

Chapter 46 - ZONING

ARTICLE I. - IN GENERAL

Sec. 46-1. - Conflict with other provisions.

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern.

(Code 2002, § 220-60)

Sec. 46-2. - Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

(Code 2002, § 220-61)

Sec. 46-3. - Prior building permits.

Any building permit issued prior to the effective date of the ordinance from which this chapter is derived shall be valid, even though not conforming to the provisions of this chapter, provided that construction is commenced within 90 days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one year after the issuance of the building permit.

(Code 2002, § 220-62)

Sec. 46-4. - Storage of recreational equipment, trailers, or vehicles.

The storage of any recreational equipment, trailers, or vehicles in any residential district shall be subject to the following:

- (1) Such recreational equipment, trailers, or vehicles must be owned by the resident of the dwelling.
- (2) All recreational vehicles parked or stored in a residential area shall not be connected to sanitary facilities, shall not be occupied, and shall be locked at all times.
- (3) The parking of one boat in residential driveways from May 1 to October 1 is permitted.
- (4) No more than two vehicles or units shall be stored on a zoning lot except that in no instance shall storage of such occupy more than ten percent of a rear yard.
- (5) Storage may be permitted in a rear yard only and subject further to the applicable provisions of section 46-5.

(Code 2002, § 220-63)

Sec. 46-5. - Accessory buildings, structures, and uses.

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

- (1) Where an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this chapter, applicable to principal buildings.
- (2) Accessory buildings or structures may be erected in a rear yard or in a side yard which is in excess of the side yard setback unless otherwise provided in this chapter. Accessory buildings and structures are not permitted in a front yard.
- (3) In no instance shall an accessory building or structure exceed the ground floor area of the principal building.
- (4) In the case of double frontage lots, accessory buildings and structures shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

- (5) Detached accessory buildings or structures in any residential district shall not exceed 14 feet measured to the eave line or 21 feet measured to the peak of the roof. However, in no case shall a detached accessory building or structure exceed the height of the structure on the lot.
- (6) Detached accessory buildings or structures shall not be closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (7) A single-family lot shall not have more than one accessory storage building or structure and one garage or detached carport.
- (8) Accessory buildings or structures shall be subject to the following floor area limitations:

<i>Lot Size (square foot)</i>	<i>Maximum Square Footage of Accessory Garages</i>	<i>Maximum Square Footage of All Accessory Buildings</i>
Less than 5,000	600	800
5,001—8,450	800	1,000
8,451—10,890	800	1,100
10,891—21,780	800	1,200
21,781—43,560	1,000	1,300
43,560+	1,200	1,400

- (9) A central air-conditioning unit shall be considered an accessory structure and may be placed on the site or lot as follows:
- One-family residential districts.* Central air-conditioning units shall be permitted in a rear yard when placed immediately adjacent to the residence. They may be permitted in a side yard which is greater than the minimum required side yard and when they are placed immediately adjacent to the residence. Air conditioners in side yards shall be screened from view through the use of evergreen plant materials. Such plant materials shall be maintained in a healthy growing condition.
 - One-family cluster uses and multiple-family residential districts.* Central air-conditioning units shall be so screened as not to be viewed from an adjacent public or private street. When adjacent to a building, they shall be obscured from view through the use of materials identical to those used in the main building they are to serve. Where units are not directly adjacent to a building, screening may be accomplished through the use of evergreen material at least the same height of the air conditioner, and surrounding the air conditioner so as to fully obscure it from view.
 - Nonresidential districts.* Central air-conditioning units shall, in all instances, be placed in a rear yard when side yards are less than 20 feet in width. When placed in side yards of greater than 20 feet in width, they shall be screened from view through the use of materials identical to those used in the main building at the point of placement of the air conditioner. When placed on the roof of a structure, they shall be fully obscured from view and shall not exceed 15 percent of the roof area.
- (10) Antennas, regardless of shape, may be permitted as an accessory structure subject to all applicable setback requirements and the following conditions:
- Roof-mounted antennas are permitted subject to the following conditions:
 - A roof-mounted antenna shall not exceed the maximum permitted height of the zoning district.
 - A roof-mounted antenna shall be located closer to the rear of the highest roof pitch of the building than to the front.
 - Ground-mounted antennas may be permitted subject to the following conditions:
 - The maximum height permitted shall be 14 feet.
 - Such antenna shall be located only in the rear yard area.
 - Such antenna may not be located within an easement.
 - View of such antenna from adjacent properties shall be softened by landscape plantings, or a combination of berms and plantings.

- c. In districts other than residential districts an antenna is permitted upon the roof of a main building upon the express written consent of the zoning administrator and subject to the height requirements of the district.
 - d. Antennas intended for short wave radio reception or transmission shall be permitted subject to the provisions of this section including height. However, a telescoping antenna may exceed the height of 14 feet on a temporary basis.
 - e. The foregoing conditions shall not apply to dish-type antennas that are less than one meter in diameter or diagonal dimension where application of such conditions will result in reception being impaired.
- (11) Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
- (12) In all office and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure, or by building design.
- (13) Where uncertainty exists as to the intent of this section of this chapter, the board of appeals shall establish a standard which, in its opinion, fulfills the intent.

(Code 2002, § 220-64; Ord. No. 535, § 1, 08-22-2011)

Sec. 46-6. - Special land uses.

The uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district. With the exception of group day care homes which shall only require approval by the planning commission, such uses may be permitted by the City Council after review by the planning commission. All uses under this section may be permitted and after public hearing, upon such conditions as are imposed after finding that the use is not injurious to the district and environs; is not contrary to the spirit and purpose of this chapter; is not incompatible with already existing uses in the area; would not interfere with the orderly development of the area; and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic. These uses require special consideration since they service an area beyond the city, require sizable land areas and/or create potential control problems with respect to adjacent land use and use districts, traffic, noise, appearance, and general safety. Reference to those uses falling specifically within the intent of this section is as follows:

- (1) Drive-in theaters possess the unique characteristic of being used only after darkness, have structures which could exceed the height requirements of most zoning districts and causing heavy concentrations of vehicular traffic. Drive-in theaters may be permitted in the I-2 District subject to the following conditions:
 - a. The proposed internal design shall receive approval from the zoning administrator and the city engineer as to adequacy of drainage, lighting and other technical aspects.
 - b. Points of ingress and egress shall be available to the outdoor theater from an abutting major thoroughfare as defined in the city master plan.
 - c. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.
 - d. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. A minimum of 50 stacking spaces shall be provided and no vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - e. The theater shall be enclosed by a six-foot-high obscuring fence, wall, or berm on those sides abutting a residential, office, or business district or public street. On those sides abutting a residential district, a landscaped berm, six feet in height shall be created in accordance with section 46-7 and section 46-8.
 - f. Drive-in picture screens shall not be permitted to face any public street and shall be located as to be out of the view from any major thoroughfare. The picture screen tower shall not exceed 65 feet in height.
- (2) Adult entertainment facilities.
 - a. *Intent.* In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of

them are concentrated under certain circumstances thereby having deleterious effects upon the adjacent areas. Special regulations of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones.

- b. *Definitions.* 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:

Adult bookstore means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

Adult mini-motion-picture theater means an enclosed building with a capacity for 50 or fewer persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons therein.

Adult motion-picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons therein.

Exotic cabaret means an establishment which features topless dancers, bottomless dancers, strippers, wet t-shirt contests, or similar entertainment.

Massage parlor means an enterprise of a nonmedical nature specializing in the manipulation of body tissues for remedial or hygienic purposes, as by rubbing, stroking, or kneading with the hand or instrument.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region or buttock or female breast.

- c. Massage parlors, as defined in this chapter, shall only be permitted in the B-1 Highway Service Districts, subject further to the following requirements and conditions:
1. The zoning lot shall not be adjacent to a one-family residential district.
 2. The zoning lot shall be so located as to abut a major thoroughfare right-of-way, and all ingress/egress to the site shall be directly from said major thoroughfare.
 3. Off-street parking shall be provided at a ratio of one space per 15 square feet of usable floor area in any waiting room, lobby, or similar use area plus one space per massage table or bench, plus one space per employee.
 4. All such establishments shall further comply with any other applicable codes or ordinances of the city.
- d. Adult bookstores, exotic cabaret, adult motion-picture theaters, adult mini-motion-picture theaters.
1. Adult bookstores, exotic cabaret, adult motion-picture theaters and adult mini-motion-picture theaters defined above shall only be permitted in the B-1 Highway Service District subject to the conditions of the district and following additional requirements:
 - (i) Not more than two such uses shall be permitted within 500 feet of each other.
 - (ii) It shall be unlawful to establish any such uses in a B-1 District if the zoning lot is within 300 feet of a residentially-zoned district, school, or library.
 2. The City Council, after receiving a report and recommendation from the planning commission, may waive the

locational provisions of this subsection if all of the following findings are made:

- (i) That the proposed use will not be injurious to nearby properties, and that the spirit and intent of this chapter will be observed.
 - (ii) That the proposed use will not enlarge or encourage the development of a skid row area.
 - (iii) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
 - (iv) That all applicable regulations of this chapter will be observed.
 - (v) That the proposed use of any adult bookstore, adult motion-picture theater, adult mini-motion-picture theater, or exotic cabaret within 300 feet of a residentially-zoned district, or that in the alternative, the provisions of subsection (2)d3 of this section have been met.
3. It shall be unlawful to hereafter establish an adult bookstore, adult motion-picture theater, adult mini-motion-picture theater, or exotic cabaret within 300 feet of a residentially-zoned district. This prohibition shall be waived upon presenting to the city planning commission a validated petition requesting such waiver, signed by 51 percent of those persons owning homes or residing within 300 feet of the proposed location, as measured between nearest property lines. The following conditions shall apply:
- (i) The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnesses the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.
 - (ii) The petition shall be a standardized form approved by the city. The petitioner shall obtain the forms from the zoning administrator or his assistant. Said forms shall be dated, numbered and all spaces pertaining to the identity of the petitioner, the proposed use, and the proposed location shall be filled in, signed by petitioner, and verified prior to their release to the petitioner.
 - (iii) The petition shall be applicable to only one petitioner at one proposed location for one of the uses listed thereon. The petition shall be filed with the City Clerk within 90 days from the date signed by the first person on the petition.
- (3) Airports and related uses. Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted in I-1 and I-2 Districts and shall be subject to the following conditions:
- a. Plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the planning commission for their review and action.
 - b. The area of the clear zone (see FAA definition) shall be provided for within the land area under airport ownership.
- (4) Commercial television, telephone and radio towers, and microwave and TV transmitting towers. Radio and television towers, public utility microwaves and public utility TV transmitting towers, and their attendant facilities, shall be permitted in I-1 and I-2 Districts provided that the following conditions are met:
- a. Such towers shall be located centrally on a continuous parcel of land. To meet area requirements as noted below, land need not be under single ownership. However, the applicant must have development rights for all land in question and, except for the construction of a tower and related facilities, all such land shall remain undeveloped.
 - b. Except as noted below, the distance of the tower from any property line shall be no less than the height of the tower.
 - c. In the following instances the planning commission can allow the distance of a tower from any property line to be reduced:
 - 1. Such reduction can result in a setback equal to no less than 30 percent of the height of the tower.
 - 2. The applicant must certify that the tower is engineered to fall wholly within the subject parcel in the event of any structural failure.
- (5) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education, and not operated for profit, shall be permitted in any use district, all subject to the following conditions:

- a. Buildings shall have setbacks of not less than 80 feet or as required by article XVI of this chapter, whichever is greater.
 - b. Height of buildings in excess of the minimum requirements may be allowed by the planning commission. In no instance, however, shall the height of a building be greater than its distance from any property line.
 - c. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures, and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
 - d. Access to such sites shall be provided directly from a major thoroughfare.
 - e. A minimum area of 40 acres of land is required.
- (6) Sewage treatment and disposal installations is subject to the following conditions:
- a. All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
 - b. Any use shall comply with all regulations for I-1 Industrial Districts.
 - c. All operations shall be completely enclosed by a chain link fence not less than six feet high.
 - d. All operations and structures shall be surrounded on all sides by a transition strip at least 200 feet in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installation. The planning commission shall approve all treatment of transition strips.
- (7) The excavation of peat, muck, sand, gravel, clay, shale, or other natural mineral deposits including the quarrying of rock minerals, except oil, may be authorized by the City Council following review and recommendation by the planning commission. The following procedures, conditions, and safeguards outlined below shall apply:
- a. All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
 - b. Topsoil shall not be stripped, excavated, or otherwise removed on any premises for sale or for any other use than on the premises on which the topsoil was originally located, except when as a product of an authorized excavation of other soils as provided in this section. This provision shall not be construed, however, to prohibit sod farm operations.
 - c. In addition to a site plan, the applicant shall submit conceptual plans and proposals for the reuse of the property after completion of excavation. At a minimum, such plans are to provide rehabilitation of the excavated area so that the proposed site, when rehabilitated, shall be in a condition of being lacking in hazards and be inconspicuous and blend into the natural ground form of the area. Such plans shall be drawn at a scale of no less than one inch equals 100 feet and shall include proposed roads, uses, landscaping and topography drawn with two foot contour intervals. Cost estimates for the proposed improvements are required.
 - d. The applicant shall file with the City Council a performance bond in such amounts the City Council shall deem sufficient to ensure completion of the work following excavation pursuant to the conditions as set forth in this section.
 - e. No fixed machinery shall be erected or maintained within 50 feet of any property or street line.
 - f. All uses shall be enclosed by a fence, adequate to prevent trespass, eight feet or more in height, for the entire periphery of the excavation area. The top of the slope of the excavation shall not be closer than 50 feet to the property line.
 - g. No slope shall exceed an angle with the horizontal of 45 degrees.
 - h. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.
 - i. No building shall be erected on the premises, except as may be permitted elsewhere in this chapter, or except as temporary shelter for machinery and field office subject to approval by the planning commission.
 - j. The planning commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.
 - k. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the city in general.
 - l. Proper measures, as determined by the planning commission, shall be taken to minimize the nuisance of noise and

flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling of excavated materials on the site.

- m. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal to vertical). A layer of arable topsoil, of a quality approved by the City Council, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four inches in accordance with an approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the planning commission.
 - n. All areas within any single development shall be rehabilitated as they are worked out or abandoned so that they shall comply with the rehabilitation plan as approved by the issuance of the special use permit provided in subsection (7)b of this section.
 - o. Any extension of quarrying operations beyond the property lines actually quarried at the effective date of the ordinance from which this chapter is derived shall be considered as a new operation and shall require a special use permit.
- (8) Automobile service stations, as defined in section 46-67, not including oil change facilities or automobile repair establishments, may be permitted in CBD and B-1 Districts with the issuance of a special land use permit which complies with the requirements of this section and all other applicable standards of the district in which it is located.
- a. *Intent.* It is the intent of this subsection to exercise a measure of control over service station buildings and their sites and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:
 1. Promote the type of development which will be comparable with other land use activities located in areas where service stations will be constructed.
 2. Control those aspects of service station design, site layout, and operation which may, unless regulated, be damaging to surrounding uses of land.
 3. Minimize the traffic congestion and safety hazards which are inherent in service station activity.
 - b. *Site development standards.*
 1. Automobile service stations shall be subject to Article XVI of this chapter, limiting the height and bulk of buildings, the minimum lot size and minimum setback requirements of the district in which it is located. However, the service station building or buildings shall be set back 50 feet from all street right-of-way lines and in no case shall a service station building be located closer than 25 feet to any property line in a residential district.
 2. Automobile service stations located in the Central Business District (CBD) shall provide a landscaped lawn area, not less than five feet wide, directly abutting all property lines adjacent to public thoroughfares, excluding approved driveways. The lawn area shall be landscaped in accordance with section 46-8 and shall contain at least one tree for each 40 linear feet or fraction of frontage and one shrub for each ten linear feet or fraction of frontage abutting a public thoroughfare.
 3. Gasoline station canopies shall comply with the requirements of section 46-517.
 4. The requirements of section 46-15 shall apply. However, no more than two driveway approaches shall be permitted directly from any major thoroughfare and not more than one driveway approach from any minor street. In addition, a maximum of two drives may be permitted for interior parcels and three drives for corner parcels, subject to compliance with the spacing standards of section 46-15.
 5. The automobile service station site shall have at least one property line on a major thoroughfare.
 6. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
 7. All equipment and activities associated with service station operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
 8. Inoperative vehicles left on the site shall be stored overnight within an enclosed building or in an area screened by an opaque fence not less than six feet in height. Such inoperative vehicles may be stored on site for a maximum of

48 hours.

9. There shall be no storage of loose body parts, trash, tires, supplies, or equipment outside of an enclosed building. Prohibited activities include, but are not limited to, the following: steam cleaning of vehicle interiors, repair, painting and/or detailing of automobile exteriors, engine overhauling, sales of new or used motor vehicles, or the parking of motor vehicles for a rental fee.

c. *Site plan review.* Automobile service stations for which application for a special land use approval is made shall also be subject to site plan review in accordance with the requirements of section 46-20.

(9) Group day care homes, as defined in 46-67, may be permitted by the planning commission as an accessory use to a principal residential use in the R-LD and R-MD, One Family Residential Districts, R-HD, Multiple Family Residential District, R-PC, Residential Planned Community District, OS, Office Service District and the CBD, Central Business District, with the issuance of a special land use permit which complies with the requirements of this section, all applicable standards of the district in which it is located, and the following conditions:

- a. The state licensee shall occupy the dwelling as a residence and shall operate the day care home.
- b. If the day care home is located on a major thoroughfare, the driveway shall be designed so that vehicles can exit the site without having to back onto the street.
- c. The hours of operation shall be limited to the period between 6:00 a.m. and 8:00 p.m.
- d. No signs shall be permitted.
- e. The group day care home shall not be located closer than 1,500 feet from another group day care home. The distance required shall be measured from the respective point on each property line that is nearest to the other.
- f. No more than one employee shall be permitted on the premises at any time, and any vehicle owned by such employee must be parked in an approved area on the premises. The above limitation on the number of employees does not include immediate family members of the licensee that are employees and occupy the dwelling as his permanent residence.
- g. The facility provides and maintains on the lot not less than 900 square feet of outdoor play space.
- h. The outdoor play space shall be confined to the side and rear yards and shall be enclosed by a four foot high fence that complies with all requirements of section 46-9.

(Code 2002, § 220-65; Ord. No. 531, § 1, 10-11-2010)

Sec. 46-7. - Landscaping.

For any development other than a single-family and two-family residence a detailed planting plan (landscape plan) shall be provided for any yard abutting a street and for any areas requiring a buffer or plantings by this chapter. Such plans shall be submitted for approval prior to the issuance of a building permit and shall be prepared in accordance with the following:

(1) *Planting plan specifications.*

- a. Minimum scale of one inch equals 50 feet.
- b. Existing and proposed contours with contour interval not to exceed two feet.
- c. The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required buffer or landscaped area.
- d. Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
- e. Significant construction details to resolve specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
- f. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- g. A tree survey identifying the location and species of existing trees six inches or greater in caliper, measured at 12 inches

off the ground, and identifying which trees are to be preserved.

h. When determining the caliper of trees, measurements shall be taken at twelve inches off the ground.

(2) *Plant material sizes and spacing.*

- a. Plant materials shall not be placed closer than four feet to the fence line or property line.
- b. Evergreen trees shall have a starting size of at least seven feet in height. When planted in informal groupings, they shall be spaced not more than 20 feet on center. When planted in rows, they shall be spaced not more than 12 feet on center.
- c. Narrow evergreens shall have a starting size of at least six feet in height. When planted in informal groupings, narrow evergreens shall be spaced not more than ten feet on center. When planted in rows, they shall be spaced not more than five feet on center.
- d. Deciduous trees shall have a minimum starting size of 3½ caliper inches. They shall be planted not more than 30 feet on center when placed in informal groupings.
- e. Shrubs shall have a starting size of at least 24 inches in height, and spread and planted not more than four feet on center.

Plant Materials: Spacing and Sizes

Maximum Spacing

Type of Plant Material	Grouping (feet)	Rows (feet)	Minimum Starting Size
Evergreen trees	20	12	7 feet high
Narrow evergreen trees	10	5	6 feet high
Deciduous trees	30	—	3½-inch caliper
Shrubs	6	4	24 inches high and spread

(3) *Parking lot landscaping.*

- a. In an I-1 or I-2 District, one tree for each 4,000 square feet of the total of the paved driveway and parking lot surface is required.
- b. In all other districts, one tree shall be required for each 3,000 square feet of paved driveway and parking lot surface, provided that no fewer than two trees are provided.
- c. Trees shall be distributed evenly throughout the parking area and each tree shall be provided with an open land area of not less than 150 square feet to provide area for infiltration and with a minimum diameter of six feet at the trunk of the tree for protection. If a sprinkled irrigation system is provided, the open land areas can be reduced to no less than 75 square feet. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

(4) *Buffering.* A landscape buffer, in accordance with the following specifications, shall be provided adjacent to all public rights-of-way, excluding approved driveways:

- a. A required buffer area shall have a minimum width of ten feet.
- b. All required buffer areas shall contain at least four shrubs for each 20 linear feet, or fraction of buffer area. If a screen wall, fence, or berm is used for all or part of the buffer area, a minimum of one shrub for each ten linear feet or fraction of wall, fence, or berm shall be provided.

- c. At least one tree for each 30 linear feet, or fraction of buffer area shall be provided.
 - d. In the CBD district, this section shall only apply to sites where a parking lot adjoins a public right-of-way.
- (5) *Existing trees.* The preservation and incorporation of existing trees is strongly encouraged. Furthermore, the planning commission may require the preservation of existing trees, as part of the site plan review process, when such preservation can be reasonably accommodated. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
- a. Each tree preserved that is between 2.5 inches to 5.9 inches diameter in size shall be calculated as a credit for one required tree. Each tree greater than six inches shall be calculated as two credits for required trees.
 - b. Paving or other site improvements shall not encroach upon the dripline of the existing tree to be preserved. During construction, tree protection fencing shall be placed ten feet beyond the dripline of the tree. The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. The planning commission may allow pedestrian pathways, driveways, or parking within the dripline upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials within the dripline is prohibited.
 - c. If trees used to meet the minimum requirements of this chapter or those to be preserved as part of the site plan approval are cut down, damaged, or destroyed, a sufficient number of trees shall be planted to equal or exceed the diameter of the tree that was to be preserved. Each replacement tree shall be a minimum of 3½ caliper inches at 12 inches above ground level, and seven feet in height when planted. Replacement trees are required to be planted within six months from the date that the zoning administrator notifies the property owner that such replacement is required. The planning commission or zoning administrator may allow a property owner to plant up to 50 percent of the replacement trees on other public or private property in the city, with the written consent of the owner of the property on which the replacement trees are to be planted.
- (6) *Maintenance.* Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy, growing condition with a neat and orderly appearance. If any plant materials required by this chapter die or become diseased, they shall be replaced within 30 days of written notice from the city or within an extended time period as specified in said notice.
- (7) *Timing.* The landscaping shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials to provide the necessary affect. Final certificate of occupancy shall be withheld until plantings have been installed and approved. A temporary certificate of occupancy may be issued in the interim.

<i>Suggested Plant Materials</i>	
Plant Material Type	Plant Name
Evergreen trees	Juniper, Hemlock, Pine, Spruce, Douglas Fir, Fir
Narrow evergreens	Columnar Honoki Cypress, Blue Columnar Chinese Juniper, Pyramidal Japanese, Pyramidal White Pine, Columnar Giant Arborvitae, Hicks Yew, Douglas Arborvitae, Swiss Stone Pine
Deciduous trees	Oak, Linden, Hackberry, Hop Hornbeam, Ginkgo (male), Hard Maples, Sweet Gum, Honey Locust (thornless), Birch, Beech, Sycamore, Hornbeam, Serviceberry, Hawthorn, Magnolia, Redbud, Rose of Sharon, flowering crabs, flowering dogwood

Shrubs	Honeysuckle, Mock-orange, Buckthorn, Pyracantha, Mugo Pine, Lilac, Euonymus, Ninebark, Bayberry, Savin Juniper, Viburnum, Forsythia, Sumac, Flowering Quince, Cotoneaster (Pekin, Spreading), Hazelnut, Border Privet, Pfitser Juniper, Yew
Trees not suggested	Box Elder, Poplars, Elms, Willows, Horse Chestnut (nut bearing), Catalpa, Silver Maple, Tree of Heaven

Notes. This list of suggested plant material is not intended to be all-inclusive but rather suggests certain material which is suitable for landscaping purposes.

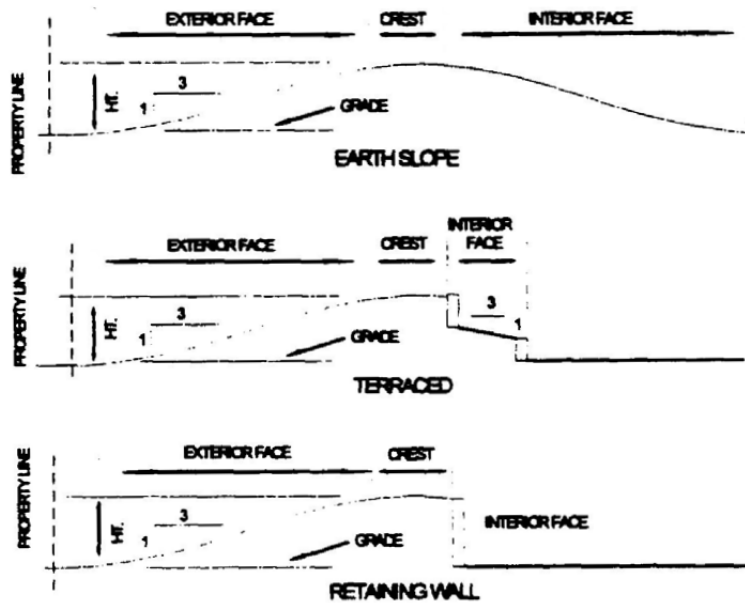
(Code 2002, § 220-66; Ord. No. 537, § 1, 2-27-2012)

Sec. 46-8. - Walls, fences, and berms.

- (a) For those zoning districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall, fence, or landscaped berm as required below, unless otherwise determined by the planning commission under subsection (g) of this section. The planning commission may require the use of a berm rather than a wall or fence. In lieu of a required wall, fence, or berm, the planning commission may, in its review of the site plan, approve the use of other existing or proposed natural or manmade landscape features (such as evergreens spaced ten feet on center) that would produce substantially the same results in terms of screening, durability, and permanence.

<i>Wall and Berm Requirements</i>	
District or Use	Height
P, OS, B-1, CBD Districts	6.0 feet
I-1 or I-2 District	6.0 to 10.0 feet
Off-street parking and circulation (other districts)	4.5 feet
Storage areas	6.0 to 10.0 feet
Utility buildings, stations, or substations	6.0 feet

- (b) The height of the wall, fence, or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall, fence, or berm.



- (c) In the case of a variable wall, fence, or berm height as noted above, the extent of the obscuring wall, fence, or berm shall be determined by the planning commission on the basis of land usage; provided, further, that no wall, fence, or berm shall be less than the above required minimum, nor greater than the above required maximum.
- (d) Berms shall be landscaped in accordance with section 46-7.
All obscuring fences shall be constructed with new, durable, weather resistant, and easily maintained materials. Chain link and barbed wire fences are not permitted for screening purposes.
- (e) Required walls or fences shall be located along the lot line except in the following instances:
- (1) Where underground utilities interfere.
 - (2) Where a landscaped street yard is required, the wall or fence shall be placed along the setback line.
 - (3) A wall or fence may be located on the residential side of an alley when mutually agreeable to the property owners and if approved by the zoning board of appeals.
- (f) In those instances where the following conditions occur, the wall, fence, or berm may be waived by the planning commission:
- (1) The abutting or adjacent land is proposed on the city master plan of land use as a use other than residential.
 - (2) The abutting or adjacent land is developed for a use other than residential.
 - (3) The planning commission determines that the abutting or adjacent residential district will become nonresidential in the future.
 - (4) The abutting or adjacent residential district has physical characteristics which preclude the necessity of a wall, fence, or berm. Such conditions include, but are not necessarily limited to:
 - a. An abrupt rise in grade on the abutting or adjacent district.
 - b. Heavily wooded or landscaped areas that will buffer as effectively as a wall or berm.
 - c. Other natural or manmade features that will buffer the abutting or adjacent residential districts as effectively as a wall, fence, or berm.
- (g) Berms shall have a maximum slope of 3:1 (three-foot horizontal to one-foot vertical). All berms shall have a rounded crest, at least two feet in width and shall be constructed of clean fill.
- (h) Walls, fences, and berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter or approved by the planning commission.
- (i) All walls herein required shall be constructed to specifications approved by the building inspector. Walls shall be constructed of brick or have brick veneer on the side facing the residential district. A wall that is constructed of poured concrete which simulates standard brick facing is also acceptable. The top of the wall shall be finished or capped to provide positive drainage.

- (j) The planning commission may require that a wall be varied in height or stepped to match adjacent existing walls or to ensure that adequate sight distance is assured, provided that in no instance shall a required wall, fence, or berm be permitted to be less than 36 inches in height.

(Code 2002, § 220-67; Ord. No. 537, § 1, 2-27-2012)

Sec. 46-9. - Fences and hedges.

- (a) The issuance of an approved fence permit shall be required prior to commencing construction of a proposed fence or prior to replacing or rebuilding more than 50 percent of an existing fence. The zoning administrator or his designee shall examine all applications for fence permits, and if it appears that the application complies with all of the provisions of this chapter of this Code, does not appear to violate any other applicable law and all applicable fees have been paid, a fence permit shall be issued to the applicant. The applicant shall notify the zoning administrator or his designee when the fence has been completed, and the zoning administrator or his designee shall examine the construction to ensure that it complies with the standards of this chapter and the issued permit. Any permit granted under this section shall become null and void after six months from the date of granting such permit unless the zoning administrator or his designee has approved the construction after final inspection, prior to the expiration of the six-month period.
- (b) Nonconforming fences. Existing fences that do not comply with all provisions of this chapter may be replaced or reconstructed, as long as not more than 50 percent of the total fence on the property is replaced or reconstructed over the life of the original fence. Nothing herein is intended to prohibit general maintenance and minor repairs necessary to ensure that the fence is not a threat to the safety of persons or property.
- (1) *Application.* Application for a fence permit shall be made on forms provided by the zoning administrator or his designee and shall include the following information. A fence permit shall not be required for maintenance of existing fences, including the replacement or rebuilding of fence areas that comprise less than 50 percent of the existing fence.
- a. Name, address, and signature of applying landowner.
 - b. A site drawing that shows the exact location of the proposed fence.
 - c. The height of the proposed fence.
 - d. The type of construction materials to be used.
 - e. Estimated dates of construction.
 - f. The name and address of the proposed contractors, if any, who will be constructing the fence.
 - g. A drawing or other descriptive information detailing the type, style, and pattern of the proposed fence.
 - h. If the proposed fence will be erected on a property line, the application shall be signed by the adjoining landowners. If the applicant is unable to obtain a neighbor's signature, such requirement may be waived by the zoning administrator.
 - i. A drawing identifying the location of all other fences, to remain or to be eliminated, within ten feet of all property lines.
- (2) *Fees.* The fees for a fence permit shall be determined from time to time by resolution of the City Council.
- (3) *Location.*
- a. Front yard.
 1. When located within the front yard, fences and hedges shall have a maximum average height of 36 inches, measured from the finished grade at the property line, and shall be set back a minimum of one foot from the sidewalk. No part of a fence may exceed four feet in height in a front yard.
 2. When located within the front yard, fences shall be of an ornamental nature, including picket, split rail, or wrought-iron-style fencing, with at least 50 percent open spaces, uniformly distributed along the surface of the fence. Wire and chain link fencing is prohibited in front yards.
 - b. In side or rear yards in residential districts, no fence or hedge shall exceed a height of six feet in any side or rear yard. In commercial and industrial districts, no fence shall exceed a height of eight feet in any side or rear yard.
 - c. No fence shall be located in such a manner as to create a dead space between an existing fence or building and the

proposed fence.

- d. No fence or hedge shall materially obstruct the vision of motorists at street intersections or at the intersection of a driveway and any street, sidewalk, or right-of-way line.
- (4) *Dilapidated or dangerous fences.* It shall be the duty of each property owner to ensure that all fences on the property are installed and maintained plumb, with adequate support and footings, and in a safe and sightly manner. The zoning administrator or his designee is hereby authorized to order the removal or repair of fences that are dangerous, damaged, paint peeled, or otherwise in violation of this chapter or state or federal law.
- (5) *Swimming pool fences.* Except as otherwise provided in this chapter, every swimming pool with a depth of 24 inches at any point and/or a volume of 150 cubic feet or more must be maintained within an adequate enclosure surrounding the pool area.
- a. The pool enclosure shall extend not less than four feet above the ground. All enclosures shall be self-closing and self-latching with latches placed at least four feet above the ground. No opening in a pool enclosure fence or gate shall be designed or maintained so as to permit access to the pool except under the supervision of the pool owner or by his permission.
- b. Pool enclosure fences shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening or under the fence. Pool enclosure fences shall be designed to withstand substantial (200 pounds per square foot) concentrated horizontal loads at any point in the fence.
- (6) *Materials.* Fences shall be constructed with substantial and durable materials, except that welded wire and barbed wire materials shall only be used in agricultural or industrial zones and except that electrified fencing, or material such as scrap wood, metal panels, extrusions, stampings, forgings, or other materials not intended to be used for standalone fences, shall not be permitted within or adjacent to any residential or business district, except as otherwise provided in this chapter.

(Code 2002, § 220-68; Ord. No. 530, § 1, 10-11-2010)

Sec. 46-10. - Floodplain regulation.

- (a) The purpose of these regulations is to protect those areas of the city which are subject to periodic inundation from floodwaters of the major rivers, their branches and tributaries within the city so that the reservoir capacity shall not be significantly reduced, thereby creating changes to areas previously not so endangered in time of high water, or to impede, retard, accelerate, or change the direction of the flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. Said regulations, while permitting reasonable use of such properties, will help protect human life, safety, health, and general welfare, and prevent or minimize material or economic losses, through public aid and relief efforts occasioned by the unwise occupancy of such flood areas. All land and land uses within the floodplain area shall be subject to the requirements specified herein, in addition to the zoning district requirements of the zones which said lands are located.
- (b) The floodplain within the city is all of the land which would be inundated during the base (100-year) flood. The flood insurance rate map for the city (United States Department of Housing and Urban Development, Federal Insurance Administration, Community-Panel Number 260068 0005 A, effective January 2, 1981), serves as the official floodplain zoning map. This flood insurance rate map takes precedence over all prior maps and may be subject to alteration with any significant change in land use, including the indirect impact of such a change that seriously impedes, retards, accelerates, or changes the direction of flow or carrying capacity of the watercourse or which otherwise increases the possibility of flood. The official floodplain zoning map is on file at the office of the City Clerk.
- (c) Notwithstanding any other provisions of this chapter within the floodplain, no building or structure shall be erected, converted or structurally altered, and no land and/or structure shall be used, except for one or more of the following uses:
- (1) Open space uses, such as crop farming and gardening (not including related buildings), parks, playground, golf courses, nature preserves, bridle trails and nature paths, private and commercial recreation, and other similar open spaces.
 - (2) Public rights-of-way, private drives and off-street parking uses, provided that all parking shall be at grade level and in conformance with the provision of this chapter.

- (3) Public utility facilities, provided that utilities are constructed or elevated to withstand flood damages and are as further regulated in this chapter.
- (4) Storage yards for material and equipment, not including flammable liquids, herbicides, pesticides, fertilizers or toxic agents.
- (d) Any use provided for within this chapter as permitted and regulated within the zoning district shall be permitted within the floodplain, provided:
 - (1) The use pattern and the structure proposed to accomplish said use shall be so designed as to not significantly reduce the impoundment capacity of the floodplain and the flow of water by the use of stilts, cantilevering, or such other design techniques which will place the desired buildings above the intermediate regional flood high water level of the site in a safe manner so said structure or building will withstand the anticipated velocity of the floodwater, and not suffer flood damage.
 - (2) All buildings substantially improved or newly constructed shall have a minimum floor elevation of the intermediate regional flood and shall further incorporate elevation for floodproofing of the structure and all attendant utility and sanitary facilities up to the level of the intermediate regional flood.
- (e) Prior to the issuance of a building permit for structures on/or adjacent to floodplain areas, the zoning administrator shall require the applicant for such permit to submit topographic data, engineering studies, proposed site plans, or other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by technically qualified persons. Review of the data submitted on an application for special use permit shall be processed according to the procedures described in section 46-586, Notice of public hearing.
- (f) Dumping or backfilling in the floodplain areas with any material in any manner is prohibited unless, through compensating excavation and shaping of the floodplain, it is provided that the flow and natural impoundment capacity of the floodplain will be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the floodplain would thereby result. Where there is dumping, backfilling, or excavation, in any manner, adequate site plan and engineering drawings shall be submitted to the zoning administrator which must effectively show the final results of such action.
- (g) It is the intent of this chapter to permit existing uses to continue in the floodplain until they are removed, but not to encourage their survival. It is recognized there exist within the floodplain, as defined by this chapter, lots and structures which were lawful before this chapter was passed or amended, which would be prohibited, regulated, or restricted under terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the floodplain. It is further the intent of this chapter that illegal uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited in the floodplain.
 - (1) Should a structure located in the floodplain, as defined by this chapter, be damaged by any means to an extent of more than 50 percent of the structure's pre-catastrophe market value, as recorded by the assessing officer, it shall not be reconstructed. The damage to the structure is the expenditure necessary to return the structure to its condition before destruction and shall be determined by the zoning administrator, who shall:
 - a. Receive an estimate of the structural damage.
 - b. Receive a figure representing the difference between the pre-catastrophe market value of the structure and the post-catastrophe value as determined by the assessing officer.
 - c. Divide the sum of the figure derived in subsection (g)(1)a from the zoning administrator and in subsection (g)(1)b from the assessing officer by two.
 - (2) Any building damaged by any means to an extent of less than 50 percent of the structure's pre-catastrophe market value, as recorded by the assessing officer, may be modified, repaired, or replaced, but any alterations must incorporate floodproofing of utility and sanitary facilities up to the level of the intermediate regional flood. The costs of said improvements for floodproofing shall not be included in determining the damage costs.

The board of appeals may permit reconstruction of a use if it is protected against flood damage, is not located in the floodway, and not allowing reconstruction would create undue hardship in the appellant.
- (h) Under no circumstances shall the city incur any liability whatsoever for the granting of any use or building in floodplain areas.

(Code 2002, § 220-69)

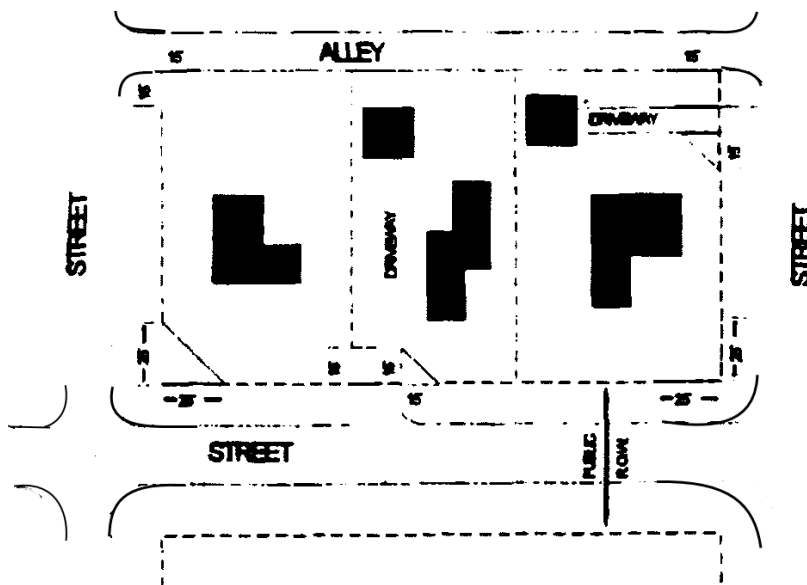
Sec. 46-11. - Exterior lighting.

- (a) All outdoor lighting in all use districts used to illuminate the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- (b) All outdoor lighting in all use districts shall be directed toward and confined to the ground area of lawns or parking lots.
- (c) All lighting of nonresidential uses for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- (d) All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
- (e) Parking lot lighting shall not exceed an intensity of five footcandles, nor shall it be less than 1½ footcandles.
- (f) Exterior lighting shall in no way imitate directional or traffic lighting.

(Code 2002, § 220-70)

Sec. 46-12. - Corner clearance.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of 15 feet from their point of intersection. In those instances where such triangular area cannot be constructed on the property in question, a 15-foot setback shall be required between the property line and the driveway or alley (see sketch).



(Code 2002, § 220-71)

Sec. 46-13. - Access to a street.

Any lot of record created after the effective date of the ordinance from which this chapter is derived shall have at least 20 feet of frontage on a public street. Any one lot of record created before the effective date of the ordinance from which this chapter is derived without any frontage on a public street shall not be occupied without access provided by an casement or other right-of-way no less than 20 feet wide.

(Code 2002, § 220-72; Ord. No. 552, § 1, 5-26-2015)

Sec. 46-14. - Residential entranceway.

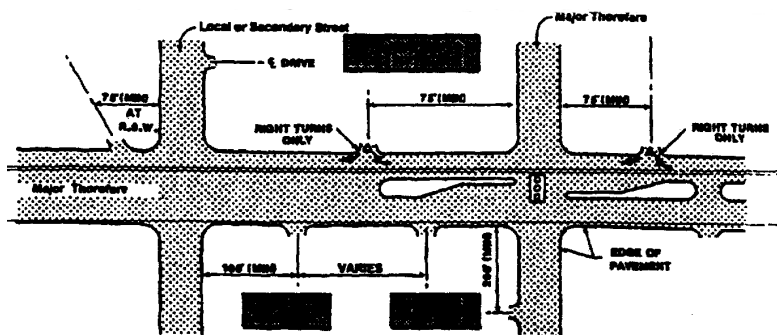
In all residential districts, so-called entranceway structures, including, but not limited to, walls, columns and gates marking entrances to single-family neighborhoods or multiple-housing complexes, may be permitted and may be located in a required yard, except as provided in [section 46-12](#), provided that such entranceway structures shall comply with all codes of the city and shall be approved by the zoning administrator and building inspector. Site plan review by the planning commission is not required.

(Code 2002, § 220-73)

Sec. 46-15. - Access management.

- (a) *Generally.* The standards of this section are intended to promote safe and efficient travel within the city; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always by the most direct route.
- (b) *Standards.* The following standards shall apply to all uses except residential developments involving fewer than five dwelling units. However, if it appears that there would be unusual difficulty encountered in meeting these requirements because of grade changes, existing or proposed intersections, driveways, bridges, or other land restrictions, the planning commission may waive or modify the requirements of this section, if recommended by the city engineer and, if located on a state trunkline, the state department of transportation.
- (1) Acceleration deceleration passing lanes:
- Driveways providing ingress and egress to all two-lane, paved major thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes, if recommended by the city engineer and, if located on a state trunkline, the state department of transportation.
 - Driveways providing ingress and egress to all three-lane, paved major thoroughfares shall be provided with paved acceleration and deceleration lanes, if recommended by the city engineer and, if located on a state trunkline, the state department of transportation.
 - Driveways providing ingress and egress to roads of four or more lanes shall be provided with paved tapers or turning lanes, if recommended by the city engineer and, if located on a state trunkline, the state department of transportation.
 - Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the city engineer, and, if located on a state trunkline, the state department of transportation.

(2) Driveway spacing:



- If a driveway curb radius extends beyond the frontage of the property, written consent from the affected adjacent property owner allowing the design shall be provided.
- Except where a center median or boulevard is provided, to reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a

minimum of 150 feet from those on the opposite side of the roadway.

- c. Minimum driveway spacing requirements shall be determined based on posted speed limits along the parcel frontage, as indicated in the following table:

<i>Posted Speed (mph)*</i>	<i>Minimum Driveway Spacing (feet)</i>
30	125
35	150
40	185
45	230
50	275
55	350
* Or the corresponding metric equivalent	

- (c) *Distance from intersecting streets.* Driveway spacing from an intersection shall be measured from the centerline of the driveway to the closest edge of the nearest travel lane on the intersecting street. The required minimum distance between a driveway and an intersecting street varies as follows:

<i>Intersecting Street</i>	<i>Full Movement Driveway</i>	<i>One-Way Drives</i>
Major thoroughfare	250 feet	100 feet
Signalized major thoroughfare	200 feet	75 feet
Local or secondary thoroughfare	100 feet	75 feet

- (d) *Number of driveways.* Where driveway spacing standards can be met (outlined in subsection (b) of this section), an individual parcel, or contiguous parcels under the same ownership shall be permitted one two-way driveway or a paired one-way driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic. In the following instances, the planning commission may allow more than one driveway:

- (1) Developments that can demonstrate that the number of vehicle trip ends will exceed 3,000 during an average day (or will be used by 300 or more vehicles during the peak hour of traffic for either the thoroughfare or the use), and lacking access to a second street, a second driveway may be allowed along the major thoroughfare provided that the additional driveway can meet the spacing standards of subsection (b) of this section.
- (2) For parcels with arterial frontage of at least 300 feet, one additional driveway may be allowed, with another driveway allowed for each 300 feet of frontage thereafter, provided that these driveways meet the standards of subsection (b) of this section.
- (3) Where parcels have frontage on more than one street the planning commission may allow the provision of two drives; one to each street provided that the standards of subsections (b) and (c) of this section are met.

- (e) *Alternative means of access.* To reduce the number of curb cuts to the city's major thoroughfares, alternative means of access shall be encouraged in general. However, due to the driveway spacing standards specified in subsection (b) of this section, a shared driveway may be the only design solution that will be permitted. In such cases the following alternative means of access may apply:

- (1) *Shared driveways.* Sharing or joint use of a driveway by two or more property owners shall be encouraged. The shared driveway shall be constructed along the midpoint between the two properties. If a written easement is provided which allows traffic to travel across one parcel to access another, or access the public street, the driveway can be located entirely on one parcel.

- (2) *Frontage roads.*

- a. In cases where a frontage road exists, is recommended in a plan adopted by the planning commission and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the major thoroughfare.

- b. In areas where frontage roads are planned, but adjacent properties have not yet developed, the site shall be designed to allow for a future road. In such instances, the planning commission may temporarily grant individual parcels a direct connection to the major thoroughfare. A performance bond or other financial guarantee must be provided which ensures elimination of the direct access upon completion of the service road. Occupancy permits shall not be issued until such financial guarantee has been provided to the city.
- (3) *Parking lot connections.* All parking lots shall be designed in such a way as to allow for a connection to the parking lot of an existing or future use. Such connection shall be a minimum of 20 feet in width and shall be set back a minimum of 30 feet from the planned future right-of-way of adjacent roads.

(Code 2002, § 220-74; Ord. No. 552, § 1, 5-26-2015)

Sec. 46-16. - Performance standards.

Performance standards and requirements. Uses in all districts in the city, where permitted, shall comply with the following standards of performance. Generally accepted methods of collection and standard methods of chemical analysis shall be used in the application of these standards.

- (1) *Displacement.* No operation shall cause a displacement exceeding 0.003 of one inch as measured at the boundary property line. In addition, the following specific regulations shall apply:
- Stamping machines, punch presses, and press brakes must be placed on shock-absorbing mountings and on a suitable reinforced concrete footing. No machine shall be located beyond the capacity as prescribed by the manufacturer.
 - For punch and stamp presses, other than hydraulic presses, up to 20 tons' capacity permitted when at least 200 feet from the nearest residential zone.
 - For hydraulic presses, up to 150 tons' capacity permitted when at least 200 feet from nearest residential zone.
 - All press brakes must be located at least 300 feet from a residential district.
- (2) *Noise.* Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. In all districts, noise, as measured at the boundary property line, may not exceed 85 dbA between the hours of 6:00 a.m. and 10:00 p.m. and shall not exceed 70 dbA between the hours of 10:00 p.m. and 6:00 a.m., and must comply with requirements of this Code. In I-2 Districts, noise shall not exceed 85 dbA and must also comply with all provisions of this Code.
- (3) *Air contaminants.* It shall be unlawful for any person, firm, or corporation to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except smoke of a density equal to but not darker than No. 2 of the Ringelmann chart may be emitted for not more than 3 minutes in any 30-minute period; smoke of a density equal to but not darker than No. three of the Ringelmann chart may be emitted for not more than three minutes in any 60-minute period, but such emissions shall not be permitted on more than three occasions during any 24-hour period.
- (4) *Particulate matter and dust.* Particulate matter or dust, as measured at the discharge stack emission point and by any generally accepted manner, shall not be emitted in excess of 0.3 grains per cubic foot of flue gases at a stack temperature of 500 degrees Fahrenheit. when the excess air does not exceed 50 percent at full load, except for periods of four minutes in any one-half hour, when it can equal but not exceed 0.5 grains per cubic foot of flue gases at a stack temperature of 500 degrees Fahrenheit. when the excess air does not exceed 50 percent at full load.
- (5) *Odor.* The emission of odors which are generally agreed to be obnoxious to any considerable number of persons at their place of residence or employment shall be prohibited.
- (6) *Gases as measured at the property line.* SO₂ gas shall not exceed an average of 0.3 p.p.m. over a 24-hour period; provided, however, a maximum concentration of 0.8 ppm will be allowed for a one hour period out of a 24-hour period; H₂S shall not exceed 0.1 ppm; fluorine shall not exceed 0.1 ppm; nitrous fumes shall not exceed five p.p.m; CO shall not exceed 15 ppm.
- (7) *General requirements.* In addition to subsections (3) through (6) of this section, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such

persons or the public or which cause injury or damage to business or property.

- (8) *Toxic or hazardous material.* Any use permitted by this chapter shall be subject to the requirements and restrictions of federal, state, and municipal statutes such as, but not limited to: Act No. 64, PA 1979 (MCL 324.11101 et seq.); Act No. 641, PA 1978 (MCL 299.401 to 299.437, repealed by PA 1994, No. 451 (MCL 324.90101 et seq.)); Act No. 245, PA 1929 (MCL 323.1 to 323.13a, repealed by PA 1994, No. 451 (MCL 324.90101 et seq.)); Act No. 348, PA 1965 (MCL 336.11 to 336.36, repealed by PA 1994, No. 451 (MCL 324.90101 et seq.)); Act No. 127, PA 1970 (MCL 324.1701 et seq.); Act No. 207, PA 1941 (MCL 29.3b et seq.).
- (9) *Glare, heat, and radioactive materials.* Arc welding, acetylene torch cutting, or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than 15 feet high as measured from the ground level adjacent to the structure concerned. Radioactive materials or harmful rays of any kind shall not be permitted to exceed quantities established as safe by the proper federal agency.
- (10) *Fire and safety hazards.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all state rules and regulations and as established by the Fire Prevention Act, Act 207, PA 1941, as amended (MCL 29.3b et seq.), and by applicable city codes. Further, all storage tanks of liquid materials above ground shall be located not less than 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank. In no instance shall the distance from the tank to the property line be less than 25 feet.

(Code 2002, § 220-75)

Sec. 46-17. - Waste receptacles.

A space for the location of waste receptacles shall be provided for each business, office, multiple-family, or industrial use. A space for waste receptacles shall be provided whether or not their use is intended and shall be located on-site, unless the property owner has legal access to a waste receptacle that is located in the same block, in reasonably close proximity to the subject property. Waste receptacles and enclosures may be permitted as accessory Use to any use except one-family and two-family residential. All waste receptacles shall comply with the provisions of section 46-5 and the following:

- (1) Waste receptacles must be clearly accessible to servicing vehicles.
- (2) A concrete pad, at least two feet greater than the dimension of the waste receptacle on all sides, shall be provided.
- (3) Waste receptacles shall be screened on all sides. Such screening shall be constructed of an earth mound, brick, or decorative concrete block material with a minimum height of six feet or one foot above the height of the enclosed dumpster, whichever is greater. Access gates must provide screening and may be of wood construction.
- (4) Waste receptacle enclosures may have a maze style pedestrian entrance or a pedestrian entrance with an opaque access gate.
- (5) The location of waste receptacles shall be indicated on the site plans and the location and screening shall be subject to approval of the zoning administrator, or of the planning commission when the planning commission reviews the site plan.
- (6) Waste receptacles and their screening enclosures shall be located in such a manner as to minimize impacts on adjacent properties by not obstructing or impeding views from windows, doorways, or outdoor gathering areas.
- (7) The location of waste receptacles shall be indicated on the site plans and the location and screening shall be subject to approval of the zoning administrator, or of the planning commission when the planning commission reviews the site plan.
- (8) Detail drawings or a note shall be provided on the plan to ensure that the above requirements are met.

This section shall not apply to portable trash containers intended for curbside pick-up.

(Code 2002, § 220-76; Ord. No. 545, § 1, 1-28-2013)

Sec. 46-18. - Access to major or collector thoroughfare.

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare, or collector street; provided, however, that access driveways may be permitted to other than a major thoroughfare, or collector street, where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, or collector street, is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future. This exception shall apply only if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

(Code 2002, § 220-77)

Sec. 46-19. - Keeping of animals.

(a) *Household pets.*

- (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals generally regarded as household pets, is permitted as an accessory use in any zoning district.
- (2) No more than three dogs, four months of age and older, shall be kept or housed in or at one dwelling unit.

(b) *Wild animals.* The keeping of wild animals, as defined in this chapter, shall be prohibited in any residential or agricultural zoning district.

(Code 2002, § 220-79)

Sec. 46-20. - Site plan review.

(a) Review and approval is required before a building permit may be issued for the construction of all structures and uses proposed in the city. Review and approval authority is as follows:

- (1) Administrative review and approval of a plot plan (see article XX, Administration and Enforcement) is required before a building permit may be issued for the following:
 - a. A plot plan must be submitted for review and approval by the zoning administrator before issuance of a building permit by the building inspector for the construction of any single-family or two-family dwelling.
 - b. A plot plan must be submitted for review and approval by the zoning administrator prior to issuance of a building permit for accessory structures and uses in any zoning district.
 - c. A plot plan and necessary detail drawings must be submitted for review and approval by the zoning administrator before a permit will be issued for the erection or modification of a sign.
 - d. A plot plan and necessary detail drawings must be submitted for review and approval by the zoning administrator prior to issuance of a building permit for structural and maintenance changes which do not expand a use.
 - e. Review and approval by the zoning administrator is required before a permit may be issued for any temporary structure or use.
- (2) Review and approval by the planning commission is required before a building permit or certificate of occupancy may be issued for any of the following:
 - a. Any building or use, authorized in any zoning district other than those items listed in subsection (a)(1) of this section.
 - b. Any building or use in any district permitted subject to special conditions or special land use other than those items listed in subsection (a)(1) above.
- (3) The zoning administrator can, at his or her discretion, require review and recommendation by the planning commission of any item that would be otherwise approved administratively.

(b) Site plans are to be reviewed in order to determine:

- (1) That the proposed use conforms to the uses permitted either by right, special conditions, or by special use permit in the respective zoning district.

- (2) That the dimensional arrangement of the site conforms to the required yard, setback, height, area, bulk, and site development requirements set forth in this chapter.
 - (3) That there is a proper relationship between the existing and proposed streets in order to assure the safety and convenience of pedestrian and vehicular traffic and accessibility to emergency vehicles.
 - (4) That the design, location, architecture, and fenestration of the proposed buildings and structures, as well as the location of all waste receptacle enclosures, fences, patios, parking, driveways, storm drainage facilities, grading, interior/exterior lighting, landscape, screening, buffering, and all other features of the site are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties.
 - (5) That as many natural features of the site shall be preserved where they can be useful to the development on the site, furnish a barrier or buffer between the project and adjoining properties, or where preserving natural features contributes to the general safety, health, and appearance of the area, i.e., controlling erosion or the discharge of stormwaters, etc.
 - (6) That any adverse effects of the proposed developments and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate site design, building architecture, screening, fencing or landscaping.
 - (7) That all buildings and structures are accessible to emergency vehicles.
 - (8) That the site plan, as approved, is consistent with the intent and purpose of zoning which is to promote the public health, safety and general welfare to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property and to facilitate the city future land use plan.
- (c) All site plans required to be reviewed by the planning commission or City Council shall be submitted to the zoning administrator along with a brief statement or description of the project and intended uses. Any covenants, master deeds, deed restrictions, restrictive covenants, use, and occupancy restrictions or joint parking agreements which may affect all or any part of the parcel shall also be submitted.
- (d) Site plans must be prepared by a licensed engineer, registered architect, licensed surveyor, or landscape architect. Each site plan shall include the following information:
- (1) *Basic plan requirements.*
 - a. Site plans shall be drawn to 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.
 - b. The name of the proposed development shall be clearly shown on the plan.
 - c. The plan shall include the date, North point, and scale. A location map drawn to a scale of no less than one inch equals 2,000 feet shall be included on the plan.
 - d. A copy of the legal description, including acreage, shall be included on the plan.
 - e. The applicant's name, address, and telephone number or the names and addresses of the person responsible for the preparation of the site plan. If the applicant is not the owner of the project a statement signed by the owner shall be submitted attesting that the applicant is acting on behalf of the owner. In addition the name, address, and telephone number of all persons, firms, or corporations with an ownership interest in the land shall be submitted.
 - f. 20 folded copies of the site plan shall be submitted.
 - (2) *Specific information.*
 - a. Existing and proposed lot lines and dimensions of the site including width, length, and frontage.
 - b. Acreage of site inclusive and exclusive of road rights-of-way.
 - c. Existing and proposed buildings.
 - d. Required and proposed setbacks must be dimensioned on the plan.
 - e. The existing zoning of the site and the zoning of all abutting parcels.
 - f. Driveways, sidewalks, paths, parking spaces and aisles, loading and unloading areas, fire lanes, acceleration and deceleration lanes, traffic control devices including dimensions, materials, and radii. In addition, the plan must show the

location and right-of-way widths of all abutting streets and alleys.

- g. The size and location of all proposed signs including regulatory and directional signs.
 - h. The height, materials, and location of all fences, walls, and berms.
 - i. The location, height, and shielding mechanisms for any proposed outdoor lighting.
 - j. The location, size, shape, area, and width of all condominium units.
 - k. A count of all proposed dwelling units and detailed floor plans shall be submitted for all multiple-family dwellings.
 - l. The use and location of any structures on adjacent properties within 50 feet of the parcel.
 - m. The boundary of any 100-year floodplain on or abutting the property.
 - n. The location of any state-regulated wetland on site or within 20 feet of the site.
 - o. Existing and proposed topographic contours on site and within 20 feet of the site at two-foot intervals, referenced to a USGS or NGVD benchmark.
 - p. Grades at building corners and floor and roof elevations.
 - q. The height of all proposed buildings and structures must be noted on the plan.
 - r. Elevation drawings of the proposed building faces.
 - s. Floor plans.
 - t. The location and screening details of waste receptacles. Turning radii shall be shown on the plan to ensure that the waste receptacle is located in a manner that will allow access by service vehicles.
 - u. The names of existing and proposed streets both on site and abutting the site.
- (3) *Landscape information.* A landscape plan shall accompany each site plan. Such landscape plan shall be drawn in accordance with section 46-7.
- (4) *Engineering details.* The inclusion of the following information is intended to identify potential discrepancies between planning and engineering objectives. Additional engineering information may be required following site plan approval.
- a. The use of city water and sewer services is required. The location of all existing and proposed utilities, including, but not limited to, water lines, valves, hydrants, storm and sanitary sewer lines, together with clear delineation of all easements to be granted to the city or others for installation, repair and maintenance of such utilities.
 - b. A storm drainage and stormwater management plan, including all conduits, swales, drains, detention basins and other facilities to be located within or outside the site plan shall be submitted.
- (5) *Compliance with chapter.* Such other information as may be required by the zoning administrator or approval bodies to ensure compliance with this chapter and other city ordinances.
- (6) *Certificate of occupancy.* All information required to be furnished pursuant to this section shall be kept updated until such time as a certificate of occupancy has been issued pursuant to the provisions of this chapter.
- (e) Conditional approval.
- (1) Reasonable conditions may be required with the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
- a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use of activity.
 - c. Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

- (2) The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the designated site plan approval body and the property owner. A record of conditions which are changed shall be maintained by the zoning administrator.
- (3) Upon approval of the plan, the designated site plan approval body shall sign three copies thereof. Two copies shall be kept by the city, and the third shall be returned to the applicant. All subsequent actions relating to the activity authorized by the approved site plan shall be consistent with the plan unless a change conforming with this chapter is supported by mutual agreement between the property owner and the designated site plan approval body.
- (f) A copy of the approved site plan and all revised approved site plans shall be so marked and placed on file, along with copies of any and all permits requested for the property in question. Revision of approved site plans can be made only by the designated body or officials who first gave initial approval. All provisions of a condominium subdivision plan which are approved in the site plan review process shall be incorporated into the master deed.
- (g) Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and with any revisions, amendments, or modifications made thereto. If construction and development does not conform with such approved plan, the approval thereof shall be revoked by the zoning administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.
- (h) Fees for the review of site plans and inspections, as required in this section, shall be established, and may be amended from time to time, by resolution of the City Council.
- (i) The approval of any site plan under this provision shall expire one year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one-year period, then such approval shall continue for a period of two years from the date thereof; provided, however, that should a lapse of more than six months in continuous substantial construction and development not occur, said approval shall expire. The building inspector shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired. Funds in escrow will be returned upon expiration of a site plan or completion of the project in a manner suitable to the building inspector.

(Code 2002, § 220-80; Ord. No. 570, § 1(220-80), 8-13-2018)

Sec. 46-21. - Architectural design standards.

The design for all new non-residential buildings in the CBD Central Business District, OS Office Service District, and B-1 Highway Service District must be approved by the planning commission as part of the site plan review and approval process. In evaluating building designs, the following minimum standards shall apply:

- (1) Exterior building material shall be composed of high-quality, durable, low maintenance materials such as brick, stone, glass, or tinted/textured concrete masonry units to the extent that said materials are consistent with other buildings in the surrounding area. The following materials are prohibited, except as architectural accent features covering not more than 25 percent of the exterior walls:
 - a. Smooth-faced concrete block.
 - b. Vinyl, wood, aluminum, or plastic siding.
 - c. Steel, metal, plastic, or fiberglass panels.
 - d. Synthetic stucco.
 - e. Reflective glass.
- (2) Buildings shall be finished on all four sides with the same materials and detailing.
- (3) Pitched roofs, if provided, shall have a minimum pitch of 6/12. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys, are encouraged. Flat roofs shall require parapet screening and cornice detailing.
- (4) The front facade of the building containing the primary customer entrance must face the public street. The planning commission may waive this requirement for buildings located within a planned commercial development or where, through

the use of shared access/parking facilities or other site characteristics, it is determined the front facade of the building would be more appropriately oriented in a different direction.

- (5) Overhead doors shall not face or be visible from the street, unless approved by the planning commission based upon a finding that the door is recessed back from the facade and properly screened from view of a street.
- (6) All mechanical equipment, including, but not limited to, heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location and screened from view of the street and adjoining residential uses.
- (7) Buildings shall be designed to reduce massive scale and a uniform/impersonal appearance through the use of windows, inviting entryways, awnings, dormers, columns, and wall offsets. At least 25 percent of all building walls that face a public street and at least ten percent of all side walls that are visible from a public street must be covered by windows.
- (8) Buildings must be constructed and maintained in strict compliance with the design approved by the planning commission as part of the site plan review process.
- (9) The planning commission may waive or modify the requirements of these standards where circumstances exist that justify said waiver or modification.

(Ord. No. 559, § 1, 2-27-2017)

Secs. 46-22—46-45. - Reserved.

ARTICLE II. - PURPOSE

Sec. 46-46. - Purposes.

It is the purpose of this chapter to promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the inhabitants of the city by encouraging the use of lands and natural resources in the city in accordance with their character, adaptability, and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provisions of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities: ensuring adequate provisions for food, natural resources, housing, and commerce, insuring appropriate locations and relationships for uses of land; and facilitating the expenditure of funds for adequate public facilities and services and the expenditure of funds for other public facilities and services, by establishing herein standards for physical development in accordance with the objectives and policies contained in the future land use plan for the city and to provide for the administration and enforcement of such standards.

(Code 2002, § 220-1)

Secs. 46-47—46-65. - Reserved.

ARTICLE III. - TERMINOLOGY

Sec. 46-66. - Rules of construction.

The following rules of construction apply to the text of this chapter:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between text of this chapter and any caption or illustration, the text shall control.
- (3) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.

- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the singular, unless the context clearly indicates the contrary.
- (5) The term "building" includes the term "structure." A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (8) The term "dwelling" includes the term "residence" and the term "lot" includes the term "plat" or "parcel."
- (9) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (10) Terms not herein defined shall have the meaning customarily assigned to them.

(Code 2002, § 220-3)

Sec. 46-67. - Definitions.

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

Accessory building means a building or structure located on the same lot with the principal or main building, or a portion thereof. An accessory building is detached from the main building. Where a structure is attached to a main building, it shall be considered a part of the main building.

Accessory use or accessory means a use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.

- (1) When the term "accessory" is used in this text, it shall have the same meaning as the term "accessory use."
- (2) An accessory use includes, but is not limited to, the following:
 - a. Residential accommodations for servants and/or caretakers.
 - b. Swimming pools, tennis courts, or similar recreation facilities for the use of the occupants of a residence, or their guests.
 - c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
 - d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 - e. Storage on the premises of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
 - f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations of the district in which the zoning lot is located.
 - g. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
 - h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
 - i. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
 - j. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such and has no signs or displays on the exterior of the building.

Adult foster care facility means a residential structure that is licensed to provide room, board, and supervised care, but not continuous nursing care, for unrelated adults 18 years of age or older, in accordance with Public Act 218 of 1979, as amended (MCL 400.701 et seq.), and the Adult Foster Care Administrative Rules as administered by the state department of social services. The following four types of adult foster care homes are provided for by these definitions:

- (1) *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- (2) *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care. Small group homes for six or fewer adults are permitted by right in all districts where single-family homes are permitted. Licensee is not required to be a member of the household or an occupant of the residence.
- (3) *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- (4) *Adult foster congregate facility* means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Agriculture means raising of crops, animals and animal products, forestry, and commonly accepted agricultural operations for commercial purpose including the sale of products grown on the premises.

Airport means a tract of land that is maintained for the takeoff and landing of aircraft and that has facilities for the shelter, supply, and repair of such aircraft.

Alley means any dedicated public way other than a street affording a secondary means of access to abutting property, and is not intended for general traffic circulation.

Alterations means any change, addition, or modification in construction or type of occupancy, or in the structural parts of a building; any enlargement of a building whether by extending a side or by increasing its height; or the moving from one location to another.

Amusement device means any machine, device, or contrivance which, upon the insertion of a coin, token, or similar object, or which requires payment for its use, may be operated by the public for use as a game, entertainment, or amusement, whether operated by hand, electricity or any other power.

Amusement device arcade means any establishment open to the public wherein the principal uses consists of coin-operated amusement devices operated for profit.

Antenna means a device designed for the reception or transmission of communication.

Apartment 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. The dwelling units in a multiple dwelling are defined as:

- (1) *One-bedroom unit* means a dwelling unit consisting of not more than two rooms, in addition to kitchen and necessary sanitary facilities, and for the purpose of computing density shall be considered as a two-room unit.
- (2) *Two-bedroom unit* means a dwelling unit consisting of not more than three rooms, in addition to kitchen and necessary sanitary facilities, and for the purpose of computing density shall be considered as a three-room unit.
- (3) *Three-or-more-bedroom unit* means a dwelling unit consisting of four or more rooms in addition to kitchen and necessary sanitary facilities. For the purpose of computing density, a three-bedroom unit shall be considered a four-room unit and each increase in a bedroom over three shall be an increase in the room count by one over four.

Automobile repair, general, includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile repair, light, includes repair or replacement of automotive components for maintenance purposes; such as tires, mufflers, glass, etc. This does not include any item described by the definition of the term "general automotive repair."

Automobile service station means a space, building, or structure designed or used for the retail sales or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles.

Banquet hall means a use which provides rental space for such functions as, but not limited to, wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises. For the purpose of this chapter, the licensed sale of beer, wine and/or spirits shall only be permitted in connection with and incidental to those scheduled functions carried out on the premises during such period when a full food service is extended.

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 unless 50 percent of its height is above the level from which the height of the building is measured. (See *Story*)

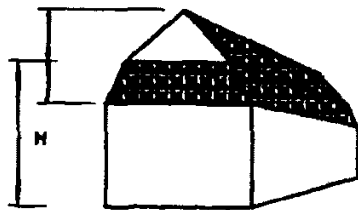
Bed-and-breakfast facility means a secondary use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Board of appeals or board means the zoning board of appeals.

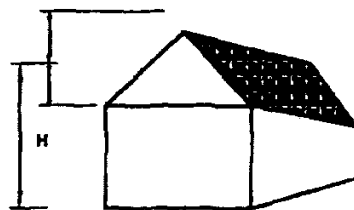
Buildable area means the buildable area of a lot is the space remaining after the minimum yard requirements of this chapter have been complied with.

Building means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for the purpose of a building.

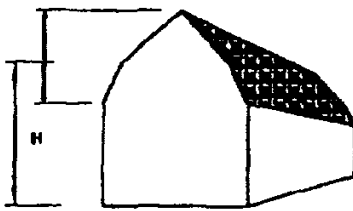
Building height means the vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, or gambrel roofs. In a structure having a flat roof, the parapet, if provided, may exceed the maximum building height by three feet. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



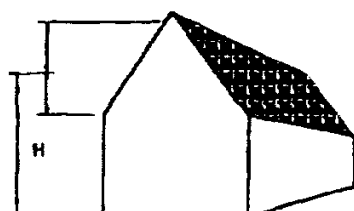
MANSARD ROOF



HIP ROOF

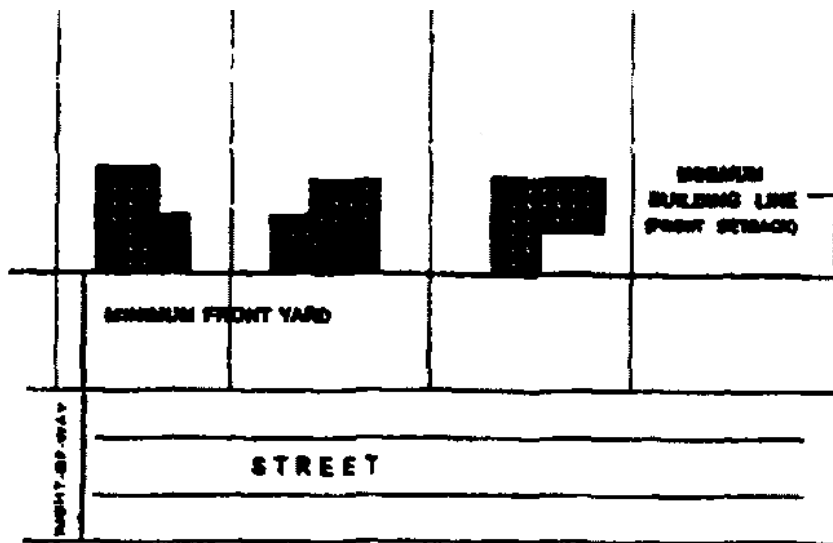


GAMBREL ROOF



GABLE ROOF

Building line means a line established, in general, parallel to the front lot line between which line and the front lot line no part of a building shall project, except as otherwise provided by this chapter.



Building, principal, means a building in which is conducted the principal use of the lot on which it is located.

Child care center means a facility other than a private residence receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

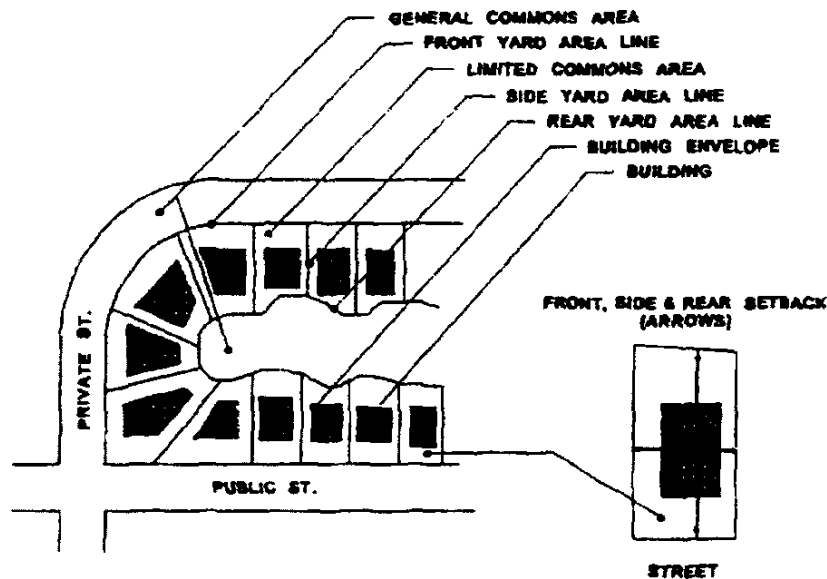
Club means an organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain.

Collector thoroughfare means a collector street used primarily to carry traffic from minor streets to major thoroughfares or for relatively short distances between major thoroughfares and designated as such on the city's future land use plan.

Commercial wind energy conversion system means any wind energy conversion system designed and built to provide electricity to the electric utility power grid as an ongoing commercial enterprise or for commercial profit.

Condominium subdivision (site condominiums) means a method of dividing land where land ownership of sites is regulated by the Condominium Act (PA 59 of 1978 (MCL 559.101 et seq.), as amended,) as opposed to the Subdivision Control Act of 1967 (MCL 560.101). Condominium subdivision shall be equivalent to the term "subdivision" as used in this chapter and [chapter 36](#). In a condominium subdivision, the following additional definitions shall apply:

- (1) *Building envelope* means the area defined by lines drawn parallel to the front, rear, and side area lines, at a distance designated by the setback requirements of the zoning district and within which the main building shall be located.
- (2) *Condominium lot* means all areas bounded by the front yard area line, the rear yard area line and the side yard area lines.
- (3) *General commons area* means all areas outside of the condominium lots including right-of-way.
- (4) *Limited commons area* means the areas within a condominium lot that are outside of the building envelope.
- (5) *Master deed* means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the plan for the project.
- (6) *Setback*.
 - a. Front yard setback shall be equal to the distance between the front yard area line and the condominium building.
 - b. Rear yard setback shall be equal to the distance between the rear yard area line and the condominium building.
 - c. Side yard setback shall be equal to the distance between the side yard area line and the condominium building.
- (7) *Yard area lines*, in reference to site condominium developments, are considered equal to "lot lines" as defined in this chapter.



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

Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

Density refers to the number of families residing on, or dwelling units developed on an acre of land. As used in this chapter, all densities are stated in units per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets.

District means a portion of the city within which, on a uniform basis, certain land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Drive-in restaurant means an establishment serving food and/or drink so developed that its retail or service character is dependent on providing spaces for motor vehicles so as to serve patrons while in the motor vehicle.

Drive-through establishment means a business establishment other than a drive-in restaurant, which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

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

Dwelling, one-family, means a building designed exclusively for and occupied exclusively by one family.

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

Erected means includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for a building or structure. Excavation, fill, drainage, and the like shall also be considered a part of the term "erected."

Essential services means the erection, construction, alteration, or maintenance of railroads, public utilities or municipal services including underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection therewith, reasonably necessary for the furnishing of adequate service by such facilities or governmental departments for the general health, safety, or welfare but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Radio broadcasting and receiving towers and equipment structures used in cellular telephone systems are specifically excluded from the definition of the term "essential services."

Family means a single individual or a number of individuals living together whose relationship is of a continuing nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory

or seasonal nature or for anticipated limited duration of school terms or other similar determinable periods.

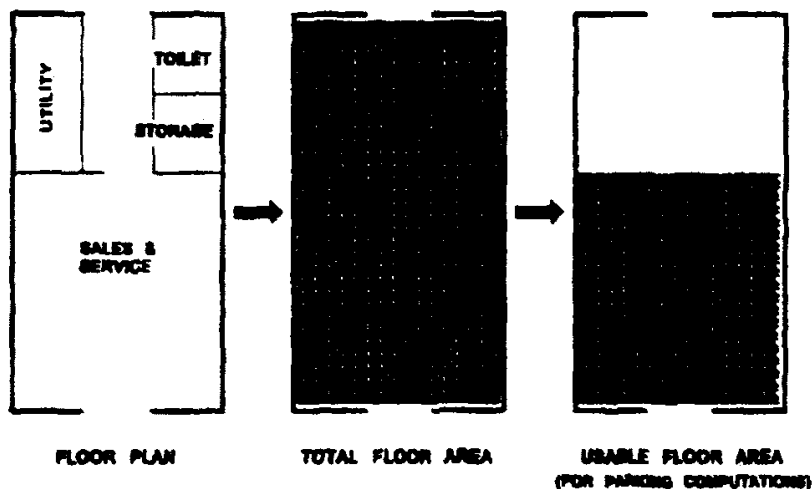
Family day care home or family child care home means a private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subsection, the phrase "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.

Farm means all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant farmer, by such person's own labor or with assistance of members of the household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than ten acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries, but establishments keeping or operating fur-bearing animals, public riding or boarding stables, and/or commercial dog kennels, shall not be considered farms hereunder, unless combined with bona fide farm operations on the same continuous tract of land. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish or offal or a rendering plant, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises.

Fence means a manmade, unroofed barrier which may act as an enclosure or which is decorative or ornamental.

Floor area means:

- (1) For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas, and accessory structures.



- (2) *Usable floor area* (for the purpose of 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, and all that area devoted to employee work space. Such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads, or for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- (3) *Gross floor area* means the sum of the horizontal areas of the floors of the building measured from the exterior faces of the exterior walls, including basements or mezzanines. Unfinished attics, attached garages, breezeways, and areas included in

structures or buildings providing parking for motor vehicles shall not be included.

Floor area ratio (FAR) means an intensity measured as a ratio derived by dividing the gross floor area of a building by the area of the zoning lot.

Garage an accessory building or structure which is used primarily for the parking of motor vehicles. A private garage has a vehicle access door and has a driveway leading to the building or structure.

Golf course means the premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other structures or uses customarily incidental to a golf course or a country club; provided, however, that a golf course shall include a minimum of nine holes and shall not be less than 3,000 yards in length; and provided further, that the definition of the term "golf course" does not include a driving range or miniature golf course operated independently or in conjunction with a golf course.

Golf driving range means the premises on which golf balls are hit for practice purposes including any related sales/office structure.

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

Greenbelt means a planting of trees, shrubs, and grass between abutting land uses.

Group day care home means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Hedges means a dense row of low-branching trees, shrubs, vines, or other plants which encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light and air onto adjacent land or obstructs the vision of motorists on or near public roads.

Home occupation means a business use which is clearly secondary or incidental to the use of a single-family dwelling for residential purposes. Such occupation may include the giving of instruction in a craft or fine art within the residence. All home occupation uses shall be subject to noise, advertising, hours of operation or other conditions which may accompany the use of a residence as a home occupation pursuant to the terms of this chapter.

Hospital means an installation providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Junk means secondhand, scrap, worn, or discarded articles of any kind with little or no commercial value for the use it was originally intended or constructed.

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. The term "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.

Junk vehicle means a vehicle which is not operative or currently licensed.

Kenel means any lot or premises on which four or more animals, four months or more old, of the same species, are temporarily or permanently kept for sale, breeding, boarding, training, hobby, protection, or as pets.

Livestock means horses, cattle, sheep, goats, and other useful animals normally kept or raised on a farm.

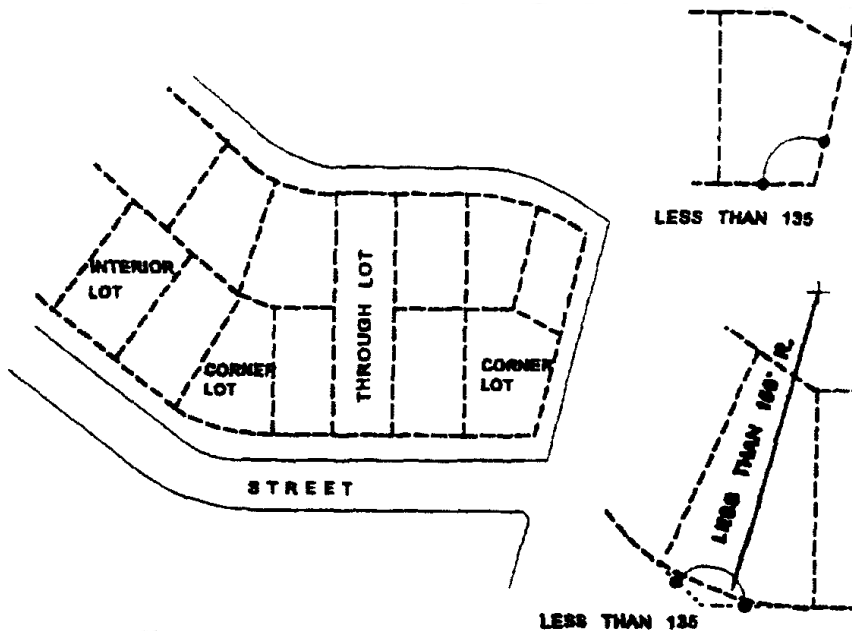
Loading space means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodge hall means a place where people meet who are associated with a group, not operated for profit, that meets due to a common interest in sports, arts, sciences, literature, politics, or the like.

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. A lot is also a portion of a subdivision or other parcel of land intended to be a unit for transfer of ownership or development.

Lot area means the total horizontal ground area within the lot lines of the lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of said street.

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 purpose 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 and structures.

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

Lot, double frontage (through lot), 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, interior, means any lot other than a corner lot.

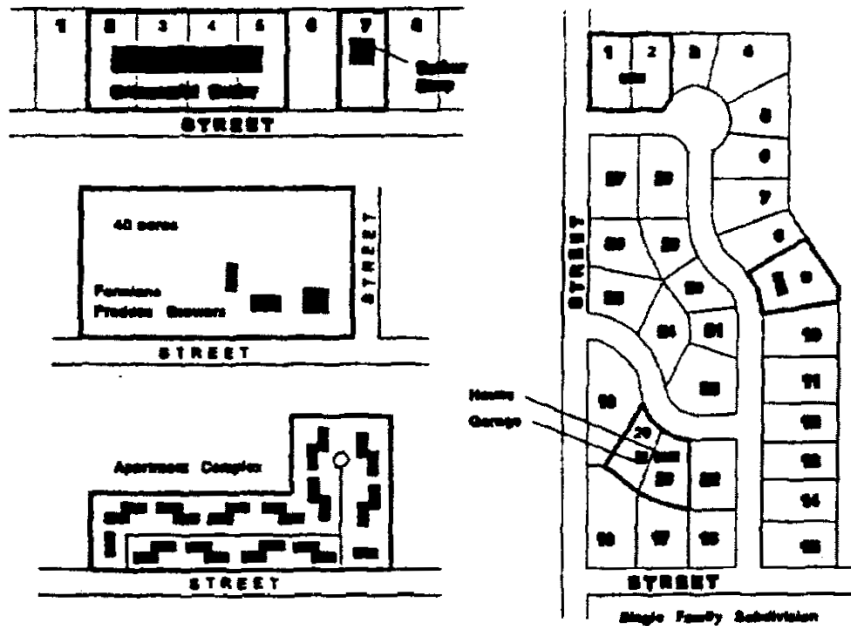
Lot lines means the lines bounding a lot as defined herein:

- (1) *Front lot line* means in the case of an interior lot, means the line separating such lot from the street. In the case of a corner lot or double frontage lot, the line separating such lot from that street which is designated as the front street in the plat and the request for zoning compliance permit.
- (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, 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 an exterior 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, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width means the horizontal, straight line distance between the side lot lines, measured between the two points where the required minimum front yard setback line, set forth in the schedule of regulations, intersects the side lot line.

Lot, zoning, means a single tract of land or any number of contiguous lots, 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, therefore, 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.



Major thoroughfare means an arterial street which is intended to serve as a large volume trafficway for both the immediate city area and the region beyond, and is designated as a major thoroughfare, on the city's future land use plan. Any street with a width, existing or proposed, of at least 120 feet shall be considered a major thoroughfare. A "proposed" width means a planned right-of-way in the city future land use plan.

Marginal access road means a service roadway parallel to a major or collector thoroughfare which provides access to abutting properties and protection from through traffic.

Mezzanine means an intermediate floor in any story occupying an area not to exceed 50 percent of the floor area of the story underneath said mezzanine.

Minor street means a public way, the principal use function of which is to give access to abutting property.

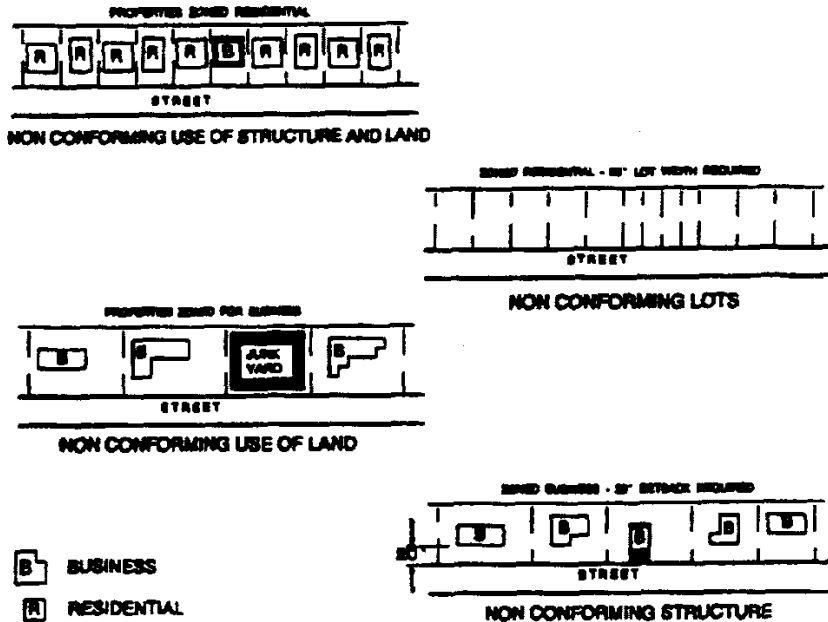
Mobile home means a manufactured dwelling unit, transportable in one or more sections, which is built on a chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. The term "mobile home" does not mean a recreational vehicle.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use, incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Motel or hotel means a series of attached, semidetached, or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicles, and may contain a general kitchen and public dining room for the use of the occupants and other passersby.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.



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) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people, particularly at night;
- (14) Passenger traffic;
- (15) Invasion of nonabutting street frontage by traffic.

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 two vehicles.

Open storage means the keeping in the open of any material which is assembled, fabricated, treated, or processed in any manner and which is not anchored to the ground so as to meet city approval.

Parcel, for the purposes of this chapter, the term "parcel" is synonymous with the term "lot."

Parking space means an area of definite length and width intended for the temporary, short-term (no more than 48 continuous hours) parking of motor vehicles. Said space shall have access to a parking aisle, but shall be exclusive of drives, aisles, or entrances giving access thereto.

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

Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.

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

Recreational equipment means travel trailers, pickup campers or coaches, motorized dwellings, folding tent trailers, boats and boat trailers, snowmobiles, horse trailers, utility trailers, dune buggies, and other similar equipment.

Roof-mounted wind energy conversion system means a single wind energy conversion system mounted to the roof of any structure.

Room, for the purpose of determining lot area requirements and density in a multiple-family district, means a living room, dining room, or bedroom, equal to at least 120 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one-, two-, or three-bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Setback means the distance required to obtain front, side, or rear yard open space provisions of this chapter. Setbacks from a public street shall be measured from the existing or proposed right-of-way line, whichever is greater.

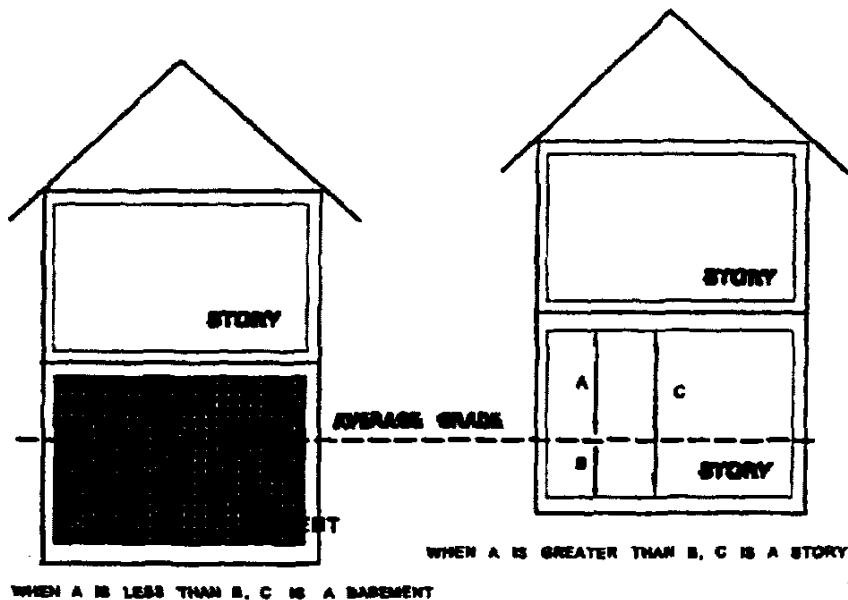
Shadow flicker means alternating changes in light intensity caused by the moving blade of a wind energy conversion system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Stable, private, means a building for the keeping of livestock for the noncommercial use of the residents of the principal use and shall not include the keeping of livestock for others or for commercial boarding of livestock.

Stacking space means a designated space for vehicles to stand while waiting to receive a good or service. For the purposes of this chapter a stacking space shall be eight feet wide by 20 feet in length.

Storage means the keeping or warehousing of goods, materials, or vehicles. The parking of a vehicle in one location for more than 72 continuous hours shall constitute storage.

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



Story, half, means the part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed 50 percent of the floor area of the story immediately below it.

Street means a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

Subdivision means as defined in [chapter 36](#) of this Code.

Temporary meteorological tower (TMT) means a tower of monopole design which is designed and built to hold wind resource testing devices such as anemometers, wind vanes and accessory equipment, and which is to remain in place for no more than 18 months.

Tree means any woody plant having at least one well-defined stem at least six inches DBH.

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.

Utility room means a utility room is a room or space, located other than in the basement, specifically designed and constructed to house any home utilities or laundry facilities.

Variance means a modification of the literal provisions of the zoning chapter granted when strict enforcement of the zoning chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship, unique circumstances, and applying to property. A variance is not justified unless all three elements are present in the case.

Wall, obscuring, means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

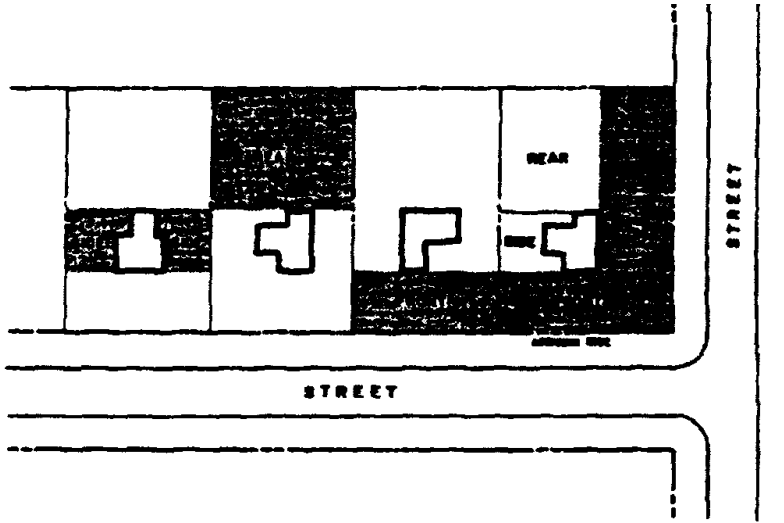
Watercourses means rivers and streams, ponds, lakes, and all other subaqueous areas.

Wild animal means any animal not domesticated by humans or any animal which a person is prohibiting from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), marten, snakes.

Wind energy conversion system (WECS) means any device, such as a turbine, windmill, or charger, that converts wind energy into a usable form of energy.

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. All yards abutting on a street shall be considered as front yards for setback purposes.
- (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 or a double frontage lot, the rear yard shall be opposite the building facade side of such lot.
- (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 of the side lot line to the nearest point of the main building.



(Code 2002, § 220-4; Ord. No. 527, § 220-4, 5-10-2010; Ord. No. 535, § 1, 8-22-2011)

Secs. 46-68—46-92. - Reserved.

ARTICLE IV. - ZONING DISTRICTS AND MAP

Sec. 46-93. - Districts established.

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

R-LD	Low Density Residential
R-MD	Medium Density Residential
R-HD	Multiple-Family Residential
R-PC	Residential Planned Community
MH	Mobile Home
OS	Office Service

CBD	Central Business District
B-1	Highway Service
P	Parking
I-1	Light Industrial
I-2	Heavy Industrial
AG	Agricultural

(Code 2002, § 220-5)

Sec. 46-94. - Zoning district map.

- (a) The boundaries of these districts are hereby defined and established as shown on a map titled "Zoning District Map, City of Grand Ledge," which accompanies this chapter, and which map, with all explanatory matter thereon, is hereby made a part of this chapter.
- (b) The official zoning map shall be identified by the signature of the city mayor, attested by the City Clerk, and bearing the following words: "This is to certify that this is the official zoning map referred to in this section (Section 401 of the city of Grand Ledge Zoning Ordinance)."
- (c) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the official zoning district map, such changes shall not be considered final, and zoning permits shall not be issued until changes have been made within five normal working days after the effective date of the amendment of the ordinance from which this chapter is derived. Each map change shall be accompanied by a reference number on the map which shall refer to the official action of the City Council. One copy of the official zoning district map is to be maintained and kept up-to-date by the City Clerk.

(Code 2002, § 220-6)

Sec. 46-95. - Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any districts established in this chapter as shown on the zoning district maps, the following rules shall be applied:

- (1) Where boundaries approximately follow the centerlines of streets, alleys or highways, such centerlines shall be construed to be said boundaries.
- (2) Boundaries indicated so that they approximately follow lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (7) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map

clarity, do not cover public right-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

- (8) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the board of appeals after recommendation from the city planning commission shall interpret the district boundaries.

(Code 2002, § 220-7)

Sec. 46-96. - Zoning of vacated areas.

Whenever any street, alley, or other public way within the city shall be vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

(Code 2002, § 220-8)

Sec. 46-97. - Zoning of annexed areas.

Any area annexed to the city shall, immediately upon such annexation, be automatically classified as an AG Agricultural District, until a zoning map for said area has been adopted by the City Council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred by the City Council.

(Code 2002, § 220-9)

Secs. 46-98—46-122. - Reserved.

ARTICLE V. - R-LD, R-MD; ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 46-123. - Purpose.

The R-LD and R-MD Single-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly one-family detached dwellings of varying densities along with other residentially related facilities which serve the residents in the district.

(Code 2002, § 220-10)

Sec. 46-124. - Principal uses permitted.

In an R-LD or R-MD District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Site-built one-family detached dwelling units.
- (2) Foster care homes for the care and housing of up to six persons.
- (3) Publicly owned and operated buildings, libraries, and recreational facilities.
- (4) Private recreation and conservation areas such as, but not limited to, those commonly developed using the open space option or cluster option of this chapter.
- (5) Temporary buildings for use incidental to construction work for a period not to exceed one year.
- (6) Accessory buildings, structures and uses customarily incidental to any principal use permitted.

(Code 2002, § 220-11; Ord. No. 563, § 1(220-11), 6-26-2017)

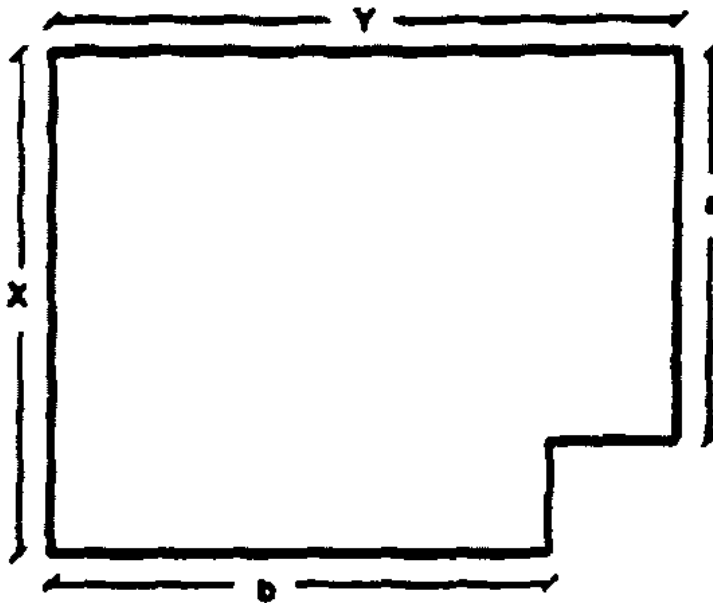
Sec. 46-125. - Principal uses permitted subject to special conditions.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use:

- (1) Manufactured one-family dwelling units subject to the following provisions:
- a. Principal buildings and accessory structures shall conform to all applicable city codes and ordinances.
 - b. Such dwellings shall be permanently attached to a permanent foundation constructed on the site in accordance with the city building code.

In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet local requirements with respect to materials, construction, and necessary foundation. Any such wall shall also provide an appearance which is compatible with the dwelling and with site-built homes in the area.

- c. Such dwellings shall provide a minimum width and depth of at least 22 feet over 80 percent of any such width or depth dimension.
- d. Such dwellings shall have an overhang or eave as required by the building code of residential dwellings or similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the residential district.



a = at least 22 feet and a = at least 80% of X
 b = at least 22 feet and b = at least 80% of Y

- e. Such dwellings shall be provided with exterior finish materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhoods.
- f. Such dwellings shall have a roof design and roofing materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood.
- g. Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three to one or is in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the residential district.
- h. All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer sidewalls of the dwelling shall be removed to a point where they will be totally obscured by a perimeter foundation or finished exterior wall.
- i. The dwelling shall contain storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a

separate structure of standard construction, similar in appearance to the principal building. Such storage area shall be a minimum of ten percent of the minimum required floor area as noted in article XVI of this chapter.

- j. Proposals for manufactured one-family detached dwelling units shall follow the procedures set forth below:
1. Applications to permit manufactured one-family detached dwelling units shall be submitted to the zoning administrator who may require the applicant to furnish such plans, photographs, elevations, and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.
 2. In reviewing any such proposed dwelling unit with respect to subsection (1)a through (i) of this section, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, thereby protecting the economic welfare and property value of surrounding residential areas and of the city at large.
 3. Should the zoning administrator find that any such dwelling unit does not conform with all of the above conditions and standards, the proposal shall be denied. The applicant may appeal the zoning administrator's decision by requesting a public hearing before the planning commission. Notice of such hearing shall be given in accordance with section 46-586. Thereafter, the planning commission shall take final action.
- (2) Churches and other facilities normally incidental thereto, provided that the following conditions be met:
- a. The site shall contain a minimum area of one acre of land. In addition, one-half acre shall be provided per 100 seats in the main auditorium.
 - b. No building shall be closer than 50 feet to any property line.
 - c. Access shall be in accordance with section 46-18.
- (3) Public, parochial, and private elementary, intermediate, or high schools offering courses in general education which may or may not be operated for profit upon the following conditions:
- a. The site shall contain a minimum area of one acre of land.
 - b. No building shall be closer than 50 feet to any property line.
 - c. Access shall be provided in accordance with section 46-18.
- (4) Child-care centers, subject to the following conditions:
- a. The site shall contain a minimum of one-half acre.
 - b. The outdoor play space shall have a total minimum area of not less than 1,200 square feet for up to six children.
 - c. There shall be provided and maintained an additional area of 100 square feet of outdoor play space for each child licensed in the facility in excess of six. Such space is not permitted in a required front yard or required side yard when such side yard abuts a street.
 - d. Such use shall not be permitted on a zoning lot where both side lot lines are also the side lot lines of lots which are both zoned single-family residential and occupied by existing single-family detached dwellings. The use may be located on a lot that is bordered on one side by a house but not both sides.
 - e. All play areas shall be fenced in accordance with the requirements of section 46-9. Such fence shall be a minimum of five feet in height.
 - f. Play areas shall be screened from adjacent residential areas with a screen fence, landscaping or some combination thereof.
 - g. Access shall be provided in accordance with section 46-18.
- (5) Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit subject to the following conditions:
- a. Buildings, outdoor swimming pools, tennis courts, or similar concentrated recreation use areas (not including tees, fairways, or greens) shall have setbacks of not less than 100 feet.
 - b. The site shall contain a minimum of 20 acres of land.
 - c. Access shall be in accordance with section 46-18.

- (6) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations operating requirements necessitate locating within the district in order to serve the immediate vicinity, provided that:
- a. Access shall be in accordance with section 46-18. However, the planning commission may waive this requirement when it can be shown that operating requirements necessitate the location within the district in order to serve the immediate vicinity.
 - b. Setbacks for all buildings or structures shall not be less than 40 feet.
 - c. All buildings, structures, and mechanical equipment shall be screened from view from abutting streets or properties in accordance with section 46-8.
 - d. The planning commission may require supplemental landscaping to provide screening from residential areas or to ensure that the site will negatively impact its surroundings.
 - e. A hearing shall be held in accordance with section 46-586.
- (7) Public or private cemeteries subject to the following conditions:
- a. The site shall contain a minimum of 20 acres of land.
 - b. No building shall be closer than 50 feet from any abutting residentially zoned property line.
 - c. Access shall be in accordance with section 46-18.
- (8) Roadside stands for the sale of products grown on the premises upon which the stand is located is permitted as an accessory use provided that the following conditions are met:
- a. Contiguous space for the parking of customers vehicles is furnished at a ratio of one space for each 15 square feet of roadside stand floor area. Such parking be located a minimum of ten feet from the road right-of-way line.
 - b. Access shall be in accordance with section 46-18.
 - c. A zoning permit shall be obtained from the city.

(Code 2002, § 220-12; Ord. No. 563, § 1(220-12), 6-26-2017)

Sec. 46-126. - Accessory uses permitted subject to special conditions.

The following uses shall be permitted in single-family residential districts, subject to the conditions hereinafter imposed for each use:

- (1) Bed and breakfast facilities, provided that:
- a. The rooms utilized are a part of the principal residential use, and not specifically constructed for rental purposes.
 - b. The bed and breakfast facility does not require any internal or external alterations or construction features, equipment, or outdoor storage not customary in residential areas and does not change the character of the dwelling.
 - c. The principal use is a one-family residential dwelling and is owner-occupied at all times.
 - d. Sufficient off-street parking is provided in addition to that required by Article XVII of this chapter, for residential purposes, at the rate of one space per leasable room.
 - e. Signage shall be architecturally compatible with the home. One nonilluminated nameplate, not more than one square foot in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises.
- (2) State-licensed family day care homes are permitted after review and approval by the zoning administrator, subject to the following conditions:
- a. The licensee shall occupy the dwelling as a residence.
 - b. One nonilluminated nameplate, not more than one square foot in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises.
- (3) Home occupations as defined in section 46-67, (A business use which is clearly secondary or incidental to the use of a single-family dwelling for residential purposes. Such occupation may include the giving of instruction in a craft or fine art within the residence. All home occupation uses shall be subject to noise, advertising, hours of operation or other conditions which may

accompany the use of a residence as a home occupation pursuant to the terms of this chapter), may be permitted after review by the zoning administrator provided that:

- a. No more than one-quarter of the usable floor area of a residence may be devoted to a home occupation. If more than one-quarter of the usable floor area is devoted to the business, such business will be considered the principal use and, thus, illegal in a residential district.
- b. The home occupation shall not require any internal or external alterations or construction features, equipment, vehicles or outdoor storage not customary in residential areas and does not change the character of the dwelling.
- c. The home occupation is conducted entirely within the dwelling and shall be conducted so as to not be noticeable from the exterior of the dwelling.
- d. Automotive repair on vehicles not owned by a person residing on the premises is not permitted as a home occupation.
- e. Other than residents of the dwelling unit, no more than one employee may be located on the premises.
- f. Signage is not permitted.
- g. A home occupation shall not generate an unduly burdensome amount of traffic for the general area in which it is located. In general, visitation by clients shall be an infrequent and irregular event.
- h. Nuisance factors, as defined by this chapter, shall be prohibited.
- i. A lawfully established home occupation shall lose its right to operate should it no longer meet the conditions outlined above or stipulated by the zoning board of appeals.
- j. In cases where the zoning administrator finds that an existing or proposed home occupation does not meet the above criteria the zoning board of appeals may grant an exception to any of the above standards. In such cases, the zoning board of appeals may eliminate or modify any of the existing standards or may apply new standards altogether to assure that a use permitted by exception will be in character with its surroundings and will in general not be a nuisance or result in nuisance factors.

(Code 2002, § 220-13; Ord. No. 531, § 1, 10-11-2010; Ord. No. 563, § 1(220-13), 6-26-2017)

Sec. 46-127. - Required conditions.

- (a) Compliance with article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and minimum yard setback requirements.
- (b) New single-family buildings shall have an appearance that is nonobtrusive and consistent in color, materials, roofline, and architecture with the residential district in which it is located.

(Code 2002, § 220-14)

Sec. 46-128. - Subdivision open space plat.

- (a) The purpose of a subdivision open space plat is to promote the preservation of open space while allowing a reduction in lot sizes and maintaining the density of population. In reviewing a subdivision open space plat, the planning commission shall consider the following objectives:
 - (1) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.
 - (2) To encourage developers to use a more creative approach in the development of residential areas.
 - (3) To encourage a more efficient, aesthetic, and desirable use of open area while recognizing a reduction in developing costs and by allowing the developer to bypass natural features on the site.
 - (4) To encourage the provision of open space within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities or preservation of natural environmental assets.
- (b) Modifications of the standards as outlined in article XVI of this chapter may be made in the R-LD Districts when the following conditions are met:

- (1) Lot dimensions may be reduced provided that the number of residential lots shall be no greater than if the land area to be subdivided was developed in the minimum square foot lot areas as required for the R-LD District under article XVI of this chapter.
 - (2) Lot widths may be reduced from a minimum width of 80 feet to a minimum of 70 feet.
 - (3) Lot depths shall not be less than 140 feet except as otherwise provided in this chapter.
 - (4) Minimum front setbacks may be reduced from 35 feet to 30 feet.
 - (5) Lot depths may be reduced to not less than 120 feet when such lots border on land dedicated to the common use of the subdivision as indicated in subsection (c) of this section:
 - (6) Rear yards may be reduced to not less than 30 feet when rear yards border on land dedicated to the common use of the subdivision as indicated in subsection (c) of this section.
- (c) For each square foot of land gained under the provisions of subsection (b) of this section within a residential subdivision through the reduction of lot sizes below the minimum requirements, as outlined in article XVI of this chapter, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the city.
 - (d) Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets, parkways, or pedestrian accessways. The open space for pedestrian accessways shall be no less than 20 feet in width.
 - (e) Under this subdivision open space plat approach, the proprietor shall dedicate sufficient park area so that each final plat is within maximum density requirements; provided, however, that the entire park area within a single block shall be dedicated as a whole.
 - (f) Application for approval of the subdivision open space plat shall be submitted at the time of submission of the preliminary plat for approval as required by chapter 36 of this Code.

(Code 2002, § 220-15)

Sec. 46-129. - One-family clustering option.

(a) *Intent.*

- (1) The intent of this section is to permit the development of one-family residential patterns which, through design innovations, will provide for an alternative means for development of single-family areas where a parcel of land has characteristics which hinder practical development under the normal subdivision approach or where the alternative will permit better preservation of natural features. Also, this option may permit increased densities under certain circumstances. To accomplish this, modifications to the one-family residential standards, as outlined in article XVI of this chapter, may be permitted in the R-LD Districts.
- (2) In the R-LD Districts, the requirements of article XVI of this chapter, may be waived and the attaching of one-family dwelling units may be permitted subject to the standards of this section.

(b) *Conditions for qualification.*

- (1) Qualification for the cluster option shall be based on two findings by the planning commission with final density dependent upon whether or not the site qualifies under both findings.
 - a. First, the planning commission shall find that the parcel will qualify for the cluster development option as defined in subsection (b)(2)a through g of this section. Development would be at the single-family densities as permitted in subsection (c)(1) of this section. This finding must be made in all cases.
 - b. Second, the planning commission may additionally find that the parcel is located in a transition area or is impacted by nonresidential uses or traffic on major or secondary thoroughfares or other similar conditions. If the planning commission makes such a finding, it may permit an increase in density up to the maximum densities established in subsection (c)(2) of this section.
- (2) The planning commission may approve the clustering or attaching of buildings on parcels of land under single ownership and control which, in the opinion of the planning commission, have characteristics that would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension, or because

the site is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving a parcel for cluster development, the planning commission shall find at least one of the following conditions to exist:

- a. The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
 - b. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.
 - c. A substantial portion of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
 - d. A substantial portion of the parcel's perimeter is bordered by land that is zoned other than single-family residential or is developed for a use other than one-family homes.
 - e. The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thoroughfare.
 - f. The parcel contains a floodplain or soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
 - g. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.
- (3) In order to qualify a parcel for development under subsection (b)(1)f and g of this section, the planning commission shall determine that the parcel has those characteristics and the request shall be supported by written or graphic documentation, prepared by a landscape architect, engineer, professional community planner, registered architect or environmental design professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two-foot contour interval, inventory of natural assets.
- (4) This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.
- (c) *Permitted densities.* In a cluster development, the maximum density permitted shall be as follows (including streets and road rights-of-way):
- (1) For those parcels qualifying under subsection (a)(1)e through g of this section, the density permitted is 2½ units per acre.
 - (2) For those parcels qualifying under subsection (a)(1)a through d of this section, an increase in density may be permitted by the planning commission up to 3.7 units per acre.
 - (3) Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.
 - (4) In those instances where increased densities may be permitted under subsection (c)(2) of this section, the planning commission must find that such increased density does not result in the destruction or total removal of the natural features.
- (d) *Development standards and requirements.* On parcels meeting the criteria of subsection (b)(1) of this section, the minimum yard setbacks, heights, and minimum lot sizes per unit, as required by article XVI of this chapter, may be waived and the attaching of dwelling units may be accomplished subject to the following:
- (1) The attaching of one-family dwelling units, one to another, may be permitted when said homes are attached by means of one of the following:
 - a. Through a common party wall forming interior room space which does not have over 75 percent of its length in common with an abutting dwelling wall, including garage.
 - b. By means of an architectural wall detail which does not form interior room space.
 - c. Through common garage party walls of adjacent structures.
 - d. No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed

three. This number may be increased to four if, in the opinion of the planning commission, greater preservation of natural assets would result.

(2) Yard requirements shall be provided as follows:

- a. Spacing between groups of attached buildings or between groups of four unattached buildings shall be equal to at least 25 feet, measured between the nearest points of adjacent buildings. The minimum distance between detached units within groups of four shall be 15 feet, unless there is a corner to corner relationship in which case the minimum may be reduced to ten feet.
- b. It is intended that setbacks for each dwelling shall be such that one car length space will be available between the garage or required off-street parking spaces and the street pavement. Setbacks from minor residential streets should follow the guidelines below:
 1. Garages or required off-street parking spaces shall not be located less than 20 feet from the right-of-way of a public street.
 2. Where streets are private, required off-street parking spaces shall not be located less than 30 feet from the pavement edge of the street.
- c. That side of a cluster adjacent to a major or secondary thoroughfare shall not be nearer than 25 feet to said road right-of-way.
- d. Any side of a cluster adjacent to a private road shall not be nearer to said road than 20 feet.

(3) The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least 15 percent of the horizontal development area of a one-family cluster development.

(4) In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the planning commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:

- a. Single-family lots subject to the standards of the R-MD District as specified in article XVI of this chapter.
- b. Detached buildings with setbacks, as required by article XVI of this chapter, for the applicable residential district.
- c. Open or recreation space with a minimum depth of 50 feet.
- d. Changes in topography which provide an effective buffer.
- e. A major or secondary thoroughfare.
- f. Some other similar effective means of providing a transition that is acceptable to the planning commission.
- g. In those instances where the parcel has been qualified for the cluster option under subsection (b)(2)a or where the adjoining land may be used for purposes other than detached one-family dwellings, the planning commission may approve a plan in which the units are attached if the parcel is too small to provide the transition and the greatest setback possible is provided.

(e) *Procedures.*

(1) In making application for approval under this section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option, and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.

(2) Qualification for cluster development:

- a. Application to the planning commission for qualification of a parcel for cluster development shall include documentation substantiating one or more of the characteristics outlined in subsection (b) of this section, Conditions for qualification.
- b. As an initial step, the applicant may ask the planning commission to make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one or both of the provisions of subsection (b)(1) of this section, based upon the documentation submitted.
- c. A preliminary determination by the planning commission that a parcel qualifies for cluster development does not ensure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication

as to whether or not a petitioner should proceed to prepare a site plan.

d. The applicant may submit a site plan, as follows, if a preliminary determination is not sought.

(3) Site plan and cluster approval.

- a. The planning commission shall hold a public hearing on the site plan after an initial review of a preliminary plan which shall not require a public hearing.
- b. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, the following:
 1. Typical building elevations and floor plans, topography drawn at one-foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details which will assist in reviewing the proposed plan.
 2. An accurate tree survey indicating the location of all trees on the site of eight-inch DBH or greater. Such survey shall be at the same scale as the site plan.
- c. Site plans submitted under this option shall be accompanied by information as required by chapter 36, Subdivisions, of the Code of the city, provided, however, that:
 1. Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the applicant.
 2. The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- d. The planning commission shall give notice of the public hearing in accordance with section 46-586, Notice of public hearings.
- e. If the planning commission is satisfied that the proposal meets the letter and spirit of the zoning ordinance and should be approved, it shall give tentative approval with the conditions upon which such approval should be based. If the planning commission is not satisfied that the proposal meets the letter and spirit of this chapter, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefor in the minutes of the planning commission meeting. Notice of approval or disapproval of the proposal together with copies of the proposal with copies of all layouts and other relevant information shall be forwarded to the City Clerk. If the proposal has been approved by the planning commission, the clerk shall place the matter upon the agenda of the City Council. If disapproved, the applicant shall be entitled to a public hearing before the City Council, if requested in writing within 30 days after action by the planning commission.
- f. If the City Council approves the plans, it shall instruct the City Attorney to prepare a contract, setting forth the conditions upon which such approval is based, which contract, after approval by the City Council, shall be entered into between the city and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.
- g. As a condition for the approval of the site plan and open space plan by the City Council, the applicant shall deposit cash, irrevocable letter of credit, or other equivalent form of security as approved by the City Attorney, in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the City Council. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.

(Code 2002, § 220-16)

Sec. 46-130. - One-family, low density site condominium option.

- (a) The low density site condominium option is intended to provide for the division of land as regulated by the Condominium Act (Act 59 of 1978, as amended, MCL 559.101 et seq.) rather than the Subdivision Control Act (Act 288 of 1967, as amended, MCL 560.101 et seq.). In accordance with Section 141 of Act 59 (MCL 559.241), it is further intended that development utilizing the site condominium options be treated no differently than a subdivision developed under the Subdivision Control Act and that the same standards be applied in their design layout and improvements.
- (b) If the low density site condominium option is selected, the following conditions are applicable:

- (1) Article XVI of this chapter, limiting the height and bulk of buildings, the minimum lot sizes and yard requirements shall be applied in each zoning district or as otherwise altered within this section.
 - (2) Any development which utilizes the site condominium option shall conform to article IV of this chapter and article V of chapter 36 of this Code.
 - (3) A site plan shall be submitted in accordance with section 46-20.
 - (4) Other options, as defined and regulated by section 46-128, can be used in conjunction with this section.
 - (5) If building footprints are shown on the site plan, setbacks shall be measured to the building. Otherwise, setbacks shall be provided for each building envelope equal to the minimum setback requirements of the zoning district and shall be measured as specified below:
 - a. Rear setbacks shall be measured from the rear area line to the rear building envelope.
 - b. Side setbacks shall be measured from the side area line to the side building envelope.
 - c. Front setbacks shall be measured from the street right-of-way for public or private streets, and from the pavement edge for streets not having a right-of-way. In instances where there is no right-of-way, the setback shall be increased by 15 feet.
 - (6) If building footprints are shown on the plan, building floor plans, and elevations must be submitted.
 - (7) The planning commission may request that several different facades be used to provide a variety of building appearances.
 - (8) Plans for the development and landscaping of all commons areas must be submitted and shall meet the applicable requirements of section 46-7.
 - (9) All streets shall be dedicated to the public and constructed in accordance with all applicable requirements of chapter 36, except that the minimum right-of-way width may be reduced after review and recommendation by the city engineer, public services director, and fire chief.
 - (10) The means of maintaining all limited and general commons areas shall be specified in the master deed.
- (c) Review by the planning commission.
- (1) The zoning administrator shall receive and check the plan for completeness per section 46-20 of this chapter. If the plan contains all of the items noted, the zoning administrator shall schedule a public hearing as per section 46-586.
 - (2) The commission shall review all details of the proposed plan within the framework of this zoning chapter, within the various elements of the master plan, and within the standards of chapter 36.
 - (3) The commission shall give preliminary approval or disapprove the plan.
 - a. Should the commission disapprove the plan, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the applicant.
 - b. Should the commission find that all conditions have been satisfactorily met and the plan conforms to the provision of this chapter, it shall recommend approval to the City Council. The planning commission chairperson shall make a notation to that effect on each copy of the plan and distribute copies of same as follows:
 1. Return one copy to the applicant;
 2. Retain one copy which shall become a matter of permanent record in the commission files;
 3. Forward one copy to the school board or school superintendent of the school district having jurisdiction in the area concerned;
 4. File the remaining copies in the office of the clerk.
- (d) Review by the city.
- (1) No installation or construction of any improvements shall be made before the plan has received final approval of the City Council, engineering plans have been reviewed by the city engineer and any deposits required have been received by the city.
 - (2) The applicant shall file a copy of the plan with the zoning administrator and shall deposit such sums of money as the City Council may require herein or by other ordinances.

- (3) The City Council shall not review the plan until it has received the review and preliminary approval of the planning commission. Following the preliminary approval by the planning commission, the City Council shall consider the plan at such meeting that the matter is placed on the regularly scheduled agenda.
- (4) Final approval shall be effective for a period of two years from the date of final approval. The two-year period may be extended at the discretion of the City Council, if requested by the applicant and granted by the City Council in writing.

(Code 2002, § 220-17; Ord. No. 563, § 1(220-17), 6-26-2017)

Sec. 46-131. - One-family, medium density site condominium option.

- (a) The medium density site condominium option is intended to provide for the division of land as regulated by the Condominium Act (Act 59 of 1978, as amended, MCL 559.101 et seq.) rather than the Subdivision Control Act (Act 288 of 1967, as amended, MCL 560.101 et seq.) in accordance with Section 141 of Act 59 (MCL 559.241), it is further intended that development utilizing the site condominium options be treated no differently than a subdivision developed under the Subdivision Control Act and that the same standards be applied in their design layout and improvements except as provided below.
- (b) Where a parcel proposed for use as a one-family medium density site condominium development abuts a One-Family Residential District, the planning commission must determine that the site complies with both of the following criteria:
 - (1) The site has at least one property line abutting a nonresidential zoning district or parcel of land that is not being used for residential purposes.
 - (2) There is at least one vehicular access point to the site that does not cross through a single family residential neighborhood.
- (c) If the medium density site condominium option is selected and authorized under section 46-159(b), the following conditions are applicable:
 - (1) The following height and bulk of building, lot size and yard requirements shall be applicable to medium density site condominium developments:

Minimum Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setbacks			Minimum Floor Area Per Unit	Maximum % of Lot Area Covered by all Buildings
Area (sq. ft.)	Width (feet)	In Stories	In Feet	Front	Sides	Rear		
4,500	45	2	30	15	5	25	576	50%

- (2) All streets shall be dedicated to the public and constructed in accordance with all applicable requirements of chapter 36, except that the minimum right-of-way width may be reduced after review and approval by the city engineer, public services director, and fire chief.
- (3) Except as provided for in the preceding paragraph, the site condominium development must comply with all provisions of article IV and article V of chapter 36 of the Code of the City of Grand Ledge.
- (4) A site plan shall be submitted in accordance with section 46-20 of this chapter.
- (5) Other options as defined and regulated by section 46-128 of this chapter can be used in conjunction with this section.
- (6) If building footprints are shown on the site plan, setbacks shall be measured to the building. otherwise, setbacks shall be provided for each building envelope equal to the minimum setback requirements of the zoning district and shall be measured as specified below:
 - a. Rear setbacks shall be measured from the rear area line to the rear building envelope.
 - b. Side setbacks shall be measured from the side area line to the side building envelope.

- c. Front setbacks shall be measured from the street right-of-way for public or private streets, and from the pavement edge for streets having a right-of-way.
- (7) Garages, whether attached or detached, may not extend more than ten feet closer to the street than the front wall of the dwelling.
- (8) The planning commission may request that several different facades be used to provide a variety of building appearances.
- (9) Plans for the development and landscaping of all commons areas must be submitted and shall meet the applicable requirements of section 46-7.
- (10) The means of maintaining all limited and general commons areas shall be specified in the master deed.
- (d) Review by the planning commission.
 - (1) The zoning administrator shall receive and check the plan for completeness per section 46-20 of this chapter. If the plan contains all of the items noted, the zoning administrator shall schedule a public hearing as per section 46-586.
 - (2) The commission shall review all details of the proposed plan within the framework of this zoning chapter within the various elements of the master plan, and within the applicable standards of chapter 36.
 - (3) The commission shall give preliminary approval or disapprove the plan.
 - a. Should the commission disapprove the plan, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the applicant.
 - b. Should the commission find that all conditions have been satisfactorily met and the plan conforms to the provision of this chapter, it shall recommend approval to the City Council. The planning commission chair shall make a notation to that effect on each copy of the plan and distribute copies of same as follows:
 - 1. Return one copy to the applicant;
 - 2. Retain one copy which shall become a matter of permanent record in the commission files;
 - 3. Forward one copy to the school board or school superintendent of the school district having jurisdiction in the area concerned;
 - 4. File the remaining copies in the office of the City Clerk.
- (e) Review by the city.
 - (1) No installation or construction of any improvements shall be made before the plan has received final approval of the City Council, engineering plans have been reviewed by the city engineer and any deposits required have been received by the city.
 - (2) The applicant shall file a copy of the plan with the zoning administrator and shall deposit such sums of money as the City Council may require herein or by other ordinances.
 - (3) The City Council shall not review the plan until it has received the review and preliminary approval of the planning commission. Following the preliminary approval by the planning commission, the City Council shall consider the plan at such meeting that the matter is placed on the regularly scheduled agenda.
 - (4) Final approval shall be effective for a period of two years from the date of final approval. The two-year period may be extended at the discretion of the City Council, if requested by the applicant and granted by the City Council in writing.

(Ord. No. 563, § 1(220-18), 6-26-2017)

Secs. 46-132—46-158. - Reserved.

ARTICLE VI. - R-HD; MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 46-159. - Purpose.

The Multiple-Family Residential District is designed to permit a more intensive residential use of land than would be permitted in a single-family district. Development is intended primarily on small parcels or lots of previously platted land. The intended development form would be a single building with two or more residential dwelling units located on a single lot. These districts would be located with access to major or secondary thoroughfares and would generally serve as transitional uses between nonresidential uses, railways, or high traffic areas and single-family homes.

(Code 2002, § 220-18)

Sec. 46-160. - Principal uses permitted.

In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) All uses as permitted and as regulated in the R-LD and R-MD Single-Family Districts unless otherwise provided under this article.
- (2) Single-family development within the R-HD District shall meet all requirements of this chapter pertaining to single-family development. Height, bulk, and area requirements of the single-family residential district having the greatest common linear boundary with the R-HD District shall apply.
- (3) Multiple-family dwellings.
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Code 2002, § 220-19)

Sec. 46-161. - Uses permitted subject to special conditions.

Large and small adult foster care group homes, congregate facilities, convalescent centers or nursing homes as defined in section 46-67, when the following conditions are met:

- (1) The use shall be registered with the city and documentation of a valid license as required by the state shall continuously be on file with the city.
- (2) Signage shall be in compliance with article XXI of this chapter.
- (3) Access shall be directly from a major or secondary thoroughfare.

(Code 2002, § 220-20)

Sec. 46-162. - Required conditions.

- (a) All permitted uses shall be subject to article XVIII of this chapter and other applicable sections of this chapter.
- (b) The building shall have an appearance which is nonobtrusive and consistent in color, materials, roofline, and architecture with the residential district in which it is located, as determined by the planning commission.
- (c) Access shall be in accordance with section 46-18.
- (d) See article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted, and minimum yard setback requirements.

(Code 2002, § 220-21)

Secs. 46-163—46-192. - Reserved.

ARTICLE VII. - R-PC; RESIDENTIAL PLANNED COMMUNITY DISTRICT

Sec. 46-193. - Purpose.

The Residential Planned Community District is designed to permit a more intensive residential use of land than would be permitted in a single-family district. Development forms would primarily include various types of attached single-family homes, townhouses, row houses, and garden apartments on large tracts of land. It is the intent to locate districts where they have access to major or secondary thoroughfares and where the uses would provide a transition between nonresidential uses, railways, or high traffic areas and single-family homes. Various sizes of residential accommodations, for ownership or rental, would be accommodated to meet the housing needs of residents of varying age and lifestyle in the city.

(Code 2002, § 220-22)

Sec. 46-194. - Principal uses permitted.

In a Residential Planned Community District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) All uses as permitted and as regulated in the R-LD and R-MD Single-Family Districts unless otherwise provided under this article.
- (2) Single-family development within the R-PC District shall meet all requirements of this chapter pertaining to single-family development. Height, bulk, and area requirements of the single-family residential district having the greatest common linear boundary with the R-PC District shall apply.
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Code 2002, § 220-23)

Sec. 46-195. - Uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Multiple-family dwellings when the following conditions are met:
 - a. Suitable passive or active recreation space shall be provided at a ratio of 1,000 square feet per unit. Plans shall be submitted which illustrate in detail the design and landscape of such recreation spaces.
 - b. All buildings shall have a minimum setback of 20 feet from interior drives and parking areas. Such areas shall be landscaped in accordance with section 46-7.
 - c. Covered parking areas shall be a minimum of ten feet from any lot line abutting a single-family district. Such space shall be planted with large deciduous trees placed, 30 feet on center. Such trees shall meet any applicable requirements of section 46-7.
- (2) Hospitals when the following conditions are met:
 - a. All such facilities shall be developed only on sites consisting of at least ten acres in area.
 - b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet.
- (3) Large and small adult foster care group homes, congregate facilities, convalescent centers, or nursing homes as defined in 46-67, when the following conditions are met:
 - a. The use shall be registered with the city and documentation of a valid license as required by the state shall continuously be on file with the city.
 - b. Signage shall be in compliance with article XXI of this chapter.
 - c. Access shall be directly from a major or secondary thoroughfare.
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Code 2002, § 220-24)

Sec. 46-196. - Required conditions.

- (a) All permitted uses shall be subject to article XVIII of this chapter and other applicable sections of this chapter.
- (b) The building shall have an appearance which is nonobtrusive and consistent in color, materials, roofline, and architecture with the residential district in which it is located, as determined by the planning commission.
- (c) Access shall be in accordance with section 46-18.
- (d) See article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted, and minimum yard setback requirements.

(Code 2002, § 220-25)

Secs. 46-197—46-215. - Reserved.

ARTICLE VIII. - MH; MOBILE HOME DISTRICT

Sec. 46-216. - Purpose.

The MH Mobile Home District is designed to provide for the appropriate location of and requirements for mobile home parks. Mobile home parks possess characteristics of site development, use, and density which are unique. Such characteristics are more intensive than those of one-family residential districts, yet different than a typical multiple-family development and, therefore, mobile home parks are treated as a distinct zoning district.

(Code 2002, § 220-26)

Sec. 46-217. - Principal uses permitted.

In an MH Mobile Home District, no building or land shall be used and no building shall be erected except for the following specified use unless otherwise provided in this chapter and further subject to the review and approval of the site plan by the planning commission:

Mobile home parks, which parks may include the following:

- a. Mobile homes;
- b. One management building exclusively provided for the conducting of business operations of the mobile home park in which located;
- c. Utility buildings for laundry facilities and auxiliary storage space for tenants or management of the mobile home park;
- d. Community building for the accessory use of tenants of the mobile home park in which it is located;
- e. Recreation facilities such as, but not limited to, swimming pools, play fields or courts, or passive recreation areas;
- f. The sale of mobile homes, provided that:
 - 1. Such sale is clearly accessory to the occupancy of individual lots within the mobile home park.
 - 2. Any such homes offered for sale shall be located upon a lot within in a mobile home development.
 - 3. Real estate signs shall be accessory to the mobile home being sold and shall be limited to one sign per building not to exceed 16 square feet in area.
 - 4. Banners, streamers, and pennants shall not be displayed.
- g. Accessory structures and uses customarily incident to any principal use permitted.

(Code 2002, § 220-27)

Sec. 46-218. - Application and approval procedures.

- (a) Site plan review and approval by the planning commission is required for all mobile home park developments in order to ensure that the plan is in conformance with applicable provisions of city codes. The planning commission shall either approve, modify, or disapprove the site plan within 60 days of the date of receipt.

- (b) Submittal for site plan approval shall include the following:
- (1) Basic plan requirements.
 - a. Site plans shall be drawn to 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.
 - b. The plan shall include the date, North point, and scale.
 - c. A copy of the legal description, including acreage, shall be included on the plan.
 - d. The applicant's name, address, and telephone number or the names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan. If the applicant is not the owner of the project a statement signed by the owner shall be submitted attesting that the applicant is acting on behalf of the owner. In addition the name, address, and telephone number of all persons, firms, or corporations with an ownership interest in the land shall be submitted.
 - e. 20 folded copies of the site plan shall be submitted.
 - (2) Preliminary site plans and specifications of the proposed mobile home park shall be submitted in accordance with section 11 of the Mobile Home Commission Act of 1987 (PA 96 (MCL 125.2311), as amended).
 - (3) A landscape plan shall be required for all yards abutting a public street. Such plans shall be prepared in accordance with section 46-7. The planning commission may waive or modify the requirements of section 46-7.
- (c) Conditional approval.
- (1) Reasonable conditions may be required with the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - a. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use of activity.
 - c. Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
 - (2) The conditions imposed, with respect to the approval of a site plan, shall be recorded in the planning commission minutes and such conditions shall remain unchanged except upon the mutual consent of the planning commission and the property owner. A record of conditions which are changed shall be maintained by the planning commission.
 - (3) Upon approval of the plan, the planning commission shall sign three copies thereof. Two copies shall be kept by the city, and the third shall be returned to the applicant. All subsequent actions relating to the activity authorized by the approved site plan shall be consistent with the plan unless a change conforming with this chapter is supported by mutual agreement between the property owner and the designated site plan approval body.
- (d) A copy of the approved site plan and all revised approved site plans shall be so marked and placed on file, along with copies of any and all permits requested for the property in question. Approval of revisions to the approved site plans can be granted only by the planning commission. The city shall not revoke approval should reasonable minor revisions of a technical nature be required during construction to accommodate unforeseen engineering contingencies which may arise after a permit to construct is issued by the state.
- (e) Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and with any revisions, amendments, or modifications made thereto. If construction and development does not conform with such approved plan, the city shall notify the department of commerce of suspected noncompliance and forward all evidence substantiating alleged illegalities.
- (f) The designated site plan approval body is empowered to require a performance bond to be posted by the applicant in order to

ensure that all public amenities will be completed in accordance with the approved site plan.

- (g) Fees for the review of site plans and inspections, as required in this section, shall be established, and may be amended from time to time, by resolution of the City Council.
- (h) The approval of any site plan under this provision shall remain valid for a period defined by Act No. 96 of the Public Acts of 1987, as amended (MCL 125.2301 et seq.), or as specified by the department of commerce.
- (i) The plan shall be submitted to the county road commission, the county health department, and the county drain commission where required by Act No. 96 of the Public Acts of Michigan of 1987, as amended.
- (j) For purposes of record keeping, three copies of drawings, approved by the state for construction, shall be submitted to the city by the applicant. Building permits are not required by this section.

(Code 2002, § 220-28)

Sec. 46-219. - Required conditions.

Uses permitted in section 46-217 shall be subject to the regulations and standards as provided for and promulgated under Act. No. 96 of the Public Acts of Michigan of 1987, as amended (MCL 125.2301 et seq.), are hereby adopted and shall apply to and control in all mobile home parks.

(Code 2002, § 220-29)

Secs. 46-220—46-246. - Reserved.

ARTICLE IX. - OS; OFFICE SERVICE DISTRICT

Sec. 46-247. - Purpose.

The Office Service District (OS) is designed to accommodate limited types of office uses performing administrative, professional, and personal services. These are typically small office buildings which can serve as a transitional use between more intensive uses of land, such as the traffic on major thoroughfares and/or commercial districts, and the less intensive uses of land such as single-family residential development. This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short-term parking and traffic from the general public. The OS District is designed to provide alternative, nonresidential uses for areas which front a major thoroughfare without changing the exterior character of the area and without adversely affecting adjacent land uses.

(Code 2002, § 220-30)

Sec. 46-248. - Principal uses permitted.

In an OS Office Service District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Professional offices for architects, engineers, artists, and others employed in the graphic arts field.
- (2) Administrative offices in which personnel will be employed in one or more of the following fields: executive, municipal, (excluding post offices), administrative, legal, writing, clerical, stenographic, accounting, insurance, real estate, and similar enterprises.
- (3) Medical offices, including medical clinics.
- (4) Studios for professional work or teaching of interior decorating, photography, music, drama, or dancing.
- (5) Galleries for the display and sale of art.
- (6) Data processing and computer centers but not including retail sales/service of electronic data processing equipment.

- (7) Barber shops, beauty shops, nail salons, and tanning salons.
- (8) Libraries and museums.
- (9) Funeral homes and mortuaries.
- (10) Single-family residences. Height, bulk and area requirements of the R-MD, Single-Family Residential District will apply.
- (11) Churches.
- (12) Accessory structures customarily incident to the above permitted uses.

(Code 2002, § 220-31; Ord. No. 560, § 1(220-31), 3-27-2017)

Sec. 46-249. - Uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Large and small adult foster care group homes as defined in section 46-67, when the following conditions are met:
 - a. The use shall be registered with the city and shall continually have documentation of a valid license as required by the state on file with the city.
 - b. Signage shall be in compliance with article XXI of this chapter.
 - c. Access shall be directly from a major or secondary thoroughfare.
- (2) Adult foster care congregate facilities, convalescent, or nursing homes as defined in section 46-67, when the following conditions are met:
 - a. The use shall be registered with the city and shall continually have documentation of a valid license as required by the state on file with the city.
 - b. No building shall be closer than 40 feet to any property line. The planning commission may modify the required 40-foot front yard setback in instances where existing buildings on adjacent or nearby lots are setback less than 40 feet from the front lot line. In these instances, the required setback may be reduced to become consistent with existing building lines as determined by the planning commission.
 - c. There shall be provided on the site, not less than 500 square feet of open space for each bed in the home.
 - d. Signage shall be in compliance with article XXI of this chapter.
 - e. Access shall be directly from a major or secondary thoroughfare.
- (3) State-licensed child and adult day care facilities, when the following conditions are met:
 - a. The site shall contain a minimum of one-half acre.
 - b. The outdoor play space shall have a total minimum area of not less than 1,200 square feet for up to six children.
 - c. There shall be provided and maintained an additional area of 100 square feet of outdoor play space for each child licensed in the facility in excess of six. Such space is not permitted in a required front yard or required side yard when such side yard abuts a street.
 - d. All play areas shall be fenced. Such fence shall be a minimum of five feet in height.
 - e. Play areas shall be screened from adjacent residential areas with a suitable fence, landscaping, or some combination thereof.
 - f. Access shall be provided in accordance with section 46-18.
- (4) Bed-and-breakfast establishments as regulated by section 46-126.

(Code 2002, § 220-32)

Sec. 46-250. - Required conditions.

- (a) Unless otherwise provided in this chapter, all uses within this district must be wholly conducted within a permanent, fully enclosed building, except utility structures not usually enclosed.

- (b) No interior display shall be visible from the exterior of the building.
- (c) The outdoor storage of goods or materials is prohibited.
- (d) Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.
- (e) All permitted uses shall be subject to article XVIII of this chapter and other applicable sections of this chapter.
- (f) See article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted, and minimum yard setback requirements.

(Code 2002, § 220-33)

Secs. 46-251—46-278. - Reserved.

ARTICLE X. - CBD; CENTRAL BUSINESS DISTRICT

Sec. 46-279. - Purpose.

The CBD Central Business District is intended to be a distinct area containing a unique collection of retail shops, activities, and services that benefit from a synergistic relationship to one another. The district regulations are designed with a special focus on providing businesses that can flourish in an environment that is largely pedestrian-oriented. The district is also intended to provide special attention to ensure that the area's unique architectural and historical character is preserved either through the rehabilitation of existing buildings or the construction of buildings in a similar style and with a high attention to details.

(Code 2002, § 220-34)

Sec. 46-280. - Principal uses permitted.

In the CBD Central Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) All principal uses permitted in the OS Office Service Districts.
- (2) Retail food establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the retail store.
- (3) Retail businesses such as drug, variety, clothing, secondhand stores, dry goods, furniture, music, book, or hardware stores which supply commodities on the premises.
- (4) Personal service establishments which perform service on the premises, such as barber or beauty shops, repair shops for shoes, interior decorators, radio, television, jewelry, or photographic studios.
- (5) Fur- and dry-cleaning establishments, dealing directly with the customer and provided that nonflammable and odorless cleaning fluid or solvent is used.
- (6) Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in restaurant or open-front store.
- (7) Theaters when completely enclosed.
- (8) Offices and office buildings of an executive, administrative, medical, or professional nature.
- (9) Public buildings including post offices, libraries, and governmental administrative offices.
- (10) Financial institutions.
- (11) Business schools, or private schools including, but not limited to, dance schools, music and voice schools, and art studios.

- (12) Newspaper offices, not including press operations.
- (13) Commercial recreational facilities including bowling alleys, billiard halls, and indoor skating rinks.
- (14) Buildings for public assembly.
- (15) Accessory structures customarily incident to the above permitted uses.
- (16) Other uses which are similar to the above and subject to the required conditions as noted in section 46-282.

(Code 2002, § 220-35; Ord. No. 560, § 2(220-35), 3-27-2017)

Sec. 46-281. - Uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Offices and showrooms of plumbers, electricians, decorators, or similar trades when the following conditions are met:
 - a. Not more than 25 percent of the floor area of the building or part of the building occupied by said establishment shall be used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise.
 - b. The ground floor premises facing upon, and visible from, any abutting street shall be used only for entrances, offices, or display.
 - c. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
- (2) Small-animal veterinary offices and pet shops provided that animals are kept entirely within the building at all times.
- (3) Off-street parking lots under the following terms and conditions:
 - a. Parking lots shall be used solely for parking of private passenger vehicles.
 - b. Where a parking lot adjoins a residential parcel of land, it shall be screened in accordance with the requirements of section 46-8.
 - c. Where a parking lot adjoins a public right-of-way line, it shall be screened by either a five-foot wide buffer, landscaped in accordance with section 46-7, or a three-foot high wall construction of brick or stone. Such walls shall be set back at least five feet from any entrance drives.
 - d. Parking lots shall be constructed and maintained in accordance with the requirements of article XVII.
- (4) To encourage and provide for the economic vitality of the Central Business District, residential occupancy shall be permitted in buildings of two stories in height or greater.
 - a. No dwelling unit shall occupy any portion of the building at ground level or below ground level. Businesses may occupy any number of total floors.
 - b. In those instances where residential uses are proposed to occupy the same floor as a business use the planning commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 1. Compatible hours of operation.
 2. Noise of operation or occupancy that would be detrimental to the business operation or vice-versa.
 3. Excessive foot traffic.
 - c. A use once established shall not require planning commission review when a change of occupancy occurs provided such change of occupancy is to the same or a similar type of use.
 - d. Each dwelling unit shall have a minimum floor area as follows:
 1. Efficiency dwelling unit: 350 square feet.
 2. One-bedroom dwelling unit: 600 square feet.
 3. Two-bedroom dwelling unit: 800 square feet.
 4. Three-bedroom dwelling unit: 1,000 square feet.

- e. Each dwelling unit shall comply with all building codes.
- (5) In the interest of promoting business by increasing activity and improving the general business climate, the building inspector or his designee may issue revocable permits to businesses that apply for a permit to operate a sidewalk cafe as an extension of, or compatible with, the existing business on a portion of a city sidewalk adjacent to the business. The permit may be issued under the following terms and conditions:
- a. In the CBD District, sidewalk cafe permits shall be issued if the zoning administrator or his designee determines the occupancy will not:
 - 1. Interfere with the use of the street for pedestrian or vehicular travel.
 - 2. Unreasonably interfere with the view of, access to, or use of property adjacent to said street.
 - 3. Reduce any sidewalk width to less than five feet.
 - 4. Interfere with street cleaning or snow removal activities.
 - 5. Cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located therein.
 - 6. Cause a violation of any state or local laws.
 - 7. Be used for off-premises advertising.
 - 8. Be attached to or reduce the effectiveness of or access to any utility pole, sign, or other traffic control device.
 - 9. Cause increased risk of theft or vandalism.
 - 10. Be adjacent to property zoned for single-family residential use.
 - b. All businesses selling food or beverages to be consumed in a public sidewalk area adjacent to the business shall enclose the area with a temporary structure approved by the zoning administrator. Prior to approval, written plans shall be submitted to the zoning administrator. All construction shall conform with existing building codes and regulations of the city and shall not be permanent. Such plans shall also include the location of adequate trash receptacles.
 - c. Prior to the issuance of a sidewalk cafe permit the applying business must provide the city with a certificate of liability insurance in an amount to be determined solely by the city. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the city, indemnify and hold harmless the city from all claims or damages incident to the establishment and operation of a sidewalk cafe.
 - d. The period of a sidewalk cafe permit shall not exceed 210 days. The dates and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being used as a sidewalk cafe, or for any other violation of this chapter.
- (6) State-licensed child care facilities, when the following conditions are met:
- a. The outdoor play space shall have a total minimum area of not less than 1,200 square feet for up to six children.
 - b. There shall be provided and maintained an additional area of 100 square feet of outdoor play space for each child licensed in the facility in excess of six.
 - c. All play areas shall be enclosed by a solid screen wall or fence, at least five feet in height. Chain-link or wire fences are not permitted.
 - d. At least one off-street pick up and drop off space shall be provided for children entering or leaving the facility between the hours of 6:00 a.m. and 8:00 p.m. Such space shall have unobstructed access to the door of the building.
- (7) Motels/hotels where, by prearrangement and for definite periods of time, transient guests are provided a sleeping room in return for payment, shall be permitted subject to the following conditions:
- a. At least one parking space is provided for each room either on the site or within 300 feet of the site.
 - b. 24 hour local management is provided when one or more of the rooms are occupied.
 - c. No guest shall establish permanent residence at a motel/hotel for more than 60 consecutive days within any calendar year.
- (8) Accessory structures customarily incidental to the above permitted uses subject to the following conditions:
- a. Accessory structures are permitted in a rear yard only.

- b. An accessory structure must be located directly behind the building containing the principal use to which it is associated.
 - c. No more than one accessory structure per parcel shall be permitted.
 - d. Accessory structures may not obstruct or in any way interfere access to a building.
 - e. Accessory structures cannot be located on or in a trailer or other mobile device.
 - f. Accessory structures must be completely enclosed.
 - g. Accessory structures must be aesthetically compatible with the general character of the central business district.
- (9) Warehouse and storage facilities when incidental to and physically connected with any principal use permitted, provided that such facility is located within the confines of the building or part thereof occupied by said establishment.

(Code 2002, § 220-36; Ord. No. 540, § 1, 10-8-2012; Ord. No. 556, § 1, 1-11-2016; Ord. No. 560, § 2(220-36), 3-27-2017)

Sec. 46-282. - Required conditions.

- (a) Unless otherwise provided in this chapter, all business, servicing, or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
- (b) All business establishments shall be retail or service establishments dealing directly with consumers.
- (c) All goods produced on the premises shall be sold at retail from premises where produced.
- (d) Outdoor storage of commodities shall be expressly prohibited.
- (e) All permitted uses shall be subject to article XVIII of this chapter and other applicable sections of this chapter.
- (f) See article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted, and minimum yard setback requirements.

(Code 2002, § 220-37; Ord. No. 560, § 2(220-37), 3-27-2017)

Secs. 46-283—46-312. - Reserved.

ARTICLE XI. - B-1; HIGHWAY SERVICE DISTRICT

Sec. 46-313. - Purpose.

The B-1 Highway Service Districts are generally designed to provide areas for business types that are located so as to serve passerby traffic. This would primarily be along Saginaw, a state highway. In addition, other businesses of a nonretail nature that do not depend on proximity to other similar uses to generate customers are included within the district.

(Code 2002, § 220-38)

Sec. 46-314. - Principal uses permitted.

In a Highway Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Restaurants.
- (2) Financial institutions.
- (3) Any retail business or service establishment whose principal activity is the sale of merchandise in an enclosed building.
- (4) Fur- and dry-cleaning establishments, dealing directly with the customer, and provided that nonflammable and odorless cleaning fluid or solvent is used.
- (5) Passenger terminals.
- (6) Funeral homes.

- (7) Commercial recreation facilities including health clubs, bowling alleys, pool or billiard halls or clubs, indoor tennis clubs, and of indoor commercial recreation establishments.
- (8) Outdoor golf driving ranges and miniature golf facilities.
- (9) Offices.
- (10) Veterinary facilities.
- (11) Accessory structures and uses customarily incident to the above permitted use.

(Code 2002, § 220-39)

Sec. 46-315. - Uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Automatic car washes when the following conditions are met:
 - a. All cleaning operations, except vacuuming and drying facilities shall be completely enclosed within a building.
 - b. One stacking space shall be provided for each 20 feet of building length.
 - c. Ingress and egress points shall be located a minimum of 60 feet from the intersection of any two streets.
 - d. A building setback of at least 40 feet must be maintained from any road right-of-way.
 - e. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property or streets.
- (2) Self-service car wash facilities when the following conditions are met.
 - a. Four stacking spaces shall be provided for each wash stall.
 - b. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property or streets.
 - c. Ingress and egress points shall be located a minimum of 60 feet from the intersection of any two streets.
- (3) Oil change facilities upon the condition that three stacking spaces shall be provided for each stall, rack, or pit.
- (4) Light automobile repair when the following conditions are met:
 - a. All activities shall be conducted within a completely enclosed building.
 - b. Outside storage of vehicles or parts must be completely screened in accordance with section 46-8, Walls and berms.
 - c. No outside storage of discarded or salvaged materials, junk vehicles, or junk parts shall be permitted on the premises.
- (5) Drive-through facilities when a minimum of five stacking spaces are provided per service lane or window.
- (6) Motor vehicle sales or showroom when the following conditions are met:
 - a. Open air display of vehicles is permitted as an accessory use and must meet all applicable setbacks as specified in article XVI of this chapter. However, display of vehicles may be permitted within a required street yard provided that a landscaped greenbelt is provided. Such greenbelt shall be a minimum of 15 feet in width as measured from the road right-of-way and the display of vehicles is not permitted within this area.
 - b. Display areas must be paved and landscaped in accordance section 46-7.
 - c. Parking must be provided in accordance with article XVII of this chapter and shall be completely separated from any display use.
 - d. No outside storage of discarded or salvaged materials, junk vehicles, or junk parts shall be permitted on the premises.
 - e. Outside loud speaker systems or outside public address system are not permitted within 300 feet of a residential district.
 - f. A minimum road frontage of 150 feet shall be provided.
- (7) Truck and automobile leasing when the following conditions are met:
 - a. The outdoor storage of vehicles is permitted in a rear yard only.

- b. For outdoor storage of vehicles, the height of screening walls will be determined in accordance with section 46-8. Walls and
 - c. Open air display of vehicles is permitted as an accessory use and must meet all applicable setbacks as specified in article XVI of this chapter.
- (8) Motels/hotels, subject to the following conditions:
- a. Each unit shall contain no less than 250 square feet of floor area.
 - b. No guest shall establish permanent residence at a motel for more than 30 consecutive days within any calendar year.
- (9) Child-care centers, when the following conditions are met:
- a. The site shall contain a minimum of one-half acre.
 - b. The outdoor play space shall have a total minimum area of not less than 1,200 square feet for up to six children.
 - c. There shall be provided and maintained an additional area of 100 square feet of outdoor play space for each child licensed in the facility in excess of six. Such space is not permitted in a required front yard or required side yard when such side yard abuts a street.
 - d. All play areas shall be fenced. Such fence shall be a minimum of five feet in height.
 - e. Play areas shall be screened from adjacent residential areas with a suitable fence, landscaping, or some combination thereof.
 - f. Access shall be provided in accordance with section 46-18.

(Code 2002, § 220-40)

Sec. 46-316. - Required conditions.

- (a) For uses that must provide stacking spaces, the following requirements shall be met:
 - (1) Stacking lanes shall have a minimum width of eight feet and shall not conflict with parking or ingress and egress drives.
 - (2) The length of one stacking space is 20 feet.
 - (3) Stacking shall not be permitted within a required front yard.
- (b) Except as specifically permitted by other provisions of this section, all business, servicing or processing, not including off-street parking or loading, shall be conducted within a completely enclosed building. The temporary outdoor sale and display of merchandise shall be permitted as an accessory use for any retail business whose principal activity is the sale of merchandise within an enclosed building, subject to the following requirements:
 - (1) Any materials displayed outside of an enclosed building shall not extend into the required landscaped area or occupy any required parking or maneuvering areas for vehicles.
 - (2) Lighting of outdoor display areas shall be shielded so as to deflect light away from any residential use or district. Such lighting shall also be deflected away from any adjacent street so as not to interfere with traffic. Compliance with all other requirements of section 46-11.
- (c) Warehousing or indoor storage of goods or material in quantity greater than normally incidental to the above permitted uses shall be prohibited.
- (d) See article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

(Code 2002, § 220-41)

Secs. 46-317—46-335. - Reserved.

ARTICLE XII. - P; PARKING DISTRICT

Sec. 46-336. - Purpose.

The vehicular parking districts are designed to accommodate the off-street parking needs of those nonresidential uses which are not able to provide adequate space within their own district boundaries. As such, the district may serve as a transitional use between single-family dwellings and uses of a higher intensity.

(Code 2002, § 220-42)

Sec. 46-337. - Uses permitted.

Premises in P Parking Districts shall be used only for an off-street vehicular parking area and accessory uses. Such accessory uses include only a shelter for parking lot attendants which shall not exceed 14 feet in height.

- (1) No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area.
- (2) No building, other than those for parking lot attendants, as noted above, shall be erected upon the premises.
- (3) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

(Code 2002, § 220-43)

Sec. 46-338. - Required conditions.

- (a) The parking area shall be accessory to and for use in connection with one or more businesses, institutions, industrial establishments, or with a multiple-family residential development.
- (b) Parking areas shall be used solely for parking of private passenger vehicles, for periods of less than one day.
- (c) Such parking lots shall be situated on premises which have an area of not less than 5,000 square feet.
- (d) Such parking lot shall be contiguous to a multiple-family or nonresidential district or use. There may be a private driveway or public street or public alley between such P District and the contiguous district.
- (e) Walls.
 - (1) Where the P Parking District is contiguous to the side or rear lot lines of premises within a residentially-zoned district, a wall, 4½ feet in height, shall be located along such lot line.
 - (2) A wall, three feet in height, is required between the parking area and the road right-of-way. Such walls shall be set back five feet from any entrance drives and shall be set back from the right-of-way line in accordance with article XVI of this chapter.
 - (3) Wall shall be constructed with a face of brick or stone. Wood fences and concrete block walls are not permitted.
 - (4) The land between the wall and the street right-of-way line shall be kept free from refuse and debris and shall be planted in accordance with [section 46-7](#).
 - (5) Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the area effectively or where it is determined that the adjoining property is indicated on the future land use plan as a nonresidential area.
- (f) Parking lots in P Parking Districts shall be developed and maintained in accordance with the requirements of article XVII of this chapter.
- (g) A site plan and landscape plan shall be submitted to the planning commission for its review and approval prior to the issuance of any building permit.
- (h) Article XVIII of this chapter and other applicable sections of this chapter are applicable.
- (i) See article XVI of this chapter limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted, and minimum yard setback requirements.

(Code 2002, § 220-44)

Secs. 46-339—46-364. - Reserved.

ARTICLE XIII. - I-1; LIGHT INDUSTRIAL DISTRICT

Sec. 46-365. - Purpose.

The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities and warehouse and industrial operations whose external, physical effects are restricted to the area of the districts 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 and that the processing of raw material not be permitted.

(Code 2002, § 220-45)

Sec. 46-366. - Principal uses permitted.

In an I-1 District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any of the following uses when conducted wholly within a completely enclosed building:
 - a. Research, design, and pilot or experimental product development.
 - b. The manufacturing, compounding, processing, fabricating, assembling, stamping, pressing, packaging and/or treatment of finished or semi-finished products from previously prepared materials.
 - c. Central dry-cleaning or carpet-cleaning plants or laundries provided that such plants shall not deal directly with consumer at the retail level.
 - d. Laboratories: research, experimental, film and testing.
 - e. Recycling operations.
- (2) Veterinary hospital, not including kennels.
- (3) Warehouse, storage and transfer, electric, gas service buildings, yards, and public utility buildings, telephone exchange buildings and substations and gas regulator stations, water and gas tanks.
- (4) Warehousing and distribution.
- (5) Self-storage facilities.
- (6) Light and general automobile repair not including the open storage of discarded or wrecked automobiles or automobile parts.
- (7) Trade or industrial schools.
- (8) Data processing and computer centers, including service and maintenance of electronic data processing equipment, and software development.
- (9) Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses.
- (10) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (11) Other uses of a similar and no more objectionable character to the above permitted uses.

(Code 2002, § 220-46; Ord. No. 574, § 1(220-46), 8-27-2018)

Sec. 46-367. - Uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Kennels, provided that a zoning lot located within 300 feet of a residential district shall not be occupied for such use unless separated from the residential district by a major or secondary thoroughfare. In an instance where the residential district is

used for other than residential purposes, the planning commission may waive or modify the distance requirement.

- (2) Open storage facilities for building materials, gravel, sand, stone and lumber, and of contractor's equipment and supplies, provided such is screened in accordance with section 46-8 on those sides abutting all nonindustrial districts and on any yard abutting a public thoroughfare.
- (3) Commercial greenhouses.
- (4) Plants which produce, refine, or store chemical products such as plastics, perfumes, or synthetic fibers, subject to compliance with the applicable federal, state, and municipal statutes, and under such conditions as the planning commission and City Council impose to ensure that the use is not injurious to the district and its environs and is compatible with existing uses in the district.

(Code 2002, § 220-47; Ord. No. 574, § 1(220-47), 8-27-2018)

Sec. 46-368. - Required conditions.

- (a) All outdoor storage shall be located in the rear yard and shall be screened from view of adjacent residential areas and public thoroughfares in accordance with section 46-8.
- (b) No outdoor storage of any kind shall be permitted in any designated off-street parking or loading, unloading area.
- (c) All uses permitted in the I-1 District must conform to regulations of section 46-16.
- (d) Article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements shall be complied with.

(Code 2002, § 220-48)

Secs. 46-369—46-394. - Reserved.

ARTICLE XIV. - I-2; HEAVY INDUSTRIAL DISTRICT

Sec. 46-395. - Purpose.

The I-2 Heavy Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations requiring reasonable access to transportation networks and whose external effects may 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 material as well as from previously prepared material.

(Code 2002, § 220-49)

Sec. 46-396. - Principal uses permitted.

The following regulations shall apply to all I-2 Districts and no building structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used, except for one or more of the following uses:

- (1) All uses permitted in a I-1 District.
- (2) Heating and electric power generating plants.
- (3) The bottling or packaging of cleaning compounds and polishes.
- (4) The manufacture of furniture and upholstery, paper, hardware, cutlery, leather goods, luggage, wearing apparel, automotive accessories, not including tires.
- (5) Light and general automobile repair.
- (6) Storage and repair of large trucks and related equipment.
- (7) Assembly plants for automobiles or other machinery.

- (8) Brewing or distillation of malt beverages or liquors.
- (9) Canning factories.
- (10) Metal stamping and pressing plants.
- (11) Lumber or planing mills.
- (12) Manufacture of cement, lime, gypsum or Plaster of Paris, corrosive acid, or alkali.
- (13) Grain and seed elevators and sales; cold storage for cooperative and/or wholesale agricultural products.
- (14) Freestanding nonaccessory signs subject to article XXI of this chapter.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.

(Code 2002, § 220-50)

Sec. 46-397. - Uses permitted after special approval.

The following uses may be permitted in I-2 Districts after a public hearing and review and approval by the planning commission and under such conditions as the planning commission imposes after finding that the use is not injurious to the district and its environs; is not contrary to the spirit and purpose of this chapter; is not incompatible with already existing districts uses in the area; would not interfere with orderly development of the area; and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic:

- (1) Plants which produce, refine, or store petroleum, chemicals, plastics, or flammable liquids or gasses.
- (2) Incineration of garbage or refuse.
- (3) The manufacture of tires.
- (4) Junkyards and places so-called for the dismantling, wrecking, and disposing of scrap or discarded automotive vehicles may be permitted on a continuous parcel of not less than ten acres.
- (5) Any other use which shall be determined by the City Council after recommendation from the planning commission, to be of the same general character as the above permitted uses in this this section. The planning commission may impose any required setback and/or performance standards so as to ensure public health, safety, and general welfare.

(Code 2002, § 220-51)

Sec. 46-398. - Required conditions.

- (a) All outdoor storage shall be located in the rear yard or in an interior side yard and shall be screened from view of adjacent residential areas and public thoroughfares in accordance with section 46-8, Walls and berms.
- (b) No outdoor storage of any kind shall be permitted in any designated off-street parking or loading, unloading area.
- (c) A zoning lot located within 300 feet of a residential district shall not be occupied by any such use permitted under section 46-397 unless separated from the residential district by a major or collector thoroughfare. In an instance where the residential district is used for other than residential purposes, the planning commission may waive or modify the distance requirement.
- (d) All uses permitted in the I-2 District must conform to section 46-16.
- (e) Article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements shall be complied with.

(Code 2002, § 220-52)

Secs. 46-399—46-424. - Reserved.

ARTICLE XV. - AG; AGRICULTURAL DISTRICT

Sec. 46-425. - Purpose.

The Agricultural Districts are intended to preserve existing areas within the city which are presently used predominantly for general farming and to serve as a temporary zoning designation for parcels newly annexed to the city.

(Code 2002, § 220-53)

Sec. 46-426. - Principal uses permitted.

- (a) All uses permitted and as regulated in the R-LD Single-Family District unless otherwise provided under this article.
- (b) Field crops and fruit farming, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agriculture enterprises.
- (c) Public and private parks and conservation areas.
- (d) Roadside stands selling products grown in the premises upon which the stand is located, provided that contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one parking space for each 15 square feet of roadside stand floor area and that any stand meets setback requirements of the district that would be applied for principal structures.
- (e) Uses of a similar but no more objectionable nature.
- (f) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Code 2002, § 220-54)

Sec. 46-427. - Required conditions.

Article XVI of this chapter, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements shall be complied with.

(Code 2002, § 220-55)

Secs. 46-428—46-452. - Reserved.

ARTICLE XVI. - SCHEDULE OF REGULATIONS

Sec. 46-453. - Schedule.

Use District		Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (Feet)(a)(b)			Minimum Floor Area Per Unit (Sq. Ft.)	Minimum Ground Floor Area Per Unit (Sq. Ft.)	Maximum % Lot Area Covered By All Buildings	
		Area (Sq. Ft.)	Width (Feet)	In Stories	In Feet	Front	Sides(n)					Rear
							Least One	Total of Two				
R-LD	Low Density Residential(i)	12,000	80	2	35	35	10	25	35	1,350	500	25%

R-MD	Medium Density Residential(j)	8,450	65	2	30	25	5	15	35	960	500	40%
R-HD	Multiple-Family Residential	9,600(c)	80	2(d)	30(d)	25	5	15	35	(f)	—	40%
R-PC	Residential Planned Community	43,560(c)	(c)	2(d)	30(d)	25(d)	5(d)	15(d)	35(d)	(f)	—	40%
MH	Mobile Home	see article VIII	—	2	30	—	—	—	—	—	—	—
OS	Office Service	—	60	2	25	25	5	15	35	—	—	50%
CBD	Central Business District	—	—	3	45	0	10(i)	20	0	—	—	—
B-1	Highway Service	—	100	2	30	30(h)	10	30	20	—	—	—
AG	Agricultural	5 acres	none	2	50	35	50	100	50	—	—	5%
I-1	Light Industrial	—	—	2	40	25	20	40	40	—	—	—
I-2	Heavy Industrial	—	—	2	50	75	20	40	40	—	—	—

Schedule of Regulation Notes

- (a) All yards abutting a street shall be landscaped. For all uses except one-family or two-family detached residential units, a landscape plan shall be submitted in accordance with the applicable provisions of section 46-7, landscaping. The objective of such landscaping is not to totally obscure but to soften the overall appearance of the use.
- (b) Utility transformers or pedestals not exceeding four feet in height may be placed within the minimum yard setback of any yard except a front yard.
- (c) For the purpose of computing density, the number of rooms, not the number of units, shall apply. A den, library or other unspecified room shall be counted as a bedroom for density calculations. The following shall control:

- (1) Efficiency unit: one room.
- (2) One-bedroom unit: two rooms.
- (3) Two-bedroom unit: three rooms.
- (4) Three-or-more-bedroom unit: four rooms.

In no instance shall more than 15 percent of the total number of units of any multiple-family development be utilized for efficiency apartment development. The total number of rooms in multiple-dwelling structures shall not be more than the area of the parcel in square feet divided by 1,000 in an R-HD District and 900 in an R-PC. In either case, fractional figures of one-half or greater shall be rounded to the next whole number.

- (d) Multiple-family residential buildings on parcels of land that are at least ten acres in size may be increased to three stories and 45 feet in height. All buildings in excess of 30 feet in height must be set back at least 25 feet from all property lines that adjoin single-family residential parcels of land.
- (e) The minimum floor area requirements shall be supplied as follows:

Efficiency unit	350	square feet
One-bedroom unit	600	square feet
Two-bedroom unit	800	square feet
Three-bedroom unit	1,000	square feet
More than three bedrooms	1,150	square feet plus 150 square feet for each additional bedroom

- (f) No multiple-family building may exceed 180 feet in length or width.
- (g) One-family detached condominiums shall meet all requirements and standards of the district in which such dwellings are to be constructed.
- (h) Parking may be permitted within a required front yard setback, provided that the parking setback is not less than ten feet. The lawn area shall be landscaped in accordance with [section 46-7](#).
- (i) No side yards are required along interior side lot lines, except as otherwise specified in the building code. Exterior side yards shall have a setback as specified by the Schedule of Regulations except that if the exterior side yard borders on a residential district, there shall be provided a setback of not less than 20 feet. Furthermore, if walls or structures face interior side lot lines and contain windows or other openings, side yards of not less than ten feet shall be provided.

(Code 2002, § 220-56; [Ord. No. 567](#), § 1, 2-26-2018; [Ord. No. 569](#), § 1, 4-23-2018)

Secs. 46-454—46-474. - Reserved.

ARTICLE XVII. - OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 46-475. - Parking requirements.

There shall be provided in all districts at the time of erection, alteration, or enlargement of any principal building or structure, automobile off-street parking space, with adequate access to all spaces. The number of off-street parking spaces in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- (1) All uses within the Central Business District shall be exempt from the numerical parking space requirements of this chapter.
 - (2) All off-street parking areas required in this chapter shall be located on the same lot, on the immediate premises of the developed site, and in the same district as the use they are intended to serve.

Parking for places of worship or assembly, private clubs, association, and institutions shall be within 300 feet measured from the parking area to the nearest point of pedestrian entrance to the building.
- (3) In addition to other applicable standards of this chapter in general and this article in particular, within residential districts the following additional standards shall apply:
 - a. Residential off-street parking spaces shall consist of a parking bay, strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
 - b. In single-family residential districts, the parking of vehicles in a front yard is prohibited, except in a driveway, and no driveway located in a required front yard shall occupy more than 30 percent of the required front yard. In no case, however, shall a driveway in single-family residential districts exceed 20 feet in width within the road right-of-way.
 - c. The parking or storage of junk vehicles as defined by this chapter shall not be permitted in a residential district.
 - d. The parking or storage of the following shall not be permitted in a residential district unless within a completely enclosed building:
 1. A vehicle with three or more axles;
 2. A construction vehicle, farm vehicle, or equipment including, but not limited to, a trailer, backhoe, or dump truck;
 3. A vehicle with a gross weight exceeding 10,000 pounds; and
 4. A vehicle which exceeds 12 feet in height or 35 feet in length.
 - e. The parking of one utility trailer on an approved driveway is permitted on each single family residential lot. Additional utility trailers must be parked in a completely enclosed structure.
- (4) In all districts, any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- (5) In all districts, off-street parking existing at the effective date of the ordinance from which this chapter is derived in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building, structure, or use.
- (6) Joint use of parking space.
 - a. The joint use of parking facilities by two or more uses may be granted by the planning commission whenever such use is practical and satisfactory to each of the uses intended to be served and when all requirements for location, design, and construction can be satisfied.
 - b. In computing capacities of any joint use, the total space requirements is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
 - c. A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the county registrar of deeds. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.
- (7) The storage of trucks, merchandise, and equipment, the display of motor vehicles for sale, or the repair of vehicles is prohibited, Except in those zoning districts where such activity or use is otherwise permitted. on single family residential lots, one vehicle may be displayed for sale, subject to the following conditions:
 - a. The vehicle must be parked on an approved driveway/parking space;
 - b. The owner of the vehicle must reside on the property on which the vehicle is being sold;
 - c. No more than four vehicles may be displayed/sold from any single family residential lot over the course of one calendar year.

- (8) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which a planning commission determines to be similar in type.
- (9) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction, up to and including, one-half shall be disregarded and fractions over one-half shall require one parking space.
- (10) For the purpose of computing the number of parking spaces required, the terms "floor area, usable" and "floor area, gross," shall govern.
- (11) Off-street parking may be permitted in a side or rear yard unless otherwise provided in this chapter.
- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<i>Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
Residential	
Housing for the elderly	1 for each 3 units and 1 for each employee; should units revert to general occupancy, then 1½ spaces for each dwelling unit
Residential, one-family	2 for each dwelling unit
Multiple-family	2 for each dwelling unit
Mobile home park	2 for each mobile home pad and 1 for every 3—10 mobile homes to accommodate visitor parking
Family day care home	2 plus 1 for each nonresident employee
Group day care home	2 plus 1 for each nonresident employee
Institutional	
Places of worship	1 for each 3 seats or 5—6 feet of pew in the main area of worship
Hospitals/health care centers	2 for each bed
Convalescent homes, nursing homes and adult foster care facilities with more than 6 adults receiving foster care	1 for every 10 persons in residence plus 1 for each employee in the largest working shift
Elementary or junior high schools	1 for each teacher and employee; in addition, 5 spaces shall be provided for visitor parking
High schools	1 for each employee or administrator, and 1 for each 5 students; in addition, 10 spaces shall be provided for visitor parking
Private clubs, or lodges	1 per 100 square feet of usable floor area
Private golf clubs, swim clubs, tennis clubs, or other similar uses	1 for every 2 member families or individuals plus additional spaces for accessory uses
Golf courses open to the general public except miniature courses	3 for each golf hole and 1 for each employee, plus spaces required for each accessory use such as a restaurant or bar
Stadium or sports arenas or similar outdoor place of assembly	1 for each 3 seats or 6 feet of benches
Theaters and auditoriums	1 for each 3 seats plus 1 for each employee
Library, museum, or post office	1 for each 150 square feet of usable floor space
Nursery schools/day care centers	2 plus 1 for each caregiver or teacher, plus off-street loading space for children entering and leaving the facility
Commercial	
Auto service stations (full service)	1 for each lubrication stall, rack, or pit; and 1 for each gasoline pump stand; in addition, parking for accessory uses, such as minimarkets must be provided
Auto service stations (self-serve)	1 spaces for each fueling station; in no instance shall such a facility provide less than 3 parking spaces; in no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel; in addition, parking for accessory uses, such as minimarkets, must be provided
Auto wash (automatic)	1 for each employee
Auto wash (self-washing or coin-operated)	1 for each stall in addition to the stall itself
Beauty parlor, barber-shop, or salon	2 spaces for each of the first 2 chairs, and 1 spaces for each additional chair

Carry-out restaurants (with no eating on premises)	1 for each employee and 1 for each 100 square feet of usable floor area with a minimum of 4 spaces
Bowling alleys	4 for each bowling lane plus parking for accessory uses such as restaurants or bars
Dance halls, roller rinks, exhibition halls, and assembly halls without fixed seats	1 for each 3 persons allowed within the maximum occupancy load as established by the fire marshal
Drive-in restaurant	1 for each 50 square feet of usable floor area, in addition to stacking spaces for the drive-through lane
Establishments for sale and consumption, on the premises, of beverages, food, or refreshment	1 for each 50 square feet of usable floor area
Funeral home or mortuaries	1 for each 50 square feet of usable area of assembly room and parlors
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or other similar uses	1 for each 800 square feet of usable floor area (for that floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein)
Golf driving range	1 space for each driving tee plus 3 spaces for employees
Hardware stores	1 for each 500 square feet of usable floor area
Ice-skating or roller rink	1 for each seat or 6 feet of benches, or 1 for each 150 square feet of skating area, whichever is greater
Laundromats and coin-operated dry cleaners	1 for each 4 machines
Miniature golf courses	2 spaces per hole plus 5 additional spaces to accommodate employees
Motel/hotel, bed-and-breakfast	1 for each rental unit, plus 2 additional spaces for management and/or service personnel
Motor vehicle sales establishments	1 for each 300 square feet of usable floor area of sales room plus 1 for each auto service stall in the service room if provided
Pool hall or club	1 for each 3 persons allowed within the maximum occupancy load as established by the fire marshal
Retail stores except as otherwise specified herein	1 for each 250 square feet of usable floor area
Self-storage rental	1 space for each employee and 1 space for each 50 storage rental units
Shopping center and super markets	1 for each 300 square feet of usable floor area for the first 15,000 square feet; 1 for each 350 square feet for the next 15,001 to 450,000 square feet of usable floor area
Amusement arcade	1 for each 200 square feet of usable floor area
Athletic clubs, exercise establishments, health studios, sauna baths, martial arts studios, and other similar uses	1 parking space for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes plus 1 space per employee; in those instances where memberships are provided for, not less than 1 space per each 5 memberships shall be provided plus 1 space per employee
Offices	
Banks	1 for each 200 square feet of usable floor area
Banks (drive-through only)	1 for each employee, in addition to stacking spaces for the drive-through lane(s)
Business offices or professional offices except for professional offices or clinics of doctors, dentists, or similar professions	1 for each 250 square feet of usable floor area
Professional offices or clinics of doctors, dentists, or similar professions	1 for each 200 square feet of usable floor area
Industrial	
Industrial or research establishments	1 for every 1 employee in the largest working shift, or 1 for every 1,200 square feet of usable floor space, whichever is greater

Wholesale establishments	5 plus 1 space for every 1½ employees in the largest working shift or 5 plus 1 space for every 450 square feet of usable floor area, whichever is greater; space on the site will also be provided for all construction workers during periods of plant construction
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- (13) If requested by an applicant, up to 20 percent of the required parking spaces may be left as open green space, if the property owner can demonstrate to the satisfaction of the planning commission that such spaces are not needed. If such modification is approved by the planning commission, the following conditions shall apply:
 - a. The site plan must demonstrate that the property and the stormwater management system thereon is cap able of accommodating the total number of required parking spaces.
 - b. The site may be periodically reviewed to determine if the parking spaces provided are adequate to support the use of the property. If found to be inadequate, the required amount of parking shall be installed in accordance with the approved site plan within nine months after notification by the planning office.
- (14) In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed the amount of parking required by subsection (l) of this section. This requirement shall not apply to single-family or two-family dwellings. If permeable pavement is utilized, the number of parking spaces may be increased by ten percent of the amount of parking required by subsection (1) of this section. In any case, the planning commission may permit additional parking over and above the number of spaces required by subsection (l) of this section based on evidence demonstrating that additional parking spaces are necessary to accommodate the use on a typical day.
- (15) One bicycle rack that can support at least two bicycles in an upright position is required for each parcel of land in the B-1 Highway Service and OS Office Service Districts. a reduction in the number of off-street parking spaces required by subsection (l) of this section shall be permitted for the provision of bicycle parking in all districts provided that:
 - a. No fee is required for use of the bicycle parking;
 - b. When calculation of the maximum number of reduced parking spaces results in a fraction, the resulting number shall be rounded to the next highest integer;
 - c. Bicycle parking spaces shall be located within 100 feet of an entrance to the structure;
 - d. Bicycle parking spaces must support a bicycle in an upright position; allow both the bicycle frame and the front wheel to be locked; be securely anchored to a hard surface, such as asphalt, concrete, or brick pavers, with dimensions of at least six feet by two feet; and be constructed of materials that resist cutting, rusting, bending, and deformation; and
 - e. The reduction in the number of automobile parking spaces shall be reduced by no more than one space for each six bicycle parking spaces, but by no more than 20 percent of the total required spaces.

(Code 2002, § 220-57; Amended 3-27-2000 by Ord. No. 454; Ord. No. 544, § 1, 1-28-2013)

Sec. 46-476. - Off-street parking layout, standards, construction, and maintenance.

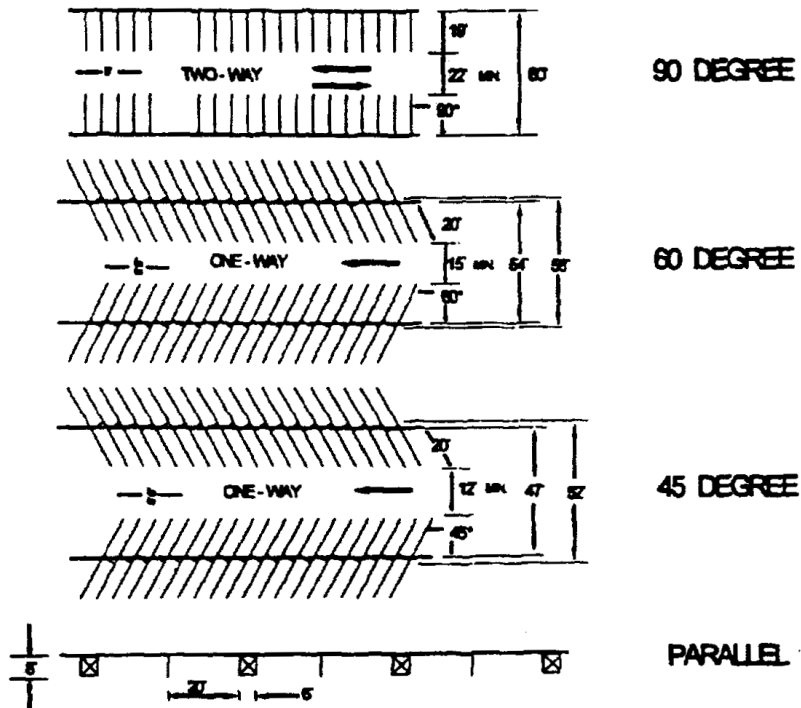
Any permanent off-street parking facility, unless otherwise specified in this section, shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed without review and approval by the city engineer and review by the zoning administrator or planning commission. Applications for a permit shall be submitted to the city in such form as may be determined by the zoning administrator and shall be accompanied with plans for the development and construction of the parking lot showing that the provisions of this article will be fully complied with.
- (2) Plans for the layout of parking facilities shall be in accord with the following minimum requirements:

<i>Parking Pattern</i>	<i>Aisle Width*(feet)</i>	<i>Parking Space Length (feet)</i>	<i>Parking Space Width (feet)</i>	<i>Total Width of One Tier of Spaces + Aisle (feet)</i>	<i>Total Width of Two Tiers of Spaces + Aisle (feet)</i>
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0° (parallel)	12	23	8	28	36
45°	12	20	8.5	32	52
60°	15	20	8.5	36	58
90°	22	19	9	41	60

* The required aisle width may be reduced by not more than four feet provided that the depth of each parking space shall be increased by a dimension not less than the reduction of the aisle width for that portion of the parking area so reduced.



- (3) Except for single-family and two-family residential uses, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be in conformance with section 46-11.
- (4) Adequate ingress and egress to the parking lot shall be provided. The planning commission shall have full power to regulate and determine the places of ingress and egress so that traffic on the streets and highways of the city shall be controlled, regulated and coordinated and to require the installation and maintenance of suitable barriers to ensure the safety of pedestrians passing any such parking lot, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required by the city shall be established and maintained by the owner or lessee of the parking lot.
- (5) The planning commission may require the joining of parking lots in adjacent parcels in order to reduce the number of curb cuts onto a public street and to facilitate movement between sites.
- (6) All parking spaces shall be clearly striped with lines at least four inches in width.
- (7) Except for parallel parking, where parking abuts a private sidewalk or other on-site pavement at least five feet in width, two feet may be credited toward the total required parking space length.
- (8) Except for single-family and two-family uses, all parking lots shall have access from a clearly limited and defined driveway not less than 15 feet wide for a one-way and 22 feet wide for two-way traffic.
- (9) The required number, size, and spacing of handicapped parking spaces shall be determined by state rules and regulations.
- (10) Parallel parking spaces shall be striped so as to show a space 20 feet in length with a six-foot maneuvering space for each two parking spaces.

- (11) Except for a driveway providing access to a single- or two-family dwelling unit, all parking spaces shall have access from an aisle site.
- (12) Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.
- (13) Bumper stops, curbing, or wheel blocks shall be provided to prevent any vehicle from damaging or encroaching upon any required wall, fence, or buffer strips or upon any building adjacent to the parking lot.
- (14) All required parking spaces, drives, and aisles shall be hard-surfaced concrete or asphalt except for such seasonal and transient uses as city parks, golf courses, carnivals, stadiums and sports arenas, and like uses. The use of permeable paving material that meets the following criteria is permitted, after review and approval by the city engineer.
- (15) The permeable paving material shall have similar structural characteristics to asphalt or concrete, and shall be capable of withstanding normal parking lot and drive aisle use.
- (16) Products, including sub-grade soils, shall be installed per manufacturer and product installation specifications.
- (17) Decomposed granite, crushed rock, and gravel are not permitted as a drive aisle or parking lot surface.
- (18) Any product installed within areas designated by the fire department as a fire lane must be approved the by fire department.
- (19) Except for a driveway providing access to a single or two family dwelling unit, all hard-surface parking areas, including landscape islands, shall be constructed with concrete curbs. This requirement may be waived by the planning commission, after review and recommendation by the city engineer.
- (20) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single- or two-family residential use shall be at least 25 feet from an adjacent property. In unusual circumstances or where a significant public benefit can be achieved, the planning commission may waive or modify this requirement.
- (21) 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.
- (22) Maneuvering lanes serving angle parking shall permit one-way traffic movements only; lanes serving right angle parking may permit two-way movement. The mixing of one-way and two-way movements within a lot shall be permitted only in exceptional instances and with the approval of the planning commission.
- (23) Dead-end off-street parking aisles are discouraged, especially in connection with business uses. Such aisles shall be no more than eight spaces deep and should, in any case, be used only when there is no reasonable alternative. If more than eight spaces deep, the layout shall provide a means for vehicles to turn around if all spaces are occupied.
- (24) Parking lot trees shall be provided in accord with section 46-7.
- (25) Walls, fences, and berms shall be provided in accordance with section 46-8.

(Code 2002, § 220-58; Ord. No. 544, § 1, 1-28-2013)

Sec. 46-477. - Off-street loading and unloading.

Where off-street loading and unloading spaces are provided, the following requirements shall apply:

- (1) Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent durable and dustless surface.
- (2) Access to a loading space directly from a public street or alley shall be so arranged as to provide sufficient off-street maneuvering space as well as adequate ingress to and from a street or alley.
- (3) Except in industrially-zoned districts, loading space is permitted in a rear yard only. In all nonindustrially-zoned districts, loading space may be permitted in a front or side yard with approval of the planning commission, provided that such location is necessitated by the site conditions, the side yard is not a street yard and provided that the area is screened from view from any public street.
- (4) Loading space shall be distinct from and shall not interfere with parking aisles or spaces.

(5) The planning commission may waive or modify loading requirements where unusual circumstances exist.

(6) Loading spaces shall not be included in calculations for off-street parking space requirements.

(Code 2002, § 220-59; Ord. No. 544, § 1, 1-28-2013)

Secs. 46-478—46-507. - Reserved.

ARTICLE XVIII. - GENERAL EXCEPTIONS

Sec. 46-508. - Essential services.

Essential services serving the city and essential transportation services authorized by state and federal law shall be permitted as authorized and regulated by law and other ordinances of the municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the municipality shall receive the review and approval, after public hearing, of the planning commission. Such review of the planning commission shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and, further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the city.

(Code 2002, § 220-81; Ord. No. 538, § 1, 4-9-2012)

Sec. 46-509. - Voting place.

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

(Code 2002, § 220-82)

Sec. 46-510. - Porches in residential districts.

- (a) An unenclosed porch, deck, balcony, or awning may project from a principal building into the required rear setback for a distance not to exceed 15 feet; into a required front yard setback area for a distance not to exceed eight feet; and into a required side yard setback area for a distance not to exceed three feet, but in no case shall a porch, deck, balcony, or awning be placed closer than five feet to any lot line. When projecting from a detached accessory building, an unenclosed porch, deck, balcony, or awning must comply with the minimum setback requirements for detached accessory buildings contained in section 46-5. Physical structures relating to barrier-free access, such as ramps, shall not be required to comply with setback requirements.
- (b) For purposes of this section, the term "unenclosed" means a porch, deck, balcony, or awning which, except for roofs, pillars, posts, or railings, is completely open to the elements on at least two sides. If an unenclosed porch, deck, balcony, or awning projects into the required setbacks as stated above, such structures shall not be enclosed by walls, windows, doors, screens, or other barriers unless they are brought into compliance with the required setback requirements of this chapter.

(Code 2002, § 220-83; Ord. No. 538, § 1, 4-9-2012)

Sec. 46-511. - Access through yards.

For the purposes of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered a structure, and shall be permitted in any required yard. Access drives shall in no instance drain onto adjacent properties.

(Code 2002, § 220-84)

Sec. 46-512. - Architectural projections.

In any zoning district, architectural features, such as, but not limited to, window sills, cornices, eaves, bay windows, gutters, pilasters, chimneys, flues, and other similar features may extend or project into a required yard not more than two inches for each one foot of width of such yard, and may extend or project into a required front or rear yard not more than three feet. Architectural features shall not include those details which are nominally demountable such as wall signs or insignias.

(Code 2002, § 220-85; Ord. No. 538, § 1, 4-9-2012)

Sec. 46-513. - Yard regulations.

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

(Code 2002, § 220-86)

Sec. 46-514. - Required lot area for residential districts.

Any residential lot created and recorded prior to the effective date of the ordinance from which this chapter is derived may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:

- (1) That the other requirements of the district are met.
- (2) That no adjacent vacant land or lot is owned by the owner of the lot in question.
- (3) If a lot already has less than the minimum required lot area or lot width it shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this chapter.

(Code 2002, § 220-87; Ord. No. 538, § 1, 4-9-2012)

Sec. 46-515. - Lots adjoining alleys.

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

(Code 2002, § 220-88)

Sec. 46-516. - Height limit.

The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized nonresidential uses only when all of the following conditions can be satisfied:

- (1) No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial enterprise.
- (2) Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve and will not become a hazard to aviation.
- (3) Structural elements may not exceed 20 percent of the gross roof area, without approval of the zoning board of approval.
- (4) Structures qualifying for exception include those listed below:
 - a. Structures that are ornamental in nature such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, and monuments.
 - b. Appurtenances that have a mechanical or structural function such as chimneys and smokestacks, water tanks, elevator and stairwell, penthouses, ventilators, bulkheads, cooling towers, and grain and seed elevators.

c. Public monuments.

(Code 2002, § 220-89)

Sec. 46-517. - Canopies.

Accessory canopy structures may be permitted to extend into a required yard setback when the following conditions are met:

- (1) Such canopies shall remain unenclosed.
- (2) Cantilevered canopies may be no closer than 15 feet to a lot line or road right-of-way.
- (3) In no instance shall a pier or other supporting member be located within a required setback.
- (4) Such canopies shall not cover more than 25 percent of the zoning lot.

(Code 2002, § 220-90; Ord. No. 538, § 1, 4-9-2012)

Sec. 46-518. - [Mobile food vendors.]

Permitting mobile food vendors (food trucks) in the "B-1", Highway Service, "CBD", Central Business, "I-1", Light Industrial, and "I-2", Heavy Industrial Districts, subject to the following conditions:

- (1) Food vending is permitted only if a similar fare or cuisine is not already offered by an existing business within a one-block radius of where the mobile food vendor is proposed to be located. This restriction does not apply to food vendors operating on a temporary basis during a community event.
- (2) A mobile food vendor (MFV) permit must be issued by the zoning administrator in order to operate a mobile food vending business in the city. The following information is required prior to issuance of an MFV permit:
 - a. Documentation that all necessary health department permits or approvals have been obtained.
 - b. The MFV permit application has been signed by the city's building official attesting that any and all applicable permits required by the State of Michigan Construction Code have been obtained.

An MFV permit is not required for food vendors operating on a temporary basis for up to five consecutive calendar days as part of a community event where the food vendor has been approved by the event sponsor/organizer and the owner of the property upon which it is to be located.

- (3) Approval by the City Council or its designee is required prior to locating a mobile food vendor vehicle on any city-owned property or public right-of-way. The applicant shall, to the fullest extent permitted by law, defend, indemnify, and hold the city harmless against any claim that may arise from its use of city-owned property or the public right of way. The applicant shall obtain and maintain during the term of the permit a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$1,000,000.00 per occurrence. The certificate shall provide that the city will receive 30 days' prior written notice of cancellation or nonrenewal. The City Council or its designee may waive the insurance requirement for food vendors operating on city property or the public right-of-way on a temporary basis for up to five consecutive calendar days during a community event for which the vendor is covered by the insurance for the event.
- (4) Mobile food vendor vehicles and anything associated therewith, including, but not limited to waste receptacles and seating areas shall not occupy or obstruct any maneuvering aisle, fire lane, driveway or entrance to a permanent structure on or adjacent to the property upon which it is located.
- (5) Mobile food vendor vehicles located on a public right-of-way may not interfere with or impede the free flow of vehicular traffic on a public right-of-way or non-motorized traffic on a sidewalk or pathway.
- (6) Waste containers for public use shall be provided and all waste shall be disposed of by the vendor to prevent unsanitary or unsightly conditions. Vendors are responsible for the proper disposal of all grey water, grease, and other food waste, which shall not be dumped or disposed of on or into public property including but not limited to storm drains and surface discharge.
- (7) Signs are permitted on the mobile food vendor vehicle only. No freestanding signs are permitted.

- (8) No power cable shall extend on or across any parking lot, driveway or sidewalk except in a safe, concealed manner designed to prevent tripping.
- (9) Vending is not permitted within 15 feet of a fire hydrant.
- (10) Mobile food vendors may operate during the hours of 7:00 a.m. and 11:00 p.m. This requirement may be waived or modified by the City Council or its designee for mobile food vendors operating on a temporary basis for up to five consecutive calendar days during a community event.

(Ord. No. 573, § 1, 8-27-2018)

Secs. 46-519—46-542. - Reserved.

ARTICLE XIX. - NONCONFORMING LOTS, STRUCTURES, AND USES

Sec. 46-543. - Intent.

- (a) Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment.
- (b) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter 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.
- (c) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the ordinance from which this chapter is derived by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would be prohibited generally in the district involved.

(Code 2002, § 220-91)

Sec. 46-544. - Nonconforming lots.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record and if all or part of the lots do not meet the requirements for lot width and area, 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 sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(Code 2002, § 220-92)

Sec. 46-545. - 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 enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (3) If such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such

land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Code 2002, § 220-93)

Sec. 46-546. - 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 chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. In instances where a nonconforming structure is partially destroyed the city's chief building official shall make a determination as to whether or not repairs to the structure will exceed 50 percent of the replacement cost.
- (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 moved.

(Code 2002, § 220-94)

Sec. 46-547. - Nonconforming uses of structures and premises.

If a lawful use of structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived, that would not be allowed 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 at the time of adoption or amendment of this chapter, 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 premises, may be changed to another nonconforming use provided that the board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of appeals may require appropriate conditions and safeguards in accord with the provisions 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 premises in combination is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (7) Given the historical development pattern in the city, a number of two-family residential uses exist on lots zoned for one-family residential uses. It is the intent of this subsection to allow such uses to continue subject to compliance with the following standards and procedures:

- a. A nonconforming two-family dwelling and its accessory structures within single-family districts may be continued, replaced if damaged by fire, vandalism, flood, or other force of nature, if approved by the zoning board of appeals. Such approval shall find that the resulting building footprint will be the same size or smaller than that of the building before such change, and the building shall have an appearance that is nonobtrusive and consistent in color, materials, roofline, and architecture with the district in which it is located.
- b. Replacement of such nonconforming two-family buildings shall commence within six months of the date of damage and work shall be diligently pursued toward completion.
- c. Failure to complete replacement or diligently work toward completion, or use of the building for a conforming single-family use for any period of time, shall result in the loss of legal, nonconforming status unless good cause for the delay or temporary change in use is found to be acceptable at a hearing before the zoning board of appeals.

(Code 2002, § 220-95)

Sec. 46-548. - Repairs and maintenance.

- (a) 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 ten percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of the ordinance from which this chapter is derived shall not be increased.
- (b) 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.

(Code 2002, § 220-96)

Sec. 46-549. - Uses under exception provisions.

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.

(Code 2002, § 220-97)

Sec. 46-550. - Change of tenancy or ownership.

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

(Code 2002, § 220-98)

Secs. 46-551—46-578. - Reserved.

ARTICLE XX. - ADMINISTRATION AND ENFORCEMENT

Sec. 46-579. - Enforcement.

The provisions of this chapter shall be administered and enforced by the zoning administrator and the building inspector or by such deputies of their departments as may be delegated.

(Code 2002, § 220-99)

Sec. 46-580. - Duties of zoning administrator.

- (a) *Plan review.*

- (1) The zoning administrator shall review plans to assure that proposed construction and use of land is in compliance with all applicable provisions of this chapter. If any application is not approved, the zoning administrator shall state in writing on the application for such disapproval.
 - (2) Under no circumstance is the zoning administrator permitted to make changes in this chapter, nor to vary the terms of this chapter while carrying out the duties prescribed herein. Issuance of a permit shall in no case be construed as waiving any provisions of this chapter.
- (b) *Violations.* The power of the zoning administrator shall include the power to issue appearance tickets involving violations of this zoning chapter for which a fine may be levied. The zoning administrator, or the administrator's designee, shall inspect each alleged violation of this chapter and after inspection shall, within ten days of his inspection, issue to the offender an order to correct the violation. Upon reinspection following the time allowed for correction, the zoning administrator may issue an appearance ticket to the offender if a violation has not been corrected and shall report the violation to the City Attorney. In all prosecutions for violations of this chapter, appearance tickets and the appropriate procedures set forth in Act 147 of Public Acts of 1968, as amended (MCL 764.9a et seq.), may be used whenever appropriate.
- (c) *Record of complaints.* The zoning administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent to each such complaint, which records shall be public records.
- (d) *Report to City Council.* The zoning administrator shall report to the City Council periodically, at intervals of not greater than 12 months, summarizing for the period since the last previous report all complaints of violation and the action taken subsequent thereon. The zoning administrator shall also prepare a report of all zoning board of appeals actions at intervals of not greater than 12 months.

(Code 2002, § 220-100; Ord. No. 571, § 1(220-100), 8-13-2018)

Sec. 46-581. - Duties of building inspector.

The building inspector or building official may issue building permits and certificates of occupancy, in accordance with the provisions of the state construction code, after review and approval by the zoning administrator confirming compliance with all applicable provisions of this chapter.

(Code 2002, § 220-101; Ord. No. 571, § 1(220-101), 8-13-2018)

Sec. 46-582. - Plot plan.

Each application for a building permit shall be accompanied by a plan. For proposals that will require site plan review by the planning commission, a site plan will be required in accordance with section 46-20, site plan review. For proposals that do not require site plan review by the planning commission, a plot plan shall be submitted to the zoning administrator. The plot plan is intended to provide the minimum information necessary for the city to sufficiently determine compliance with codes and ordinance. At a minimum, each plot plan shall be drawn to scale and shall include the following information:

- (1) The shape, location, area, and dimensions of the lot.
- (2) The location, dimensions, height, and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including in the residential areas the number of dwelling units the building is intended to accommodate.
- (4) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other information necessary to determine density and parking requirements.
- (5) The yard, open space, and parking space dimensions.
- (6) Existing and proposed grades to an extent necessary to allow the building department, the zoning administrator, and the city engineer to properly determine the results of the proposed work.
- (7) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of

this chapter are being observed.

(Code 2002, § 220-102; Ord. No. 571, § 1(220-102), 8-13-2018

Sec. 46-583. - Reserved.

Editor's note— Ord. No. 571, § 1(220-103), adopted Aug. 13, 2018, repealed former § 46-583 which pertained to permits and derived from the 2002 Code, § 220-103.

Sec. 46-584. - Reserved.

Editor's note— Ord. No. 571, § 1(220-104), adopted Aug. 13, 2018, repealed former § 46-584 which pertained to certificates of occupancy and derived from the 2002 Code, § 220-104.

Sec. 46-585. - Amendments.

- (a) *Council authority.* The City Council may, from time to time, upon recommendation from the planning commission or upon petition, amend, supplement, or change the district boundaries or the regulations in this chapter, or subsequently established in this chapter pursuant to the authority and procedure established in Act 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), and as the statute may be amended from time to time.
- (b) *Petition for amendment.* Upon presentation to the planning commission of a petition for amendment of the zoning ordinance by the owner of real estate affected, such petition shall be accompanied by a deposit or fee, in an amount to be established by resolution of the council, payable to the City Clerk. If the petitioner withdraws his request prior to the time the planning commission sets the amendment for public hearing, the petitioner shall be entitled to a refund of the fee, unless a public hearing has been held to discuss the petition.
 - (1) In the event the landowner or authorized entity acting on behalf of the landowner desires or intends to propose a particular land use or development as a condition to rezoning pursuant to section 4g of the City and Village Zoning Act, PA 2004 No. 579 (MCL 125.584g), a written notice of intent to make such an offer shall be given to the zoning administrator.
 - (2) The notice of intent required herein shall be in writing and shall be accompanied by a proposed covenant to run with the land regarding the proposed use or a proposed agreement setting forth the development conditions relating to said rezoning request.
 - (3) Unless waived by the City Council, all proposals for conditional zoning shall be reviewed by the planning commission and addressed in the planning commission's recommendation/report on the underlying rezoning request. In the consideration of such a proposal, the planning commission may request additional information and data as it may deem appropriate.

(Code 2002, § 220-105)

Sec. 46-586. - Notice of public hearing.

For uses making reference to this section, all applications for special approval, special land use or otherwise required by PA 110 of 2006, notice of public hearing before the planning commission or the City Council shall be given as follows:

- (1) One notice of the public hearing shall be published in a newspaper of general circulation in the city not less than 15 days before the hearing.
- (2) One notice of the public hearing shall be sent by first-class mail, postage prepaid, or by personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of such property, regardless of whether the property or occupant is located within the city. Notice shall be given not less than 15 days before the hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- (3) Said notice shall describe the nature of the request that is the subject of the hearing, describe the property that is the subject of the request and include a listing of all existing street addresses within the property. The notice shall also state

when and where the request will be considered and when and where written comments will be received concerning the request.

- (4) The City Council may hold a public hearing on a proposed ordinance provision if it considers it necessary or if it receives a request from a property owner addressed to the clerk, which request is received prior to City Council action. Notice of a hearing before the City Council shall be given as set forth above.

(Code 2002, § 220-107; Ord. No. 571, § 1(220-107), 8-13-2018)

Sec. 46-587. - Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises of land which is begun or changed subsequent to the time of passage of this chapter 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.

(Code 2002, § 220-108)

Sec. 46-588. - Violations and fines.

- (a) 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 responsible for a separate infraction and upon a finding of responsibility therefor shall be liable for the fine as herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (b) Any person, firm, or corporation violating any of the provisions of this chapter shall be responsible for a municipal civil infraction, shall be subject to a fine for each infraction as established by the City Council, along with the costs for prosecution. The imposition of any penalty shall not exempt the offender from compliance with the requirements of this chapter.

(Code 2002, § 220-109)

Sec. 46-589. - Interpretation; conflict with other provisions.

In the 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 chapter, 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, provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this chapter shall control.

(Code 2002, § 220-110)

Sec. 46-590. - Fees.

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the City Clerk in advance of the issuance of such permits or certificates. The amount of such fees shall be established by the City Council, and shall cover the cost of inspection and supervision resulting from the enforcement of this chapter.

(Code 2002, § 220-111)

Sec. 46-591. - Performance assurance.

The planning commission or City Council or zoning board of appeals is empowered to require a financial guarantee from the applicant in order to ensure completion of improvements and compliance with the zoning ordinance, and any conditions imposed under the zoning ordinance, in the form of a cash deposit, certified check, irrevocable letter of credit or surety bond acceptable to the City Attorney. Said

performance guarantee shall not be required until the city is prepared to issue the required permits, and portions of the deposit may be released to the applicant as the improvements or work progress.

(Code 2002, § 220-112; Amended 2-26-2007 by Ord. No. 516; Ord. No. 571, § 1(220-112), 8-13-2018)

Secs. 46-592—46-615. - Reserved.

ARTICLE XXI. - SIGNS

Sec. 46-616. - Purpose.

- (a) The purpose of this article is to permit and regulate outdoor signs of all types in all zoning districts. The regulation of outdoor signs is intended to enhance the physical appearance of the city, to preserve scenic and natural beauty, and to create a climate that is attractive to business. It is further intended by the provisions of this chapter to improve traffic safety by avoiding sign distractions and the canceling out effect of conflicting overlapping signs.
- (b) Definitions. 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:

Accessory sign means a sign which pertains to the principal use of the premises.

Business center means any group of two or more commercial establishments having not less than 100 feet of frontage on a major street and which are under one common ownership or management, have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies, or other structural members to form one continuous structure; or share a common parking area.

Exterior building entrance includes only those available for use by customers or patrons and does not include service or employee entrances.

Festoon sign means a sign where incandescent light bulbs, banners or pennants, or other such features are hung or strung overhead and are not an integral physical part of the building or structure they are intended to serve.

Flashing, animated, or moving sign means a sign that intermittently reflects lights from either an artificial source or from the sun or sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity, or a sign that has any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources.

Ground sign means a sign not attached to any building and supported by uprights or braces or some object on the ground and is a type of freestanding sign.

Height means the distance from the ground to the highest point of the sign, including the sign frame.

Inflatable sign means a sign that is either expanded to its full dimension or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.

Maximum size of sign means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

Nameplate means an accessory sign stating the name or street number of a person, firm, building, or institution of a certain permitted use.

Natural materials includes, but are not limited to, wood, stone, and brick. Substances specifically excluded from the term "natural materials" are plywood, pressed board, drywall, concrete block, poured concrete, wood or metal paneling, sheet metal, or any substances synthetically created in a manufacturing process.

Nonaccessory sign means a sign which does not pertain to the principal use of the premises.

Painted wall sign means a sign painted directly on any exterior building wall, or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

Political sign means a sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

Portable sign means a sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be portable only if such sign is manifestly designed to facilitate its movement from one zoning lot to another.

Projecting sign means a sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the surface of the portion of the building line or extending over public property.

Real estate development sign means a sign placed on the premises of a subdivision or other real estate development to indicate a proposed start or to inform relative to availability.

Real estate sign means a sign placed upon a property advertising that particular property for sale, rent, or lease.

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

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

Swinging sign means a sign installed on an arm, mast, spar, or building overhang that is not rigidly attached to such arm, mast, spar, or building overhang.

Temporary sign means a sign with or without letters and numerals, such as window signs in business and industrial districts, of lightweight cardboard, cloth, plastic, or paper materials and intended to be displayed for special events, sales, and notices.

Vehicle business sign means a vehicle upon which a sign is painted or attached and is parked or placed upon the owner's premises primarily for advertising purposes.

Wall sign means a sign erected or fastened to the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which erected or fastened.

(Code 2002, § 220-78(A))

Sec. 46-617. - Signs not permitted.

The following signs shall not be permitted in any use district:

- (1) Festoon sign.
- (2) Flashing, animated, or moving sign.
- (3) Projecting sign.
- (4) Snipe sign.
- (5) Vehicle business sign.
- (6) Roof-mounted signs.
- (7) Portable signs.

(8) Temporary signs unless otherwise provided by this chapter.

(Code 2002, § 220-78(B))

Sec. 46-618. - General provisions.

The following conditions shall apply to all signs erected or located in any use district:

- (1) Except for signs erected by the city, the county, state, or federal governments, and signs located in the CBD District, no sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- (2) Except for permitted swinging signs, signs mounted on a building shall not project beyond or overhang the wall by more than 12 inches.
- (3) Signs shall not project above the cornice, wall facade, parapet, or eave of the building to which it is affixed.
- (4) Signs shall be permitted in any required yard, and for the purposes of determining required height and required front setbacks, signs shall be exempt from the schedule of regulations and the standards provided in this section shall apply.
- (5) No sign shall be erected which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- (6) Accessory signs shall be permitted in any use district.
- (7) Nonaccessory signs shall be permitted only in the I-2 Heavy Industrial Districts, except as otherwise provided by this chapter.
- (8) Temporary signs are allowed in any district with approval and issuance of a permit by the zoning administrator. Such signs shall be allowed for a period not to exceed ten days twice in any one calendar year for any single use. For the purposes of this section, a shopping center or other collective grouping of buildings on a single parcel shall have the same rights as an individual use.

(Code 2002, § 220-78(C))

Sec. 46-619. - General exceptions.

The following signs shall not require a permit:

- (1) Real estate signs advertising premises for sale, rent, or lease, when not more than six square feet in area and not more than 42 inches in height for a single dwelling or building or vacant land. Such signs shall be placed at least 15 feet from a road right-of-way or property line.
- (2) Real estate signs in commercial areas providing that such sign shall not exceed 15 square feet in surface display area per face, nor exceed ten feet in height, and, if they are freestanding, shall be set back at least 25 feet from the nearest edge of existing pavement.
- (3) Seasonal decorations and community event signs which advertise public entertainment or events of public interest. These signs shall remain in place for not more than 21 days before and seven days after the event and may not exceed ten square feet in area.
- (4) A real estate sign for the purpose of direction shall not exceed six square feet in area per sign face. Such signs may be located off premises only from 9:00 a.m. to 9:00 p.m. on the day of the open house and only for three consecutive days and for three days each week. Such sign shall not have a height exceeding 42 inches and are subject to section 46-12. Permission to locate subject sign shall be obtained from the owner or occupant of property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of said sign.
- (5) Signs erected by the city, the county, state, or federal governments, for street direction or traffic control.
- (6) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises.
- (7) Accessory on-site directional signs of not more than two square feet each.

- (8) Political signs not exceeding six square feet in surface display area per sign face and not exceeding 3½ feet in height, provided signs are removed within ten days after the election for which they were erected and provided further that no such sign shall be within the public right-of-way or on other public lands.
- (9) Flags, not more than three per zoning lot and not more than four feet by six feet.
- (10) Legal notices, identification, or informational signs erected or required by governmental bodies.
- (11) Signs or markers obtained from a state or federal agency identifying the premises as having been designated a state historical site or listed in the National Register of Historic Places.
- (12) Signs advertising garage sales, yard sales, etc.

(Code 2002, § 220-78(D))

Sec. 46-620. - Administration and enforcement.

- (a) It shall be unlawful for any person to erect, re-erect, alter, or relocate any sign unless a permit shall have been first obtained from the zoning administrator, except as otherwise provided in this chapter.
- (b) Application for sign permits shall be made to the zoning administrator upon forms supplied by the city.
- (c) The zoning administrator will review the sign for conformance to zoning standards and will transmit one copy of the application to the building inspector for review. The building inspector shall review the sign to ensure conformance with city building codes and general structural soundness. The zoning administrator shall not approve a sign permit without receiving a favorable review from the building inspector.
- (d) The zoning administrator has the authority to approve or deny all sign applications in all zoning districts.
- (e) Application for sign permits for property located within the CBD zoning district shall be reviewed by the downtown development authority (DDA) who will make recommendations to the zoning administrator prior to approval.
- (f) Applicants have the right to appeal any decision of the city administration or DDA to the zoning board of appeals in conformance with article XXII of this chapter.
- (g) A fee schedule shall be set by the City Council which shall be collected with each application for a sign permit.
- (h) In all instances, the zoning administrator may require review by the planning commission.

(Code 2002, § 220-78(E))

Sec. 46-621. - Compliance certificate required.

- (a) All signs shall be inspected at original installation; if found to comply with this chapter, the sign shall be issued a certificate of compliance.
- (b) The building inspector shall cause existing signs to be inspected biannually, and more frequently if deemed necessary, to determine continuation of compliance with the provisions of this chapter.
- (c) Should any sign be found unsafe, insecure, improperly constructed, or not in accordance with the requirements of this chapter, the erector and/or owner shall be required to make the sign safe, secure, and otherwise in compliance with the requirements of this chapter with 30 days' notice. All signs for which a permit is required and all supports therefor shall be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit and shall be kept and maintained in a safe condition.
- (d) Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owners expense within 48 hours of notification.

(Code 2002, § 220-78(F))

Sec. 46-622. - R-LD, R-MD, R-HD, R-PC, MH, and AG districts.

- (a) One nonilluminated nameplate sign announcing a home occupation or professional service not to exceed three square feet in area mounted flat against the wall of the principal building.

- (b) One ground sign identifying a subdivision or multiple housing development, nursing home, convalescent center, or adult foster care congregate facility. Such signs shall not exceed 32 square feet and shall be placed no closer to any future road right-of-way than ten feet. No sign shall exceed a height of six feet.
- (c) One temporary sign for a new residential development, advertising the sale or lease of lots, buildings, or units within said development. Such sign shall not exceed 32 square feet in area nor six feet in height and shall be placed no closer to any future road right-of-way than 20 feet. Such signs shall be allowed on a temporary basis for a period not to exceed two years. However, the planning commission shall have authority to grant authorizations to continue such a sign for a reasonable period thereafter, upon a showing that a substantial number of lots, buildings, or units remain vacant.
- (d) Nonresidential uses permitted in the district such as hospitals, churches, and schools shall be allowed one sign, not exceeding 32 square feet in area nor six feet in height and which shall be placed no closer to any future right-of-way line than 20 feet. In addition, such uses shall be allowed one nonilluminated sign not to exceed 50 square feet and mounted flat against the wall of the principal building.
- (e) All signs shall be constructed of natural materials as defined by this chapter or cast metals.

(Code 2002, § 220-78(G))

Sec. 46-623. - OS Office Service District.

- (a) One nameplate sign for each exterior building entrance shall be permitted. Such sign shall not exceed six square feet in area.
- (b) One ground sign for each zoning lot. Such sign shall have a maximum area of 20 square feet, a maximum height six feet, and a minimum setback of 20 feet from the future road right-of-way. Additional signs may be permitted when the following conditions exist:
 - (1) Two signs may be permitted on a corner lot that has at least 100 feet of frontage on each of two thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 - (2) Two such signs may be permitted where the zoning lot, not a corner lot, has frontage on two major thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
- (c) All signs shall be constructed of natural materials, as defined by this chapter, or cast metals.

(Code 2002, § 220-78(H))

Sec. 46-624. - CBD Central Business District.

- (a) One nameplate sign for each exterior building entrance shall be permitted. Such sign shall not exceed three square feet in area.
- (b) One wall sign per building. Such sign shall not exceed 30 square feet in area.
- (c) One double-faced swinging sign per building entrance shall be permitted. Such sign shall not exceed 12 square feet in area per face. The innermost edge of the overhanging sign shall not be more than one foot away from the wall of the building and the outermost edge of said sign shall not project more than four feet away from the wall of the building. The bottom edge of an overhanging sign shall be eight feet above the ground or sidewalk or 15 feet if overhanging an alley.
- (d) All signs shall be constructed of natural materials, as defined by this chapter, or cast metals.
- (e) No temporary sign made of paper, cardboard, canvas, or similar material will be permitted on the exterior walls. Such signs are permitted to be mounted on the insides of glass storefront windows; however, such signs shall not cover more than 25 percent of the total window area.
- (f) One sandwich sign per store front subject to the following restrictions:
 - (1) To ensure that the provisions of this section have been met, a sandwich sign permit shall be obtained by any proprietor desirous of placing such a sign within the CBD District. A sandwich sign permit application shall be filed with the city zoning administrator, and an application fee, in an amount to be determined from time to time by resolution of the City Council, shall be paid. A schematic sketch of the proposed sign, including the proposed dimensions, colors, and materials of the sign shall be included with the application.

- (2) No sidewalk less than eight feet wide shall be permitted to have a sandwich sign.
 - (3) The sign shall not create a pedestrian obstruction. The sign shall be located adjacent to the curb, within the brick paver section of the sidewalk where present. If brick pavers are not present, the sign shall be located within four feet of the curb, as measured on a parallel line to the curb. On corner lots, no sign shall be placed within the crosswalk area. No sign shall be placed in a manner that would impair site distance for the safe operation of a vehicle.
 - (4) No anchor or tie-down device may be employed with the sign.
 - (5) The sign shall be placed directly on the sidewalk, and may not be placed on a bench, chair, platform, or other device to raise the height of the sign.
 - (6) During the winter months, the sign area must be cleared of snow to allow the sign to be placed directly on the sidewalk and not on mounds of snow.
 - (7) The signs must be associated with and in front of the establishment using the sign.
 - (8) Total sign face area not to exceed six square feet per side, with an overall width not to exceed two feet and with overall height not to exceed four feet except for a personal business sign or symbol of the business attached to the insert at the top of the sandwich sign. This insert may not exceed 16 inches high or the width of the sandwich sign.
 - (9) The sign frame shall be painted or stained, the frame color must be compatible to the street furniture or lighting fixtures and otherwise blend in with the public space. Contrasting frame color schemes designed to draw attention to themselves and not the message are prohibited. Lively colors and creative expression are encouraged in the changeable copy message area of the sign.
 - (10) Signs must be removed from the sidewalk during extremely inclement weather and when the business is closed.
 - (11) The city and/or the state department of transportation shall not be held responsible for damage or loss of a sign for any reason, including damage by snow plowing or other maintenance activities.
 - (12) The city zoning administrator shall remove any sandwich sign displayed on a public right-of-way in violation of this section, shall impound the sign, and within 24 hours of the removal, shall notify in writing, by first-class mail, the owner of the sign, if ownership is readily determinable, of the location at which the sign is being stored and of the owner's right to retrieve the sign upon payment of an impound fee as set by resolution of the City Council. Signs not retrieved within a period of 30 days after the mailing of such notice may be destroyed by the city.
 - (13) Prior to the issuance of a sandwich sign permit, the applying business must provide the city with a certificate of liability insurance. The minimum general liability limits will be \$500,000.00 combined single limit (bodily injury, property damage) per occurrence. The insurance policy shall remain in force and effect during the life of the sign. The owner of the sign shall notify the zoning administrator of any change in the policy including the amount, carrier, or of coverage conditions. In addition, the applying business shall, by written agreement with the city, indemnify and hold harmless the city and its agents and employees from and against any suit, action, claim, cause of action, damages, losses, liability, and expenses (including court costs and attorneys' fees) incident to the sandwich board sign and name the city as an additional insured on the liability insurance. Failure to maintain the policy in full force and effect shall be due cause for the zoning administrator to remove the sign as provided for in subsection (f)(1) of this section.
- (g) Automobile service stations shall be permitted one on-premises ground sign, directly or indirectly illuminated, not exceeding five feet in height and 25 square feet in surface display area. Such signs may be placed at the road right-of-way line.
- (h) Automobile service stations shall be permitted one additional accessory sign per gasoline pump, affixed to each pump and not more than two square feet in area.

(Code 2002, § 220-78(I))

Sec. 46-625. - B-1 Highway Service Districts.

- (a) Ground signs.
- (1) One on-premises ground sign, directly or indirectly illuminated, shall be permitted for each zoning lot. Additional signs may be permitted when the following conditions exist:

- a. Two signs may be permitted on a corner lot that has at least 200 feet of frontage on each of two thoroughfares, provided that sign is oriented toward each thoroughfare.
 - b. Two such signs may be permitted where the zoning lot, not a corner lot, has frontage on two major thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 - c. For each lot having a frontage of 300 or more, one additional sign shall be permitted provided that such signs are at least 200 feet apart.
- (2) Ground signs shall not be more than six feet in height and shall be set back ten feet from the future right-of-way line. Such signs may be multifaced but shall not exceed 60 square feet in surface display area per face.
- (b) A business center shall be permitted one on-premises ground sign, which may be directly or indirectly illuminated. Such sign shall not exceed 25 feet in height and shall be placed no closer to any future road right-of-way than ten feet. A maximum area of 100 square feet per sign face shall be permitted.
 - (c) Each use shall be permitted one wall sign on each building facade with road frontage. Such signs shall be limited to an area equal to not more than ten percent of the area of the wall of the establishment upon which the sign is placed.
 - (d) Automobile service stations shall be permitted to provide one additional accessory sign per gasoline pump, affixed to each pump and not more than two square feet in area.

(Code 2002, § 220-78(J))

Sec. 46-626. - I-1 and I-2 Industrial Districts.

- (a) Ground signs.
 - (1) One on-premises ground sign, directly or indirectly illuminated, shall be permitted for each zoning lot. Additional signs may be permitted when the following conditions exist:
 - a. Two signs may be permitted on a corner lot that has at least 200 feet of frontage on each of two thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 - b. Two such signs may be permitted where the zoning lot, not a corner lot, has frontage on two major thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 - (2) Ground signs shall not be more than ten feet in height and shall be set back 20 feet from the future right-of-way line. Such signs may be multifaced but shall not exceed 64 square feet in surface display area per face.
- (b) In an industrial park, one on-premises ground sign, which may be directly or indirectly illuminated, may be permitted. Such sign shall not exceed ten feet in height and may be placed no closer than 20 feet to any road right-of-way. A maximum area of 100 square feet per sign face shall be permitted.
- (c) Each use shall be permitted one wall sign on each building facade with road frontage. Such signs shall be limited to an area equal to not more than five percent of the area of the wall of the establishment upon which the sign is placed.
- (d) Non-accessory, off-premise signs are permitted in the I-2 District. A maximum height of such signs is ten feet and maximum area is 100 square feet. The height and area of nonaccessory signs may be increased in direct proportion to the setback provided, such that as the setback increases, the sign area may be increased. The sign area may be increased at a ratio of two square feet per one foot of setback added beyond the minimum setback 25 feet from any future road right-of-way. The maximum sign area permitted shall be 300 square feet. The sign height may be increased by one foot for every five feet of setback added beyond the minimum setback but in no instance shall exceed 20 feet.

(Code 2002, § 220-78(K))

Sec. 46-627. - Nonconforming signs.

Any existing sign on the effective date of the amendment to the ordinance from which this chapter is derived, or any amendment hereafter made, which does not at that time comply with all the provisions hereof, including any amendment:

- (1) Shall not be changed to another type of sign which is not in compliance with this chapter.

- (2) Shall not have any changes made in the words or symbols used or the message displayed on the sign unless the sign is designed for a periodic change of message.
- (3) Shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign.
- (4) Shall not have its face or faces changed unless the sign is brought into conformity with the requirements of this chapter.
- (5) Shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for a period of 90 days or longer.
- (6) Shall not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building inspector.

(Code 2002, § 220-78(L))

Secs. 46-628—46-657. - Reserved.

ARTICLE XXII. - WIND ENERGY

Footnotes:

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State Law reference— *Clean and renewable energy and energy waste reduction act, MCL 460.1001 et seq.*

Sec. 46-658. - Wind energy conversion systems.

- (a) *Intent and purpose.* The purpose of this section is to establish guidelines for siting wind turbines and wind energy facilities. This section's goals are as follows:
 - (1) To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce the on-site consumption of electricity supplied by utility companies.
 - (2) To lessen potential adverse impacts wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
 - (3) To avoid potential damage to adjacent properties from turbine failure through engineering and proper siting of turbine structures.
- (b) *Permitted uses.*
 - (1) *Permitted accessory use.* Each parcel of property may contain one of the following which shall be considered a lawful accessory use in all zoning districts:
 - a. One TMT, up to 60 feet in height.
 - b. One WECS, up to 60 feet in height that primarily provide energy to the site on which the system is located.
 - c. One roof-mounted WECS, per building, with a maximum rotor blade diameter of seven feet.
 - (2) *Special land use.* All Commercial WECSs regardless of height, WECSs or TMTs with a height of 60 feet or more, up to a maximum height of 200 feet and buildings with more than one roof mounted WECS shall be permitted as a special land use in the AG Agricultural, B-1 Highway Service, I-1 Light Industrial and I-2 Heavy Industrial zoning districts and shall be subject to the provisions of [section 46-6](#).
- (c) *Application.*
 - (1) *Application process.* The following information shall be provided with all applications for WECS's and TMTs.
 - a. *Applicant information.* Name, address, and contact information.
 - b. *Legal description.* A legal description of the property on which the system would be located.
 - c. *Plot plan and documentation.* The plot plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed wind energy system. The plot plan shall include:
 1. The project area boundaries.

2. The location, height, and dimensions of all existing and proposed structures and fencing.
3. Distance of proposed structure from all property lines and permanent structures.
4. The location and dimensions of all temporary and permanent access roads.
5. All new infrastructure above ground related to the project.
6. The location of all overhead utility wires.

d. *Additional documentation.*

1. *Insurance.* Proof of the applicant's appropriate liability insurance.
2. *Sound pressure level.* Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.
3. *Certifications.* Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.
4. *Grant of authority.* The applicant shall provide evidence of ownership of the land which the WECS or TMT is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.

(d) *Standards and requirements.* All WECSs and TMTs shall comply with the following standards and requirements:

(1) *Property setbacks.*

- a. The distance between a freestanding WECS or TMT and the nearest property line shall be at least the 1½ times the height of the WECS or TMT.
- b. No part of a freestanding WECS or TMT structure, including guy wire anchors, may extend closer than ten feet to the owner's property line.

(2) *Height.*

- a. Freestanding WECSs and TMTs shall have a height not greater than 200 feet.
- b. Roof-mounted WECSs shall not exceed a height of 15 feet above the height limited for the district in which it is located.
- c. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point.
- d. The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.

(3) *Location and other required setbacks.*

- a. No freestanding WECS or TMT shall be located within a front yard of any residential, commercial, or office zoning district.
- b. Roof-mounted wind energy systems shall be setback from the building edge a distance equal to one-half the diameter of its rotor and blades. No portion of any roof-mounted wind energy system's blades, rotor, or other exposed moving part shall extend beyond the edge of the building to which it is attached, or to within 20 feet of any outdoor surfaces that are located directly below the system and intended for human occupancy, such as balconies or rooftop patios.
- c. The distance between a WECS or temporary meteorological tower and a road or a public right-of-way shall be at least 1.5 times the height of the WECS or TMT.
- d. Distance between. The distance between a WECS and any other WECS shall be at least 1½ times the height of the taller of the two WECS.

(4) *Noise.*

- a. Audible noise or the sound pressure level of a WECS or TMT shall not exceed 55 decibels at any property line.
- b. No WECS or TMT shall create, regardless of decibel levels, any ticking, squeaking, humming, or other sound which disturbs the peaceful enjoyment of adjacent properties.
- c. The noise and sound pressure levels may be temporarily exceeded during short-term events such as utility outages and/or severe wind storms.

- (5) *Lighting.* WECS and TMT shall not be artificially lighted unless required by the FAA or other applicable authority. Where FAA lighting is required, minimum FAA lighting standards shall not be exceeded. All FAA lighting shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
- (6) *Shadow flicker.* The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.
- (7) *Vibrations.* No WECS or TMT shall produce vibrations through the ground that are humanly perceptible beyond the parcel on which it is located.
- (8) *Construction codes, towers, and interconnections standards.*
- a. WECS and TMT shall comply with all applicable state construction codes and local building permit requirements.
 - b. WECS and TMT shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), the Michigan Tall Structures Act (PA 259 of 1959), and any other applicable state or federal laws or regulations.
 - c. A WECS that is tied to the electrical grid shall comply with state public service commission and utility interconnection requirements.
- (9) *Safety.*
- a. *Design safety certification.* The safety of the design of every WECS or TMT shall be certified by the applicant's professional engineer registered in the state and reviewed by the city. The standard for certification shall be included with the permit application. If WECS or TMT construction is approved, the professional engineer shall certify that the construction and installation of the WECS or TMT meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws, and regulations prior to operation.
 - b. *Controls and brakes.* Every WECS or TMT shall be equipped with manual and automatic controls/braking systems to limit rotation speeds to the designed limits of the WECS or TMT. The applicant's professional engineer must certify that the rotor and over speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the city.
 - c. *Lightning.* Every WECS or TMT shall have lightning protection.
 - d. *Guy wires.* If a TMT is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. All permanent WECS must be of a freestanding monopole design and guy wires shall not be used.
 - e. *Grade clearance.* The minimum vertical blade tip clearance from grade shall be 20 feet for any WECS or TMT employing a horizontal axis rotor.
 - f. *Ice throw.* Every WECS or TMT shall be designed so that ice throw or ice shedding does not cross the property lines of the site or impinge on any right-of-way or overhead utility line.
 - g. *Interference.* Every WECS shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.
 - h. *Climb prevention.* Every WECS or TMT must be protected by anti-climbing devices such as:
 1. Fences with locking portals at least eight feet high;
 2. Anti-climbing devices 12 feet from base of pole; and
 3. Anchor points for TMT guy wires shall be enclosed by a six foot high fence or shall be located within the confines of a yard that is completely fenced.
 - i. *Warnings.* A visible warning sign of high voltage shall be placed at the base of every commercial WECS. The sign must have at least six-inch letters with three-quarter-inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress. In addition to warning signs and signs required by law, every Commercial WECS

shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.

(e) *Appearance.* All WECSs and TMTs shall comply with the following standards and requirements:

- (1) All permanent freestanding WECSs must be of monopole design and guy wires shall not be used.
- (2) Color. Towers and blades shall be painted a non-reflective neutral color designated on the application and approved by the city or as otherwise required by law.
- (3) Visual appearance; power lines. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend WECS components with the natural setting and existing environment. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.

(f) *Abandonment and removal.* The following regulations shall apply to all WECSs and TMTs:

- (1) A WECS or TMT that has not been used in 12 consecutive months shall be deemed to have been abandoned. The zoning administrator shall issue a notice of abandonment to the owner of a WECS or TMT that is deemed to have been abandoned, giving the owner 30 days to respond. If the owner provides information demonstrating that the system has not been abandoned and is still in compliance with all requirements of this chapter and the building code, the notice of abandonment shall be withdrawn. If the tower is determined to be abandoned, the owner shall be given 60 days to remove the WECS or TMT. If the owner fails to comply, the zoning administrator shall have the WECS or TMT removed at the owners expense.
- (2) The city may require that a tower be removed in accordance with the above standards if any portion of the system becomes a nuisance, is damaged or is in any way deemed to detrimental to the public health, safety, and welfare as determined by the city building inspector.

(g) *Insurance and maintenance.* The following requirements shall apply to all WECSs and TMTs:

- (1) *Liability insurance.* The owner or operator of a commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the city pertaining to installation and operation of the commercial WECS. The amount and terms of the policy shall be established as a condition of special land use permit approval. The city and land owner shall be named as additional insured. Certificates of insurance shall be provided to the city annually.
- (2) *Annual inspection; maintenance.* The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every commercial WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the city.

(Ord. No. 527, § 1, 5-10-2010)