Off-street parking for visitors, over and above the number of spaces required in section 44-363, regarding off-street parking, may be permitted within the required front yard, subject to the landscaping provisions in note (f) of this section.

(j) One bedroom: 500; two bedroom: 700; three bedroom: 900; four bedroom: 1,100.

(k) If more than 50 percent of the homes are in the same block, on the same side of the street, then the homes may be constructed in line with the other homes.

(l) If more than 50 percent of the businesses are in the same block, on the same side of the street, they may be constr line with the other businesses.

(m) If adjacent to an R-1A, R-1B, R-2 or RM-1 district, a 30-foot side is required.

(n) Rear lot line, 20 feet, or if adjacent to any R district, 30 feet; side lot lines, none, unless adjacent to any R district, in which case a 30-foot side lot setback is required.

(o) To accommodate the proper construction and addition of handicapped ramps to existing structures, the zoning administrator or designee is authorized to modify the setback requirements, if necessary, to allow for the ramps to be installed. In no instance shall the handicapped ramps be permitted to extend beyond the front, side, or rear property lines.

(Ord. No. 142, § 1201, 5-21-1973; Ord. No. 271, § 2, 10-4-2010)

Secs. 44-303—44-330. - Reserved.

ARTICLE IV. - AVERAGE LOT SIZE AND SUBDIVISION SPACE PLAN

Sec. 44-331. - Intent.

The intent of this article is to add flexibility to the lot design and lot layout regulations of this chapter. The proprietor of residential plats may average the required minimum lot size making it possible to effectively subdivide parcels of irregular shape or parcels which do not divide equally into lots as required in article III, division 10 of this chapter, regarding the schedule of regulations. The subdivision open space plan provisions are intended to:

(1) Preserve natural features.

(2) Encourage a creative approach to land development.

(3) Lower development costs.

(4) Provide open space and recreation resources.

(Ord. No. 142, § 1300, 5-21-1973)

Sec. 44-332. - Average lot size.

The subdivider or developer may vary his lot sizes and lot widths so as to average minimum size of lots per unit as required in article III, division 10 of this chapter, regarding the schedule of regulations, for single-family residential districts.

(1) The subdivision shall not create lots having an area or width greater than ten percent below that area or width required in article III, division 10 of this chapter, regarding the schedule of regulations, for lots and shall not create an attendant increase in the number of lots.

(2) All computations showing lot area and the resultant average shall be indicated on the print of the preliminary plat.

(Ord. No. 142, § 1301, 5-21-1973)

Sec. 44-333. - Subdivision open space plan.

Modifications to the standards as outlined in article III, division 10 of this chapter, regarding the schedule of regulations, may be made in the single-family residential districts when the following conditions are met:

(1) The lot area in the R-1A districts, served by a public sanitary sewer system, may be reduced up to 20 percent. In the R-1A district this reduction may be accomplished in part by reducing lot widths up to five feet. These lot area reductions shall be permitted, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for single-family districts under article III, division 10 of this chapter, regarding the schedule of regulations. All calculations shall be predicted upon the single-family districts having the following gross densities (including roads):

R-1A = 3.6 dwelling units per acre.

(2) Rear yards may be reduced to 50 feet when such lots border on land dedicated for park, recreation, and/or open space purposes, provided that the dedicated land shall not be less than 100 feet across when measured at the point at which it abuts the rear yard of the adjacent lot.

(3) Under the provisions of subsection (1) of this section for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in the schedule of regulations set out in article III, division 10 of this chapter at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the city.

(4) The area to be dedicated for subdivision open space purposes shall be in a location and shape approved by the city council.

(5) The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.

(6) This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the legislative body and the subdivider or developer.

(7) This plan, for reduced lot sizes, shall be started within 12 months after having received approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.

(8) Under this planned unit approach, the developer or subdivider shall dedicate the total park area (see subsection (1) of this section) at the time of filing of the final plat on all or any portion of the plat.

(Ord. No. 142, § 1302, 5-21-1973)

Secs. 44-334—44-360. - Reserved.

ARTICLE V. - SUPPLEMENTAL REGULATIONS

Sec. 44-361. - Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.

(a) *Intent.*

(1) It is the intent of this section to permit legal nonconforming lots, structures, or uses to continue until they are

removed but not to encourage their survival.

(2) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments.

(3) Such uses are declared by this section to be incompatible with permitted uses in the districts involved. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(4) To avoid undue hardship, nothing in this section shall be deemed to require a change in the plans, construction or designated use of any building on which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(b) *Nonconforming lots.*

(1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of zoning appeals.

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

(c) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be moved in whole or in part or be enlarged or increased, nor extended to occupy a greater area of land than was occupied.

(2) If such nonconforming use of land ceases for any reason other than because it is a seasonal tourist use for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter.

(d) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this section by reason of

restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be enlarged or altered in a way which does not increase its nonconformity.

(2) Should such structure be destroyed by any means to an extent of more than 80 percent of its value based on the equalized assessed valuations, it shall be reconstructed only in conformity with the provisions of this chapter.

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

(e) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building.

(3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the board of zoning appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of zoning appeals may require conditions and safeguards in accordance with the purpose and intent of this chapter.

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(5) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for 12 consecutive months or for 18 months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. However, the board of zoning appeals, after a public hearing, may allow the use of a nonconforming building to continue and/or change provided that the following conditions are met:

a. Adequate off-street parking and loading areas shall be provided.

b. All mechanical equipment, appliances, and machinery shall be within completely enclosed buildings and there shall be no outdoor storage of any goods or materials.

c. All noise, lighting, vibration, odor, dust, or other operational emission shall be confined to the premises in keeping with the character of the surrounding uses, and shall not extend beyond the property line.

d. One nonilluminated identification sign not to exceed four square feet in area may be permitted on the face of the building, provided such sign does not project from the building by more than one foot.

(6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the s shall eliminate the nonconforming status of the land.

(f) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the equalized assessed value of the building as it existed at the time of passage or amendment of the ordinance from which this chapter is derived. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(g) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(h) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and land in combination.

(i) *City-owned land.* Notwithstanding any provisions of this chapter, city-owned land may be used for such purpose or purposes as may be determined by the city council.

(Ord. No. 142, § 1400, 5-21-1973)

State Law reference— Nonconforming uses or structures, MCL 125.3208.

Sec. 44-362. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main buildings.

(2) Accessory buildings shall not be erected in a required front yard.

(3) Accessory residential buildings must conform to side lot lines for the district in which located; provided, if an accessory building is located entirely within 40 feet of the rear lot line, said accessory building may be located within three feet of the side lot line.

(4) Accessory residential buildings shall not be located closer than ten feet to any street or alley right-of-way.

(5) No detached accessory building in a residential district or B-1 district shall exceed one story or 14 feet in height.

(6) On corner lots, accessory buildings shall comply with minimum front yard setback on any street where the lot abutting the corner lot on the same side of the street has a front yard adjacent to the accessory building.

(7) Recreational vehicles and equipment, as defined in section 38-33 shall be permitted in an R-1A, R-1B, R-2, RM-1, O-S, B-1, or B-2 district. Travel trailers and campers may be parked or stored, but not occupied in such districts provided that a permit is granted by the city manager or his/her designee. No permit shall be granted for the parking or storing of a travel trailer or camper unless it meets the following standards:

a. That property values in the neighborhood shall not be depreciated by the presence of said travel trailer or camper. In determining possible depreciation of property values, the following factors shall be considered in deciding if the presence of said trailer would be injurious to the surrounding neighborhood

and not contrary to the spirit and purpose of this chapter:

1. Size of trailer and its overall appearance;
2. Proposed location on premises;
3. Whether trees, shrubbery, fences or other buildings fully or partially shield the trailer from view.

b. That said trailer shall not create a fire hazard or a safety hazard or be liable to become an attractive nuisance to children in the neighborhood.

A written application for a permit must be submitted to the city manager or his or her designee by the property owner. Permits shall be granted on such terms and conditions as the city manager or his or her designee shall specify and shall be for an indefinite period of time, unless otherwise stated, and shall be subject to revocation by the city manager or his or her designee or the city council for good cause and upon reasonable notice to the property owner.

(Ord. No. 142, § 1401, 5-21-1973; Ord. No. 250, § 1, 7-7-2003; Ord. No. 282, § 1, 11-20-2017)

Sec. 44-363. - Parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces, provided further that:

(1) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. *Lot* means 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.

b. *Vehicle* means every vehicle that is self-propelled but does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration under the Michigan vehicle code.

c. *Trailer* means every vehicle with or without power, designed for carrying property or persons and for being drawn by a vehicle and so constructed that no part of its weight rests upon the towing vehicle.

d. *Registration* means a current, valid registration certificate, plate, adhesive tab, or other indicator of registration issued under the Michigan vehicle code for display on a vehicle or trailer.

e. *Registered* means that it has a registration affixed to it.

f. *Clear vision area* means that triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection. Off-street parking of vehicles and/or trailers is prohibited within a required front and/or side yard setback, unless said parking complies with the terms and conditions provided for herein and as otherwise provided for/permitted by this chapter. Off-street parking of vehicles and/or trailers within a required front and/or side yard setback is permissible, as long as all of the following conditions are met:

1. All vehicles and trailers must be registered.
2. No more than a combined total of four vehicles and trailers on any lot, unless a written permit is secured from the city council.

3. No vehicle or trailer may be parked within five feet of any street or alley right-of-way or within a "clear vi
4. For purposes of this chapter, each vehicle and trailer will be counted separately, even though it may be placed/parked upon the other.

The parking of a vehicle or trailer within a required front or side yard setback on a lot shall be a violation of this subsection unless the owner/occupant of said lot affirmatively establishes compliance with this chapter and other applicable ordinances of the city.

(2) Off-street parking for other than residential use shall be either on the same lot or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

(3) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

(4) Any area once designated as required off-street parking shall never be changed to any other use unless, it is on surplus parking area and/or until equal facilities are provided elsewhere.

(5) Off-street parking existing at the effective date of the ordinance from which this chapter is derived, in connection with the operation of any existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(6) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of zoning appeals may grant an exception to the spaces required.

(7) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking spaces.

(8) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the board of zoning appeals considers is similar in type.

(9) For computing the number of parking spaces required, the definition of "usable floor area" shall govern.

(10) The minimum number of off-street parking spaces by type of use, excluding the central business district, shall be determined in accordance with the following schedule:

		Use	Number of Minimum Parking Spaces per Unit of Measure
a.		*Residential:*	
	1.	Residential; single-family, two-family and multiple-family.	Two for each dwelling unit.
	2.	Housing for the elderly.	One for each two units, and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided.
	3.	Trailer court.	Two for each trailer site and one for each employee of the trailer court.
b.		*Institutional:*	
	1.	Churches or temples.	One for each three seats or six feet of pews in the main unit of worship.
	2.	Hospitals.	One for each one bed.
	3.	Homes for the aged and convalescent homes.	One for each two beds.

	4.	Elementary and junior high schools.	One for each one teacher, employee or administrator, in addition to the requirements of the auditorium.
	5.	Senior high schools.	One for each one teacher, employee or administrator, in addition to the requirements of the auditorium.
	6.	Private clubs or lodge halls.	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	7.	Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses.	One for each two member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
	8.	Golf courses open to the general public, except miniature or "Par 3" courses.	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use, such as a restaurant or bar.
	9.	Fraternity or sorority.	One for each five permitted active members, or one for each two beds, whichever is greater.
	10.	Stadium, sports arena, or similar place of outdoor assembly.	One for each three seats or six feet of benches.
	11.	Theaters and auditoriums.	One for each three seats plus one for each two employees.
c.		*Business and Commercial:*	
	1.	Planned commercial or shopping center.	One for each 100 square feet of usable floor area.
	2.	Auto wash (automatic).	One for each one employee. In addition, reservoir parking spaces equal in number to five times the maximum capacity of the auto wash, determined by dividing the length of each wash line by 20 feet.
	3.	Auto wash (self-service or coin-operated).	Five for each washing stall in addition to the stall itself.
	4.	Beauty parlor or barbershop.	Three spaces for each of the first two beauty or barber chairs, and 1½ spaces for each additional chair.
	5.	Bowling alleys.	Five for each one bowling lane plus accessory uses.
	6.	Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats.	One for each two persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
d.		*Offices:*	
	1.	Banks.	One for each 100 square feet of usable floor space.
	2.	Business, offices or professional offices except as indicated in the following item d.3.	One for each 200 square feet of usable floor space.
	3.	Professional offices of doctors, dentists or similar professions.	One for each 50 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
e.		*Industrial:*	

	1.	Industrial or research establishments, and related accessory offices.	Five plus one for every 1½ employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
	2.	Warehouses and wholesale establishments and related accessory offices.	Five plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.

(Ord. No. 142, § 1402, 5-21-1973)

Sec. 44-364. - Off-street parking space layout, standards, construction and maintenance.

Whenever section 44-363, regarding parking requirements, requires the building of an off-street parking facility, such off-street parking shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(1) No parking lot shall be constructed unless and until a permit therefor is issued by the administrative officer. Application for a permit shall be submitted to the building department in such form as may be determined by the administrative officer and shall be accompanied with two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

(2) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (Degrees)	Maneuvering Lane Width (Feet)	Parking Space Width (Feet)	Parking Space Length (Feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (Feet)	Total Width of Two Tier of Spaces Plus Maneuvering Lane (Feet)
0 (Parallel Parking)	9	9	24	18	27
30 to 53	16	9	17	33	50
54 to 74	17	9	17	34	51
75 to 90	22	9	20	42	62

All measurements are right angles.

(3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

(4) Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles.

(5) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.

(6) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.

(7) On any side of a nonresidential off-street parking area which abuts a residential district, there shall be provided continuous and obscuring wall not less than four feet six inches in height, or a maintained evergreen greenbelt in this chapter.

(8) The entire parking area, including parking space and maneuvering lanes, required under this section shall be surfaced or treated so as to be completely dust free in accordance with specifications approved by the administrative officer. The parking area shall be so surfaced or treated within one year of the date the occupancy permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

(9) In all cases where a wall or fence extends to an alley which is a means of ingress and egress to an off-street parking area, the wall shall be ended not less than ten feet from such alley line.

(Ord. No. 142, § 1403, 5-21-1973)

Sec. 44-365. - Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading. Such space shall be provided, in addition to off-street parking as follows:

(1) In O-S districts, the loading space ratio shall be at least five square feet per front foot of building. Where a rear alley exists, the rear setback and rear loading requirements may be computed from the centerline of the alley.

(2) Within an I district, all spaces shall be laid out in the dimension of at least ten feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be treated so as to provide a permanent, durable and dustless surface. All spaces in I districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (in Square Feet)	Loading and Unloading Space Required
0—1,400	None
1,401—20,000	One space
20,001—100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

(Ord. No. 142, § 1404, 5-21-1973)

Sec. 44-366. - Uses not otherwise included within a specific use district.

(a) *Generally.* Because the uses hereinafter referred to possess unique service and site characteristics making it impractical to include them in a specific use district classification, they may be permitted subject to the conditions specified for each.

(b) *Commercial television and radio towers and public utility microwaves, and public utility television transmitting towers.* Radio and television towers, public utility microwaves and public utility television transmitting towers, and their attendant facilities shall be permitted as a principal use in any unplatted area by the board of zoning

appeals and only after a hearing, provided said use shall be located centrally on a continuous parcel of not less than 1½ times the height of the tower measured from the base of said tower to all points on each property line.

(c) *Individual mobile homes.* Individual mobile homes may only be located in an authorized mobile home park (see subsection (d) of this section), except where the mobile home complies with the definition of single-family dwelling. Notwithstanding other provisions of this chapter, an individual mobile home or travel trailer may be parked temporarily at a construction site after securing a written permit therefor from the administrative officer. Said permit shall not be valid for more than 90 days, but may be renewed from time to time. Said mobile home or travel trailer may not be used for dwelling purposes.

(d) *Mobile home parks (trailer court).* Mobile home parks are, in this chapter, intended to provide a transition between nonresidential and residential districts. Mobile home parks may, therefore, be permitted within I, B-2, and RM-1 districts subject to approval by the city council and subject further to the following:

(1) Locational requirements.

a. Mobile home parks shall not abut single-family residential districts on more than two sides and only with an intervening planted greenbelt at least 20 feet wide. A 12-foot-wide greenbelt shall be provided between mobile home parks and the RM-1 or I districts.

b. Parcels proposed for mobile home parks in the I districts shall not be surrounded on more than three sides by the I district, provided the continuity of a planned industrial park of district is not disrupted.

c. Parcels proposed for mobile home parks in RM-1 districts may be permitted only when said mobile home park affords a buffer between RM-1 districts, B-2 districts, I districts and/or railroads. Mobile home developments shall not, therefore, be permitted as a principal use in any RM-1 district.

(2) The mobile home court proprietor or owner shall provide an area for usable children's recreation space of not less than 100 square feet for each trailer in the trailer park. The recreation space shall not be less than 5,000 square feet and must be of dimensions suitable for recreation use (depth to width relationship).

(3) All lots shall contain a minimum area of at least 3,000 square feet. All such trailer site areas shall be computed exclusive of service drives, facilities, and recreation space.

(4) No mobile home or accessory mobile home park building shall be located closer than 30 feet to any mobile home park property line.

(5) The mobile home court shall have access to a collector street or major thoroughfare by directly abutting thereon. No access shall be permitted through a single-family residential district.

(6) All mobile home or trailer court developments shall further comply with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

(7) No building or structure hereafter erected or altered in a mobile home park shall exceed one story or 14 feet in height.

(8) Any plans and proposals to develop a mobile home subdivision in the municipality shall comply to the extent practical, with the standards presented in subsections (d)(1) through (7) of this section, for locating mobile home parks or courts.

(e) *Airports.* Public airports and landing fields involving sites of 50 acres or more may be permitted in the unplatted portions of any use district by the city council after a hearing, provided:

(1) The city council first receives a recommendation from the administrative officer on the location of the airport and its accessory facilities.

(2) The approach zones and flight patterns do not interfere with existing and future residential areas, institutional u other uses involving concentrations of people.

Airports may include such accessory uses as hangars, air navigation aids, terminals, restaurants, taxiways, fuel storage, aircraft repair services, and other facilities and services incidental to general airport operations.

(f) *Recreation resorts.* Public or private outdoor recreational facilities of a resort character may be permitted in any district by the board of zoning appeals, after hearing, provided:

(1) The use occupies a total site area of at least 40 acres.

(2) The site has physical characteristics readily adapted for the proposed use with the minimum disturbance to natural site features.

(3) All principal site uses and facilities are set back at least 100 feet from the property line.

Accessory uses to major resorts may include lodging complexes, vacation home subdivisions, lodge and dining facilities in the character of a lounge or supper club, and outdoor recreational facilities in keeping with the character of surrounding properties, and subject further to section 44-373, regarding performance standards.

(g) *Riding academies or stables.* Facilities for horseback riding, accessory trails and stables may be allowed by the board of zoning appeals in B-2 and I districts, or on farms in unplatted city areas, provided that animal housing facilities or enclosures are located at least 300 feet from any off-premises residential structure. Under a temporary permit basis, riding trails may extend into the ruggedest and/or undeveloped portions of any district.

(Ord. No. 142, § 1405, 5-21-1973)

Sec. 44-367. - Plant materials in greenbelts.

Whenever in this chapter a greenbelt or planting is required, it shall be planted within nine months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

(1) *Plant material spacing.*

a. Plant materials shall not be placed closer than four feet from the fence line or property line.

b. Where plant materials are placed in two or more rows plantings shall be staggered in rows.

c. Evergreen trees shall be planted not more than 30 feet on centers, and shall be not less than three feet in height.

d. Narrow evergreens shall be planted not more than six feet on centers, and shall be not less than three feet in height.

e. Treelike shrubs shall be planted not more than ten feet on centers, and shall be not less than two feet in height.

f. Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than three feet in height.

g. Large deciduous trees shall be planted not more than 30 feet on centers, and shall be not less than five feet in height.

(2) *Trees not permitted.*

a. Box Elder.
b. Soft Maples (Red-Silver).
c. Elms.
d. Poplars.
e. Willows.
f. Horse Chestnut (nut bearing).
g. Tree of Heaven.
h. Catalpa.

(Ord. No. 142, § 1406, 5-21-1973)

Sec. 44-368. - Corner clearance.

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

(1) Of a height of two feet or less from the established street grades; or
(2) A fence or wall which does not obstruct vision to an extent greater than 25 percent of the fence or wall surface area may be of a height of greater than two feet but no more than four feet from the established street grades.

(Ord. No. 142, § 1407, 5-21-1973; Ord. No. 262, § 1, 6-5-2006)

Sec. 44-369. - Signs.

(a) Any publicly displayed sign shall be regulated as follows:

Use Districts	Requirements
R districts (R-1A through RM-1)	For each dwelling unit, one name plate not exceeding two square feet in area.
R districts	For structures other than dwelling units, one identification sign not exceeding 18 square feet in area.
R districts	For tourist homes, apartment house rental or management offices, one identification sign not exceeding six square feet in area.
O-S districts	For each office unit occupying a building, one sign or nameplate. For each office building, one wall sign and/or one freestanding sign, not to exceed 18 square feet in area.
O-S and B-1 districts	No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one foot, and shall not project above or beyond the highest point of the roof or parapet. Canopy-mounted nameplates excepted.

O-S, B-1, B-2 and I districts	Freestanding accessory signs or advertising pylons may be located in a front yard, but shall not be placed closer than 100 feet to a residential district.

(b) The following conditions shall apply to all signs visible from a public street, erected or located in any use district:

(1) Wall-mounted signs shall not exceed an overall size equivalent to 25 percent of the surface area of the mounting wall as computed only on the basis of the ground level story.

(2) No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless approved by the governmental unit having jurisdiction.

(3) Necessary directional signs required for the purpose of orientation, when established by the city council, state, or federal government, shall be permitted in all use districts.

(4) Accessory signs shall be permitted in any use district.

(5) Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold, provided that such signs, exceeding 20 square feet, shall be subject to obtaining a temporary permit from the administrative officer.

(6) Freestanding accessory signs may be located in the required front yard provided for the use or building.

(7) Refer to section 44-370 regarding exterior lighting.

(8) Provided a sense of scale is retained, the board of zoning appeals may waive the maximum area of sign permitted for reasons of unusual building size, extra large site area, extra deep setbacks, or multiple number of structures or uses, as compared with other permitted uses in the same district.

(Ord. No. 142, § 1408, 5-21-1973; Ord. No. 252, § 1, 12-1-2003)

Sec. 44-370. - Exterior lighting.

(a) All outdoor lighting in all use districts used to light the general area of a specific site, sign, parking lot, or use shall be shielded or designed of low intensity to prevent glare and shall be so arranged as to direct lights away from adjacent residential districts or adjacent residences, and shall not interfere with the vision of persons on streets or highway.

(b) The illumination portion of a sign and any other outdoor features shall not be of a flashing type, however, a sign may revolve or move.

(Ord. No. 142, § 1409, 5-21-1973)

Sec. 44-371. - Fences, walls and hedges generally.

(a) Fences, walls, and hedges (so called) may be permitted in any district subject to the following limitations and conditions:

(1) If mutually agreeable to the abutting property owners, a fence may be erected on the property line, otherwise said fence may be erected immediately adjacent and parallel to the property line.

(2) Fences or walls in a required rear yard shall not exceed six feet in height in residential district.

(3) In residential districts, fences, walls or hedges shall not exceed a height of:

a. Within that open space extending the full width of the lot, the depth of which is 25 feet from the front lot

line:

1. Two feet in height; or
2. If the fence or wall does not obstruct vision to an extent greater than 25 percent of the fence or wall surface area, the fence or wall may be in excess of two feet but no more than four feet in height; and

b. Six feet in height in the remaining yard.

(4) Privacy fences, walls or hedges may be erected in any non-required rear yard to a maximum height of eight feet.

(5) Fences on residential lots of record shall not contain barbed wire or be electrified.

(6) No fence, wall, or hedge shall be constructed nearer than five feet to any public street or alley right-of-way.

(7) Fences or walls which enclose public or institutional parks, playgrounds, or landscaped grounds in platted areas shall not exceed a height of ten feet, and shall not obstruct vision to an extent greater than 25 percent of the fence or wall surface area.

(8) Fences, walls, and/or hedges may be modified with respect to height limitations by the administrative officer, provided a signed agreement between the two abutting property owners consent to any modification, and further that there is no interference with sight distances at street corners or driveway entrances.

(9) The design and construction materials for fences shall be of a type approved by the administrative officer, or be in accordance with any official city standards.

(b) These requirements for fences, walls, and hedges are not intended to restrict landscaping features that exist, or may be planted as a part of the beautification of any premises; provided that such planting does not constitute a hedge (so called) that obstructs the vision of drivers on streets or driveways, and further does not obstruct natural light and air on adjacent premises.

(Ord. No. 142, § 1410, 5-21-1973; Ord. No. 262, § 2, 6-5-2006)

Sec. 44-372. - Fence and wall buffers.

(a) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall or fence, as required below. These requirements do not apply whenever the use, storage area, etc., is more than 200 feet from the adjacent residential district boundary.

Use	Required Height of Buffer	Primary Purpose To Be Served
Off-street parking lots for all uses except single-family and two-family residences	6 feet	Screening and protective
B-1, B-2 and I district uses	6 feet	Screening and/or containment
Open outdoor storage areas larger than 200 square feet	6 feet	Screening
Hospital and funeral home service entrances	6 feet	Screening
Utility service buildings and/or substations	6 feet	Screening and protective
Junkyards	8 feet	Screening

(b) All plans and specifications for buffer walls and fences must be approved by the administrative officer for materials, entranceways, locations, basic design, and related materials. All fences shall be designed to fulfill the

primary function of protection, containment, and/or screening; and further shall be maintained in a pleasing appearance.

(c) Depending on continuity and property owner agreement, required buffer walls or fences may be located on the opposite side of an alley right-of-way from a nonresidential district, whenever a nonresidential district abuts a residential district.

(d) The board of zoning appeals may waive or modify the foregoing wall and fence requirements where cause can be shown that no good purpose would be served by strict compliance. Also, greenbelts and naturally wooded areas may be substituted for buffer walls and fences upon approval of the board of zoning appeals.

(Ord. No. 142, § 1411, 5-21-1973)

Sec. 44-373. - Performance standards.

No use otherwise allowed shall be permitted within the use district which does not conform to the following:

(1) *Smoke, dust, dirt, and fly ash.* It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any smoke, dust, dirt, or fly ash in quantities sufficient to create a nuisance within the city.

(2) *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

(3) *Fire and explosive hazards.* Either on the inherent nature of the use or whenever the administrative officer deems the storage, utilization, or manufacture of any materials to be a fire hazard or potential fire hazard, then the director of public safety shall prescribe buildings, setback, and other requirements necessary to assure safe property use conditions. Also, the storage and handling of flammable liquids, liquified petroleum, gases, and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).

(Ord. No. 142, § 1412, 5-21-1973)

Sec. 44-374. - Site plan review for all districts.

(a) A site plan shall be submitted to the city council for approval of:

(1) Any use or development for which the submission of a site plan is required by any provision of this chapter.

(2) Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 44-363, regarding off-street parking requirements.

(3) Any use in an RM-1, O-S, B, or I district lying contiguous to, or across a street from, a single-family residential district.

(4) Any use, except a single-family or two-family residential, which lies contiguous to a major thoroughfare or collector street.

(5) All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools, and public facilities.

(b) No site plan shall be approved until the same has been reviewed by the administrative officer.

(c) The following information shall be included in the site plan:

(1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.

(2) The date, north point, scale and property dimensions.

(3) All existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.

(4) The location of all existing and proposed drives, parking areas, streets, alleys, and other rights-of-way.

(d) In the process of reviewing the site plan, the administrative officer shall consider the following:

(1) The location of driveways in relation to streets giving access to the site, and in relation to pedestrian traffic.

(2) Traffic circulation within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:

a. Safety and convenience of both vehicular and pedestrian traffic.

b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous lands.

(3) The city council may further require landscaping, fences, and walls in pursuance of these objectives and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

(4) In those instances wherein the city council finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares, the city council may recommend marginal access drives. Where practical for a narrow frontage, which will require a single outlet, the city council may recommend that the money in escrow be placed with the city so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the city clerk.

(Ord. No. 142, § 1413, 5-21-1973)

State Law reference— Submission and approval of site plan, MCL 125.3501.

Secs. 44-375—44-400. - Reserved.

ARTICLE VI. - GENERAL EXCEPTIONS

Sec. 44-401. - Area, height, and use exceptions.

The regulations in this chapter shall be subject to the following interpretations and exceptions in this article.

(Ord. No. 142, § 1500(intro. ¶), 5-21-1973)

Sec. 44-402. - Essential services.

Essential services, as defined in section 44-1, shall be permitted as authorized and regulated by law and other ordinances of the city, it being the intention hereof to exempt such essential services from the application of this chapter. Major essential services such as high tension transmission towers, electric generating plants, gas regulator stations, sanitary fill sites, incinerators, and the like shall require special approval from the board of zoning appeals after a public hearing before being allowed in any area that abuts a residential district.

(Ord. No. 142, § 1500(1), 5-21-1973)

Sec. 44-403. - Voting place.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as an official public voting place.

(Ord. No. 142, § 1500(2), 5-21-1973)

Sec. 44-404. - Height limit.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the board of zoning appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

(Ord. No. 142, § 1500(3), 5-21-1973)

Sec. 44-405. - Lot area.

Any lot existing and of record on the effective date of the ordinance from which this chapter is derived may be used for any principal use permitted in the district in which such lot is located, whether or not such lot complies with the lot area requirements of this chapter, but not conditional uses for which special lot area requirements are specified in this chapter, and except as provided in section 44-361, regarding nonconforming uses. Such use may be made provided that all requirements other than lot area requirements prescribed in this chapter are complied with, and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

(Ord. No. 142, § 1500(4), 5-21-1973)

Sec. 44-406. - Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this chapter, one-half of the width of such alley abutting the lot shall be considered as part of such lot.

(Ord. No. 142, § 1500(5), 5-21-1973)

Sec. 44-407. - Yard regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the board of zoning appeals.

(Ord. No. 142, § 1500(6), 5-21-1973)

Sec. 44-408. - Access through yards.

Access drives may be placed in required front or side yards so as to provide access to rear yards and/or accessory structures.

(Ord. No. 142, § 1500(7), 5-21-1973)

Sec. 44-409. - Lots having lake frontage.

Those residential lots having lake frontage and abutting a public street shall maintain the yard on the lake side as an open unobscured yard, excepting that a covered or uncovered boat well shall be permitted after review and approved of plans by the board of zoning appeals.

(Ord. No. 142, § 1500(8), 5-21-1973)

Sec. 44-410. - Home occupations.

(a) *Generally.* Home occupations are allowed in a residential district, based upon the conditions as set forth in subsection (b) of this section.

(b) *Conditions.* Home occupations are any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not involve any alteration of the structure or change the character thereof. Home occupations shall satisfy the following conditions:

(1) The nonresidential use shall only be incidental to the primary residential use and the dwelling is in fact being used as the principal dwelling for the inhabitants.

(2) The home occupation shall utilize no more than 25 percent of the total floor area of any one floor of the principal building.

(3) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, dust, smoke, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

(4) The home occupation shall not involve persons other than those individuals residing at the premises.

(5) All activities shall be carried on indoors, only in the principal building. No outdoor activities or storage shall be permitted, without specific approval by the city council.

(6) There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one announcement sign, not exceeding 300 square inches in area, nonilluminated, nonelectrified, and mounted flat against the wall of the principal building. In addition, the home occupation shall not require interior or exterior alterations nor shall any building expansion be allowed to accommodate the home occupation.

(7) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Only off-street parking facilities normal for

residential use and located on the premises shall be used.

(8) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this chapter; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of nonresidential activities.

(9) Garage sales, rummage sales, yard sales, and similar activities may be conducted for no longer than three days and no more than two times per calendar year on the same property.

(10) Limited retail sales may be permitted on the premises, as a part of or in conjunction with a home occupation.

(11) Application for a home occupation shall be made to the city manager or his designee on a form prescribed by it, describing the proposed activity. The city council shall review the application and shall hold the necessary hearings according to this chapter and state law. The city council shall, after the necessary hearings, make the decision on whether or not to approve the application. Home occupation requests shall be reviewed in terms of the above listed requirements and standards.

(12) No new external entrance to the area devoted to the home occupation shall be created.

(13) There shall be permitted only one home occupation at any residential unit.

(14) The city council shall have the right to impose such other conditions as a prerequisite to the granting of a home occupation as the city council deems appropriate.

(15) All costs associated with the request for a home occupation, including but not necessarily limited to mailing and publication costs, shall be paid in advance by the applicant seeking a home occupation permit.

(16) The granting of a home occupation is a privilege and not a right or property interest. Further, the home occupation permit is personal to the applicant and is not transferable or assignable.

(c) *Craft or art instruction permitted.* The use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence is permitted as required by Section 204 of Public Act No. 110 of 2006 (MCL 125.3204).

(Ord. No. 217, 5-1-1995)

Secs. 44-411—44-500. - Reserved.

ARTICLE VII. - STORAGE CONTAINERS

Sec. 44-501. - Purpose.

The purpose of this article VII is to regulate the use of storage containers on residential, office service or business zoned districts in the city, which regulations are adopted to protect the public health, safety, and welfare in the city.

(Ord. No. 290, 12-21-2020)

Sec. 44-502. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Accessory storage building* is:

a. A building constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property. The accessory building design, construction, and appearance shall compliment the primary structure and the neighborhood it is located.

b. For purposes of this chapter, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.

(2) *Cargo containers* include standardized reusable vessels that were:

a. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or

b. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

(Ord. No. 290, 12-21-2020)

Sec. 44-503. - Storage on residential, office service or business use properties.

(a) Only accessory storage buildings defined in 44.502(A) shall be permitted as accessory storage containers on property in any residential zone of the city, or on any property within the city the primary use of which is residential or in any office service or business zoned district. Cargo containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned residential or on property the primary use of which is residential or in any office service or business zoned district, except in a B-2 General Business District as provided in section 44-504.

(b) Notwithstanding the provisions set forth in subsection (a) of this section, the temporary placement of transport containers and/or portable site storage containers on residentially zoned properties, or on properties the primary use of which are residential or in any office service or business zoned district, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 30 days in any one calendar year.

(c) Notwithstanding the provisions set forth in subsection (a) of this section, licensed and bonded contractors may use cargo containers for the temporary location of an office, equipment, and/or materials storage structure during construction which is taking place on the property where the cargo container is located, if the use of the cargo container is authorized pursuant to a city building permit.

(Ord. No. 290, 12-21-2020; Ord. No. 291, 8-2-2021)

Sec. 44-504. - Cargo containers - permitted locations.

(a) The placement of a cargo container as an accessory storage use is limited to the following zoning districts:

I-1 Industrial, and

I-2 Industrial, and

B-2 General Business, as long as the B-2 General Business District (1) adjoins industrial zoned property, (2) the cargo container(s) are enclosed within a six foot high fenced-in area, and (3) the fence as constructed will permit no more than 50% visibility.

(Ord. No. 290, 12-21-2020; Ord. No. 291, 8-2-2021)

Sec. 44-505. - Permit required - development standards.

A building permit is required prior to placement of a cargo container ensuring effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed cargo container is accessory to the permitted use of the property and meets the placement criteria for the zone.

(Ord. No. 290, 12-21-2020)

Sec. 44-506. - Current violations - time to comply.

All owners of property within the city shall have 150 days from the effective date of the ordinance codified in this chapter to bring the properties, which currently contain accessory storage buildings that are in violation of the terms of this chapter, into full compliance with the provisions of this chapter.

(Ord. No. 290, 12-21-2020)

Sec. 44-507. - Conflicts.

In the event any conflict exists between the provisions of this article and other currently existing provisions of the City of Kingsford Municipal Code or other ordinances of the city, the terms and provisions of this article shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the City of Kingsford Municipal Code or other ordinances of the city shall be and hereby are amended insofar as necessary to conform to the provisions of this article.

(Ord. No. 290, 12-21-2020)

Sec. 44-508. - Violations - penalties.

Violation of this article shall be enforced pursuant to the procedures and penalties set forth in section 1-7, section 44-91, section 44-92, and section 44-93 of the Code Ordinances, City of Kingsford, Michigan, as the same exists now or may hereafter be amended.

(Ord. No. 290, 12-21-2020)